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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

Issue #	Rules Due Date	Date of Issue
1	December 21, 2009	January 4, 2010
2	December 28, 2009	January 8, 2010
3	January 4, 2010	January 15 2010
4	January 11, 2010	January 22, 2010
5	January 19, 2010	January 29, 2010
6	January 25, 2010	February 5, 2010
7	February 1, 2010	February 16, 2010
8	February 8, 2010	February 19, 2010
9	February 16, 2010	February 26, 2010
10	February 22, 2010	March 5, 2010
11	March 1, 2010	March 12, 20101
12	March 8, 2010	March 19, 2010
13	March 15, 2010	March 26, 2010
14	March 22, 2010	April 2, 2010
15	March 29, 2010	April 9, 2010
16	April 5, 2010	April 16, 2010
17	April 12, 2010	April 23, 2010
18	April 19, 2010	April 30, 2010
19	April 26, 2010	May 7, 2010
20	May 3, 2010	May 14, 2010
21	May 10, 2010	May 21, 2010
22	May 17, 2010	May 28, 2010
23	May 24, 2010	June 4, 2010
24	June 1, 2010	June 11, 2010

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

Editor's Note: This is a reminder that January 4, 2010 is the final day to submit your Agency's Regulatory Agenda for the January 2010 filing period.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Numbers:	Proposed Action:
310.80	Amendment
310.100	Amendment
310.410	Amendment
310.460	Amendment
310.470	Amendment
310.490	Amendment
310.495	Amendment
310.APPENDIX A TABLE S	Amendment

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]

5) A Complete Description of the Subjects and Issues Involved: In the Section 310.80 opening paragraph, the reference to the salary grade schedule is removed and the clarification of the application to bargaining unit positions is added. In subsection (d)(1)(B) and (2)(B), clarity is provided indicating that any deviation from the standard procedures for the salary increase for a promotion or reallocation is an adjustment. In subsection (d)(4), clarity is provided that separation and subsequent appointment receives the same increase as a promotion. In subsection (e), the supporting documentation and approval process for an adjustment at the time of entrance into State government is provided without change.

In Section 310.100 subsection (b)(2), the employing agency's offer to a candidate with qualifications above minimum requirements in the classification specification is limited to not more than 5% above the candidate's current base salary and any deviation from the 5% maximum is an adjustment. In subsection (d)(4)(A), clarity is added that a temporary assignment pay when assigned to a higher-level position classification receives the same increase as a promotion. Subsection (e) is removed because only salary grade employees were eligible for interim assignment. The subsequent subsections are renumbered. In subsection (g), the equivalent earned time information is rearranged because the non-union employees are the no longer existing salary grade employees. In subsection (l), an increase for a reinstatement is limited to not more than 5% above the current base salary and any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the pay grade, is an adjustment.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.410, the following titles are added, along with their title codes and MS-salary range assignment, to the table in alphabetic order: Clinical Services Supervisor; Forensic Science Administrator I and II; Juvenile Justice Chief of Security; and Shift Supervisor.

In Section 310.460(a), the employing agency provides a salary increase for a promotion limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is an adjustment.

In Section 310.470, the supporting documentation for and approval of an adjustment at the time a candidate enters State government is provided without change.

In Section 310.490(b)(2), the employing agency provides a salary increase for an entrance salary when the candidate possesses qualifications above the minimum requirements of the classification specification limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum is an adjustment. In subsection (m), the employing agency provides a salary increase for a reinstatement limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is an adjustment. In subsection (p), the employing agency provides a salary increase for an interim assignment to a merit compensation position limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is an adjustment. The medical administrator and salary grade references are no longer applicable so they are removed and the subsection is rearranged.

In Section 310.495(b)(3), the employing agency provides a salary increase for an entrance salary when the candidate possesses qualifications above the minimum requirements of the classification specification limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum is an adjustment. In subsection (c), the employing agency provides a salary increase for substantial additional duties and responsibilities within the same position or for transfer to another position with substantial additional duties and responsibilities in the same title limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum is an adjustment.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.Appendix A Table S, the changes reflect the establishment of new classifications approved by the Civil Service Commission effective December 1, 2009. The new classifications that are added to the title table are: Clinical Services Supervisor, Forensic Science Administrator I and II, Juvenile Justice Chief of Security and Shift Supervisor. The classifications' title codes, bargaining unit and pay grades are also added to the title table. The corresponding functions in the Public Service Administrator Option 7 are removed from the title table.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The changes in Sections 310.410 and 310.Appendix A Table S are based on the Classification Plan Review Proposal/Change Report containing the Civil Service Commission approval date of November 20, 2009.

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, the proposed amendments to Sections 310.80, 310.100, 310.460, 310.470, 310.490, and 310.495 replace emergency amendments to the same sections.

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 amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
310.410	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.495	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.Appendix A Table X	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.Appendix B	Repealed	33 Ill. Reg. 14874; November 6, 2009
310.Appendix D	Amendment	33 Ill. Reg. 14874; November 6, 2009

11) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Jason Doggett
Acting Manager

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: The changes to Sections 310.410 and 310.Appendix A Table S are summarized in the January 1, 2010 Regulatory Agenda.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

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

310.APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a

maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992;

peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408,

effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill.

Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill.

Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007;

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

SUBPART A: NARRATIVE

Section 310.80 Increases in Pay

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Negotiated Rates (Appendix A) and without a negotiated provision in the currently effective bargaining unit agreement~~and the Schedule of Salary Grade Pay Grades – Monthly Rates of Pay (Appendix B)~~, increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

a) Satisfactory Performance Increase –

1) Each employee who has not attained Step 8 of the relevant pay grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the pay grade after one year of creditable service in the same class. Step increases are suspended for non-union positions and employees.

2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached.

3) No satisfactory performance increase may be given after the effective date of separation.

b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:

1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.

2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1), but not later than the submission of the payroll reflecting the denial of the increase.

c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.

d) Other Pay Increases –

1) Promotion –

A) Standard Procedures –

i) From Other Than Step 8 – Normally, upon promotion, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.

ii) From Step 8 – The employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least the dollar difference between Step 7 and Step 8 in the former pay grade. To compute this, add the dollar difference between Step 7 and Step 8 in the former pay grade to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. Otherwise, when an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount.

B) Exception – Any deviation is a special salary adjustment (see subsection (e)).~~requires prior written approval of the Director of~~

~~Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services shall consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.~~

2) Reallocation –

A) Standard Procedures −

i) From Other Than Step 8 − Normally, upon reallocation, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.

ii) From Step 8 − When an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.

B) Exception − Any deviation is a special salary adjustment (see subsection (e)).~~requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The reallocation~~

~~shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.~~

3) Reevaluation – If a higher pay grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade that represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately. The reevaluation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.

4) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher pay grade, an increase shall be given under the conditions and requirements applicable to promotions (see subsection (d)(1)).

5) Reclassification – If the class to which the position is being moved has a higher pay grade, the employee's base salary is advanced to the salary in the new pay grade that represents the least increase in pay. If this new salary is less than the difference between Step 7 and Step 8 in the new pay grade and the employee has been paid the base salary in Step 8 of the previous pay grade for longer than one year, the new salary is advanced one step from the salary in the new pay grade representing the least increase.

e) Adjustment – An employee may receive an upward adjustment in the employee's base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments shall~~must~~ have the prior approval of the Director of Central Management Services. An adjustment at the time of entrance into State government shall have supporting documentation in the candidate's CMS employment application (CMS-100). In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services shall~~will~~ consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The

Director of Central Management Services' approval of an adjustment at the time of entrance into State government shall be based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position. The adjustment shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.

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

Section 310.100 Other Pay Provisions

a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.

b) Entrance Base Salary –

1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the pay grade.

2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5%~~10%~~ above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.80(e)).~~An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of~~

~~the employing agency, and labor market influences on the recruitment for the position classification or position.~~

3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

d) Differential and Overtime Pay – An eligible employee may have an amount added to his/her base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay – An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay –

A) Eligibility − The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.

B) Compensatory Time − Employees who are eligible for compensatory time may request such time, which may be granted

by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

3) Incentive Pay – An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

4) Temporary Assignment Pay –

A) When Assigned to a Higher-Level Position Classification – A bargaining unit employee may be temporarily assigned to a bargaining unit position in a position classification having a higher pay grade and shall be eligible for temporary assignment pay. To be eligible for temporary assignment pay, the employee must be directed to perform the duties that distinguish the higher-level position classification and be held accountable for the responsibility of the higher classification. Employees shall not receive temporary assignment pay for paid days off except if the employee is given the assignment for 30 continuous days or more, the days off fall within the period of time and the employee works

75% of the time of the temporary assignment. Temporary assignment pay shall be calculated as if the employee received a promotion (see Section 310.80(d)(1)) into the higher pay grade. In no event is the temporary assignment pay to be lower than the minimum rate of the higher pay grade or greater than the maximum rate of the higher pay grade.

B) When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

~~e) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a salary grade position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (salary grade or merit compensation (including broad-band and medical administrator)) position. On the effective date of the certified non-bargaining unit employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher pay grade or range.~~

~~1) When Assigned to the Salary Grade Position – When assigned to the salary grade position, the employee's base salary shall be advanced to the lowest step in the higher pay grade that represents at least a full step increase in the lower pay grade. When the employee's current rate is Step 8 in the lower pay grade, the employee shall be paid at the lowest step rate in the higher pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the higher pay grade that is at least equivalent to that amount. Upon interim assignment, the employee's creditable service date shall not change.~~

~~2) When Assigned to the Merit Compensation Position – When assigned to~~

~~the merit compensation position, the employee's base salary shall receive an adjustment, which is an amount equivalent to between 8% and 15% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change.~~

e~~f~~) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

f~~g~~) Equivalent Earned Time –

1) Employees in Positions Represented by the VR-704 Bargaining Unit –

A) Eligibility – Employees who are ~~non-union or~~ represented by the VR-704 bargaining unit~~, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation~~ may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee.

B~~2~~) Accrual –

1~~A~~) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours at any time.

2~~B~~) Equivalent earned time will accrue in no less than one-half

hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.

C~~3~~) Compensation − Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. The equivalent earned time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

2~~4~~) Employees in Positions Represented by an American Federation of State, County and Municipal Employees Bargaining Unit − Employees shall retain their equivalent earned time upon their positions' representation by an American Federation of State, County and Municipal Employees bargaining unit. Employees whose positions were certified as represented effective July 1, 2007 or after shall have previously unused equivalent earned time restored no later than July 1, 2009. The use of the equivalent earned time is approved by supervisors, prior to other benefit time excluding sick and personal business leave, in increments of fifteen minutes after the initial use of one-half hour, and granted under the same criteria as vacation time. Employees may substitute equivalent earned time for sick leave in accordance to sick leave policies and procedures.

g~~h~~) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.

h~~i~~) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will

be to use his/her current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

i~~j~~) Salary Treatment Upon Return From Leave –

1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will be placed on the step that reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained.

2) An employee returning to his/her former pay grade from any other leave (not mentioned in subsection (j)(1)) of over 14 days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

j~~k~~) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be

adjusted to reflect that time on layoff does not count as creditable service time.

k~~l~~) Reinstatement – The salary upon reinstatement should not provide more than a 5%~~10%~~ increase over the candidate's current base salary or exceed the current value of the salary step held in the position where previously certified without prior approval by the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the pay grade. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the pay grade, is a special salary adjustment (see Section 310.80(e)).

l~~m~~) Extended Service Payment –

1) The Step 8 rate shall be increased by $25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.

2) The Step 8 rate shall be increased by $50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.

m~~n~~) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to classes of positions, or positions excluded from bargaining unit representation, designated below and Broad-Band classes in Appendix G. In addition, the classes are listed in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Title	Title Code	Salary Plan
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
Human Services Casework Manager	19788	MC-07
Mental Health Administrator I	26811	MC-05
Mental Health Administrator II	26812	MC-07
Police Lieutenant	32977	MC-09
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02
Statistical Research Supervisor	42745	MC-07

Title	Title Code	Salary Range
Account Clerk I	00111	MS-03
Account Clerk II	00112	MS-04
Account Technician I	00115	MS-07
Account Technician II	00116	MS-09
Account Technician Trainee	00118	MS-04
Accountant	00130	MS-11
Accountant Advanced	00133	MS-14
Accountant Supervisor	00135	MS-19
Accounting and Fiscal Administration Career Trainee	00140	MS-09
Activity Program Aide I	00151	MS-04
Activity Program Aide II	00152	MS-05
Activity Therapist	00157	MS-12
Activity Therapist Coordinator	00160	MS-16
Activity Therapist Supervisor	00163	MS-24
Actuarial Assistant	00187	MS-14
Actuarial Examiner	00195	MS-14
Actuarial Examiner Trainee	00196	MS-10
Actuarial Senior Examiner	00197	MS-21
Actuary I	00201	MS-23
Actuary II	00202	MS-31
Actuary III	00203	MS-36

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Administrative Assistant I	00501	MS-16
Administrative Assistant II	00502	MS-21
Administrative Services Worker Trainee	00600	MS-02
Agricultural Executive	00800	MS-23
Agricultural Land and Water Resources Supervisor	00811	MS-25
Agricultural Market News Assistant	00804	MS-09
Agricultural Marketing Generalist	00805	MS-11
Agricultural Marketing Reporter	00807	MS-19
Agricultural Marketing Representative	00810	MS-19
Agricultural Products Promoter	00815	MS-10
Agriculture Land and Water Resource Specialist I	00831	MS-11
Agriculture Land and Water Resource Specialist II	00832	MS-16
Agriculture Land and Water Resource Specialist III	00833	MS-23
Aircraft Dispatcher	00951	MS-09
Aircraft Lead Dispatcher	00952	MS-11
Aircraft Pilot I	00955	MS-21
Aircraft Pilot II	00956	MS-27
Aircraft Pilot II − Dual Rating	00957	MS-29
Animal and Animal Products Investigator	01072	MS-11
Animal and Animal Products Investigator Trainee	01075	MS-09
Apiary Inspector	01215	MS-03
Apparel/Dry Goods Specialist I	01231	MS-04
Apparel/Dry Goods Specialist II	01232	MS-05
Apparel/Dry Goods Specialist III	01233	MS-10
Appraisal Specialist I	01251	MS-11
Appraisal Specialist II	01252	MS-14
Appraisal Specialist III	01253	MS-19
Appraisal Specialist Trainee	01255	MS-09
Arbitrator	01401	MS-33
Architect	01440	MS-27
Arson Investigations Trainee	01485	MS-12
Arson Investigator I	01481	MS-18
Arson Investigator II	01482	MS-23
Arts Council Associate	01523	MS-09
Arts Council Program Coordinator	01526	MS-19
Arts Council Program Representative	01527	MS-12
Assignment Coordinator	01530	MS-25

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Assistant Automotive Shop Supervisor	01565	MS-11
Assistant Reimbursement Officer	02424	MS-05
Audio Visual Technician I	03501	MS-04
Audio Visual Technician II	03502	MS-06
Auto and Body Repairer	03680	MS-11
Automotive Attendant I	03696	MS-03
Automotive Attendant II	03697	MS-03
Automotive Mechanic	03700	MS-11
Automotive Parts Warehouse Specialist	03734	MS-11
Automotive Parts Warehouser	03730	MS-11
Automotive Shop Supervisor	03749	MS-18
Bank Examiner I	04131	MS-14
Bank Examiner II	04132	MS-21
Bank Examiner III	04133	MS-27
Behavioral Analyst Associate	04355	MS-12
Behavioral Analyst I	04351	MS-16
Behavioral Analyst II	04352	MS-21
Boat Safety Inspection Supervisor	04850	MS-22
Boiler Safety Specialist	04910	MS-28
Breath Alcohol Analysis Technician	05170	MS-15
Bridge Mechanic	05310	MS-15
Bridge Tender	05320	MS-15
Building Construction Inspector I	05541	MS-18
Building Construction Inspector II	05542	MS-20
Building Services Worker	05616	MS-04
Building/Grounds Laborer	05598	MS-08
Building/Grounds Lead I	05601	MS-10
Building/Grounds Lead II	05602	MS-12
Building/Grounds Maintenance Worker	05613	MS-09
Building/Grounds Supervisor	05605	MS-12
Business Administrative Specialist	05810	MS-14
Business Manager	05815	MS-19
Buyer	05900	MS-19
Buyer Assistant	05905	MS-07
Canine Specialist	06500	MS-20
Capital Development Board Account Technician	06515	MS-08
Capital Development Board Art In Architecture Technician	06533	MS-09

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Capital Development Board Construction Support Analyst	06520	MS-08
Capital Development Board Media Technician	06525	MS-11
Capital Development Board Project Technician	06530	MS-09
Cartographer III	06673	MS-28
Chaplain I	06901	MS-14
Chaplain II	06902	MS-21
Check Issuance Machine Operator	06920	MS-06
Check Issuance Machine Supervisor	06925	MS-08
Chemist I	06941	MS-14
Chemist II	06942	MS-21
Chemist III	06943	MS-25
Child Development Aide	07184	MS-07
Child Protection Advanced Specialist	07161	MS-21
Child Protection Associate Specialist	07162	MS-14
Child Protection Specialist	07163	MS-19
Child Support Specialist I	07198	MS-14
Child Support Specialist II	07199	MS-16
Child Support Specialist Trainee	07200	MS-09
Child Welfare Administrative Case Reviewer	07190	MS-27
Child Welfare Advanced Specialist	07215	MS-21
Child Welfare Associate Specialist	07216	MS-14
Child Welfare Court Facilitator	07196	MS-27
Child Welfare Nurse Specialist	07197	MS-22
Child Welfare Senior Specialist	07217	MS-27
Child Welfare Specialist	07218	MS-19
Child Welfare Staff Development Coordinator I	07201	MS-16
Child Welfare Staff Development Coordinator II	07202	MS-21
Child Welfare Staff Development Coordinator III	07203	MS-23
Child Welfare Staff Development Coordinator IV	07204	MS-27
Children and Family Service Intern, Option 1	07241	MS-09
Children and Family Service Intern, Option 2	07242	MS-12
Civil Engineer I	07601	MS-22
Civil Engineer II	07602	MS-26
Civil Engineer III	07603	MS-30
Civil Engineer IV	07604	MS-27
Civil Engineer Trainee	07607	MS-15
Clerical Trainee	08050	MS-01

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Clinical Laboratory Associate	08200	MS-04
Clinical Laboratory Phlebotomist	08213	MS-04
Clinical Laboratory Technician I	08215	MS-07
Clinical Laboratory Technician II	08216	MS-09
Clinical Laboratory Technologist I	08220	MS-19
Clinical Laboratory Technologist II	08221	MS-21
Clinical Laboratory Technologist Trainee	08229	MS-11
Clinical Pharmacist	08235	MS-32
Clinical Psychologist	08250	MS-29
Clinical Psychology Associate	08255	MS-19
Clinical Services Supervisor	08260	MS-31
Commerce Commission Police Officer I	08451	MS-18
Commerce Commission Police Officer II	08452	MS-22
Commerce Commission Police Officer Trainee	08455	MS-10
Commerce Commission Police Sergeant	08457	MS-24
Commodities Inspector	08770	MS-08
Communications Dispatcher	08815	MS-06
Communications Equipment Technician I	08831	MS-16
Communications Equipment Technician II	08832	MS-21
Communications Equipment Technician III	08833	MS-23
Communications Systems Specialist	08860	MS-29
Community Management Specialist I	08891	MS-12
Community Management Specialist II	08892	MS-16
Community Management Specialist III	08893	MS-21
Community Planner I	08901	MS-12
Community Planner II	08902	MS-16
Community Planner III	08903	MS-21
Compliance Officer	08919	MS-11
Conservation Education Representative	09300	MS-09
Conservation Grant Administrator I	09311	MS-19
Conservation Grant Administrator II	09312	MS-23
Conservation Grant Administrator III	09313	MS-27
Conservation Police Lieutenant	09340	MS-22
Conservation Police Officer I	09341	MS-18
Conservation Police Officer II	09342	MS-18
Conservation Police Officer Trainee	09345	MS-06
Conservation Police Sergeant	09347	MS-20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Conservation/Historic Preservation Worker	09317	MS-01
Construction Program Assistant	09525	MS-09
Construction Supervisor I	09561	MS-10
Construction Supervisor II	09562	MS-14
Cook I	09601	MS-04
Cook II	09602	MS-07
Correctional Casework Supervisor	09655	MS-25
Correctional Counselor I	09661	MS-13
Correctional Counselor II	09662	MS-18
Correctional Counselor III	09663	MS-22
Correctional Lieutenant	09673	MS-24
Correctional Officer	09675	MS-11
Correctional Officer Trainee	09676	MS-08
Correctional Sergeant	09717	MS-16
Corrections Apprehension Specialist	09750	MS-22
Corrections Clerk I	09771	MS-11
Corrections Clerk II	09772	MS-13
Corrections Clerk III	09773	MS-18
Corrections Food Service Supervisor I	09793	MS-13
Corrections Food Service Supervisor II	09794	MS-18
Corrections Food Service Supervisor III	09795	MS-21
Corrections Grounds Supervisor	09796	MS-16
Corrections Identification Supervisor	09800	MS-20
Corrections Identification Technician	09801	MS-13
Corrections Industries Marketing Representative	09803	MS-18
Corrections Industry Lead Worker	09805	MS-16
Corrections Industry Supervisor	09807	MS-21
Corrections Laundry Manager I	09808	MS-16
Corrections Laundry Manager II	09809	MS-20
Corrections Leisure Activities Specialist I	09811	MS-13
Corrections Leisure Activities Specialist II	09812	MS-18
Corrections Leisure Activities Specialist III	09813	MS-22
Corrections Leisure Activities Specialist IV	09814	MS-25
Corrections Locksmith	09818	MS-16
Corrections Maintenance Craftsman	09821	MS-16
Corrections Maintenance Supervisor	09822	MS-18
Corrections Maintenance Worker	09823	MS-12

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Corrections Medical Technician	09824	MS-12
Corrections Nurse I	09825	MS-20
Corrections Nurse II	09826	MS-25
Corrections Parole Agent	09842	MS-18
Corrections Residence Counselor I	09837	MS-13
Corrections Residence Counselor II	09838	MS-20
Corrections Senior Parole Agent	09844	MS-22
Corrections Supply Supervisor I	09861	MS-13
Corrections Supply Supervisor II	09862	MS-18
Corrections Supply Supervisor III	09863	MS-21
Corrections Transportation Officer I	09871	MS-13
Corrections Transportation Officer II	09872	MS-20
Corrections Utilities Operator	09875	MS-16
Corrections Vocational Instructor	09879	MS-16
Corrections Vocational School Supervisor	09880	MS-20
Court Reporter	09900	MS-12
Court Reporter Supervisor	09903	MS-26
Crime Scene Investigator	09980	MS-25
Criminal Intelligence Analyst I	10161	MS-19
Criminal Intelligence Analyst II	10162	MS-23
Criminal Intelligence Analyst Specialist	10165	MS-27
Criminal Justice Specialist I	10231	MS-14
Criminal Justice Specialist II	10232	MS-23
Criminal Justice Specialist Trainee	10236	MS-10
Curator Of The Lincoln Collection	10750	MS-14
Data Processing Administrative Specialist	11415	MS-11
Data Processing Assistant	11420	MS-04
Data Processing Operator	11425	MS-03
Data Processing Operator Trainee	11428	MS-02
Data Processing Specialist	11430	MS-09
Data Processing Technician	11440	MS-06
Data Processing Technician Trainee	11443	MS-04
Day Care Licensing Representative I	11471	MS-14
Day Care Licensing Representative II	11472	MS-19
Deck Hand	11500	MS-14
Dental Assistant	11650	MS-06
Dental Hygienist	11700	MS-10

Dentist I	11751	MS-29
Dentist II	11752	MS-33
Developmental Disabilities Council Program Planner I	12361	MS-09
Developmental Disabilities Council Program Planner II	12362	MS-14
Developmental Disabilities Council Program Planner III	12363	MS-19
Dietitian	12510	MS-12
Disability Appeals Officer	12530	MS-27
Disability Claims Adjudicator I	12537	MS-14
Disability Claims Adjudicator II	12538	MS-19
Disability Claims Adjudicator Trainee	12539	MS-10
Disability Claims Analyst	12540	MS-25
Disability Claims Specialist	12558	MS-21
Disaster Services Planner	12585	MS-21
Document Examiner	12640	MS-27
Drafting Worker	12749	MS-08
Drug Compliance Investigator	12778	MS-31
Economic Development Representative I	12931	MS-16
Economic Development Representative II	12932	MS-21
Economic Development Representative Trainee	12939	MS-10
Educational Media Program Specialist	12980	MS-16
Educator	13100	MS-26
Educator − Provisional	13105	MS-09
Educator Aide	13130	MS-08
Electrical Engineer	13180	MS-30
Electroencephalograph Technician	13300	MS-05
Electronic Equipment Installer/Repairer	13340	MS-07
Electronic Equipment Installer/Repairer Lead Worker	13345	MS-09
Electronics Technician	13360	MS-12
Elevator Inspector	13495	MS-21
Elevator Operator	13500	MS-05
Emergency Response Lead Telecommunicator	13540	MS-09
Emergency Response Telecommunicator	13543	MS-07
Employment Security Field Office Supervisor	13600	MS-23
Employment Security Manpower Representative I	13621	MS-09
Employment Security Manpower Representative II	13622	MS-11
Employment Security Program Representative	13650	MS-11
Employment Security Program Representative − Intermittent	13651	MS-11

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Employment Security Service Representative	13667	MS-14
Employment Security Specialist I	13671	MS-11
Employment Security Specialist II	13672	MS-14
Employment Security Specialist III	13673	MS-21
Employment Security Tax Auditor I	13681	MS-16
Employment Security Tax Auditor II	13682	MS-21
Energy and Natural Resources Specialist I	13711	MS-12
Energy and Natural Resources Specialist II	13712	MS-16
Energy and Natural Resources Specialist III	13713	MS-21
Energy and Natural Resources Specialist Trainee	13715	MS-09
Engineering Technician I	13731	MS-09
Engineering Technician II	13732	MS-13
Engineering Technician III	13733	MS-20
Engineering Technician IV	13734	MS-30
Environmental Engineer I	13751	MS-12
Environmental Engineer II	13752	MS-16
Environmental Engineer III	13753	MS-21
Environmental Engineer IV	13754	MS-27
Environmental Equipment Operator I	13761	MS-09
Environmental Equipment Operator II	13762	MS-11
Environmental Health Specialist I	13768	MS-11
Environmental Health Specialist II	13769	MS-14
Environmental Health Specialist III	13770	MS-19
Environmental Protection Associate	13785	MS-09
Environmental Protection Engineer I	13791	MS-12
Environmental Protection Engineer II	13792	MS-16
Environmental Protection Engineer III	13793	MS-21
Environmental Protection Engineer IV	13794	MS-27
Environmental Protection Geologist I	13801	MS-11
Environmental Protection Geologist II	13802	MS-14
Environmental Protection Geologist III	13803	MS-19
Environmental Protection Legal Investigator I	13811	MS-10
Environmental Protection Legal Investigator II	13812	MS-11
Environmental Protection Legal Investigator Specialist	13815	MS-13
Environmental Protection Specialist I	13821	MS-11
Environmental Protection Specialist II	13822	MS-14
Environmental Protection Specialist III	13823	MS-19

Environmental Protection Specialist IV	13824	MS-27
Environmental Protection Technician I	13831	MS-05
Environmental Protection Technician II	13832	MS-07
Equal Pay Specialist	13837	MS-16
Equine Investigator	13840	MS-09
Executive I	13851	MS-19
Executive II	13852	MS-23
Executive Secretary I	14031	MS-08
Executive Secretary II	14032	MS-11
Executive Secretary III	14033	MS-14
Explosives Inspector I	14051	MS-11
Explosives Inspector II	14052	MS-18
Facility Assistant Fire Chief	14430	MS-10
Facility Fire Chief	14433	MS-13
Facility Fire Safety Coordinator	14435	MS-09
Facility Firefighter	14439	MS-09
Ferry Operator I	14801	MS-16
Ferry Operator II	14802	MS-17
Financial Institutions Examiner I	14971	MS-14
Financial Institutions Examiner II	14972	MS-21
Financial Institutions Examiner III	14973	MS-27
Financial Institutions Examiner Trainee	14978	MS-10
Fingerprint Technician	15204	MS-10
Fingerprint Technician Supervisor	15208	MS-18
Fingerprint Technician Trainee	15209	MS-05
Fire Certification Specialist	15285	MS-16
Fire Prevention Inspector I	15316	MS-13
Fire Prevention Inspector II	15317	MS-20
Fire Prevention Inspector Trainee	15320	MS-10
Fire Protection Specialist I	15351	MS-14
Flight Safety Coordinator	15640	MS-27
Florist II	15652	MS-08
Foreign Service Economic Development Executive I	15871	MS-32
Foreign Service Economic Development Executive II	15872	MS-34
Foreign Service Economic Development Representative	15875	MS-30
Forensic Science Administrator I	15881	MS-31
Forensic Science Administrator II	15882	MS-32

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Forensic Scientist I	15891	MS-19
Forensic Scientist II	15892	MS-23
Forensic Scientist III	15893	MS-27
Forensic Scientist Trainee	15897	MS-12
Geographic Information Specialist I	17271	MS-21
Geographic Information Specialist II	17272	MS-29
Geographic Information Trainee	17276	MS-12
Governmental Career Trainee	17325	MS-09
Graduate Pharmacist	17345	MS-23
Graphic Arts Designer	17366	MS-11
Graphic Arts Designer Supervisor	17365	MS-19
Graphic Arts Technician	17400	MS-09
Grounds Supervisor	17549	MS-18
Guard I	17681	MS-04
Guard II	17682	MS-06
Guard III	17683	MS-09
Guard Supervisor	17685	MS-11
Guardianship Representative	17710	MS-16
Guardianship Supervisor	17720	MS-24
Habilitation Program Coordinator	17960	MS-16
Handicapped Services Representative I	17981	MS-08
Health Facilities Surveillance Nurse	18150	MS-22
Health Facilities Surveyor I	18011	MS-14
Health Facilities Surveyor II	18012	MS-21
Health Facilities Surveyor III	18013	MS-23
Health Information Associate	18045	MS-07
Health Information Technician	18047	MS-09
Health Services Investigator I, Option A − General	18181	MS-21
Health Services Investigator I, Option B − Controlled Substance Inspector	18182	MS-25
Health Services Investigator II, Option A − General	18185	MS-27
Health Services Investigator II, Option B − Controlled Substance Inspector	18186	MS-28
Health Services Investigator II, Option C − Pharmacy	18187	MS-32
Health Services Investigator II, Option D − Pharmacy/Controlled Substance Inspector	18188	MS-32
Hearing and Speech Advanced Specialist	18227	MS-27
Hearing and Speech Associate	18231	MS-19

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Hearing and Speech Specialist	18233	MS-23
Hearing and Speech Technician I	18261	MS-04
Hearing and Speech Technician II	18262	MS-06
Hearings Referee	18300	MS-29
Hearings Referee − Intermittent	18301	MS-29
Heavy Construction Equipment Operator	18465	MS-18
Highway Construction Supervisor I	18525	MS-24
Highway Construction Supervisor II	18526	MS-28
Highway Maintainer	18639	MS-16
Highway Maintenance Lead Worker	18659	MS-18
Historical Documents Conservator I	18981	MS-10
Historical Exhibits Designer	18985	MS-12
Historical Library Chief Of Acquisitions	18987	MS-22
Historical Research Editor II	19002	MS-11
Historical Research Specialist	19008	MS-23
Housekeeper II	19602	MS-03
Human Relations Representative	19670	MS-14
Human Resources Assistant	19690	MS-05
Human Resources Associate	19691	MS-08
Human Resources Trainee	19694	MS-04
Human Rights Investigator I	19774	MS-14
Human Rights Investigator II	19775	MS-19
Human Rights Investigator III	19776	MS-21
Human Rights Mediator	19771	MS-20
Human Rights Specialist I	19778	MS-11
Human Rights Specialist II	19779	MS-14
Human Rights Specialist III	19780	MS-19
Human Services Caseworker	19785	MS-14
Human Services Grants Coordinator I	19791	MS-11
Human Services Grants Coordinator II	19792	MS-16
Human Services Grants Coordinator III	19793	MS-23
Human Services Grants Coordinator Trainee	19796	MS-09
Human Services Sign Language Interpreter	19810	MS-14
Iconographer	19880	MS-09
Industrial and Community Development Representative I	21051	MS-16
Industrial and Community Development Representative II	21052	MS-21
Industrial Commission Reporter	21080	MS-14

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Industrial Commission Technician	21095	MS-08
Industrial Services Consultant I	21121	MS-11
Industrial Services Consultant II	21122	MS-14
Industrial Services Consultant Trainee	21125	MS-08
Industrial Services Hygienist	21127	MS-21
Industrial Services Hygienist Technician	21130	MS-14
Industrial Services Hygienist Trainee	21133	MS-09
Information Services Intern	21160	MS-12
Information Services Specialist I	21161	MS-16
Information Services Specialist II	21162	MS-21
Information Systems Analyst I	21165	MS-25
Information Systems Analyst II	21166	MS-29
Information Systems Analyst III	21167	MS-32
Information Technology/Communications Systems Specialist I	21216	MS-21
Information Technology/Communications Systems Specialist II	21217	MS-31
Inhalation Therapist	21259	MS-05
Inhalation Therapy Supervisor	21260	MS-08
Institutional Helper	21460	MS-05
Institutional Maintenance Worker	21465	MS-05
Instrument Designer	21500	MS-19
Insurance Analyst I	21561	MS-06
Insurance Analyst II	21562	MS-09
Insurance Analyst III	21563	MS-11
Insurance Analyst IV	21564	MS-14
Insurance Analyst Trainee	21566	MS-04
Insurance Company Claims Examiner I	21601	MS-16
Insurance Company Claims Examiner II	21602	MS-21
Insurance Company Field Staff Examiner	21608	MS-14
Insurance Company Financial Examiner Trainee	21610	MS-10
Insurance Performance Examiner I	21671	MS-11
Insurance Performance Examiner II	21672	MS-16
Insurance Performance Examiner III	21673	MS-23
Intermittent Clerk	21686	MS-02
Intermittent Laborer (Maintenance)	21687	MS-08
Intermittent Unemployment Insurance Representative	21689	MS-09
Intermittent Unemployment Insurance Technician	21690	MS-04
Internal Auditor I	21721	MS-16

Internal Auditor Trainee	21726	MS-09
Internal Security Investigator I	21731	MS-19
Internal Security Investigator II	21732	MS-25
International Marketing Representative I	21761	MS-20
Janitor I	21951	MS-13
Janitor II	21952	MS-14
Juvenile Justice Chief of Security	21965	MS-31
Juvenile Justice Specialist	21971	MS-20
Juvenile Justice Specialist Intern	21976	MS-13
Juvenile Justice Supervisor	21980	MS-27
Kidcare Supervisor	22003	MS-23
Labor Conciliator	22750	MS-23
Labor Maintenance Lead Worker	22809	MS-15
Laboratory Assistant	22995	MS-03
Laboratory Associate I	22997	MS-07
Laboratory Associate II	22998	MS-09
Laboratory Equipment Specialist	22990	MS-19
Laboratory Quality Specialist I	23021	MS-21
Laboratory Quality Specialist II	23022	MS-25
Laboratory Research Scientist	23025	MS-29
Laboratory Research Specialist I	23027	MS-21
Laboratory Research Specialist II	23028	MS-25
Laborer (Maintenance)	23080	MS-14
Land Acquisition Agent I	23091	MS-12
Land Acquisition Agent II	23092	MS-19
Land Acquisition Agent III	23093	MS-25
Land Reclamation Specialist I	23131	MS-11
Land Reclamation Specialist II	23132	MS-16
Landscape Architect	23145	MS-27
Landscape Planner	23150	MS-21
Laundry Manager I	23191	MS-11
Legal Research Assistant	23350	MS-10
Liability Claims Adjuster I	23371	MS-11
Liability Claims Adjuster II	23372	MS-19
Liability Claims Adjuster Trainee	23375	MS-09
Librarian I	23401	MS-14
Librarian II	23402	MS-20

Library Aide I	23421	MS-03
Library Aide II	23422	MS-04
Library Aide III	23423	MS-05
Library Associate	23430	MS-09
Library Technical Assistant	23450	MS-07
Licensed Practical Nurse I	23551	MS-07
Licensed Practical Nurse II	23552	MS-09
Licensing Assistant	23568	MS-05
Licensing Investigator I	23571	MS-10
Licensing Investigator II	23572	MS-13
Licensing Investigator III	23573	MS-15
Licensing Investigator IV	23574	MS-20
Life Sciences Career Trainee	23600	MS-09
Liquor Control Special Agent I	23751	MS-13
Liquor Control Special Agent II	23752	MS-14
Local Historical Services Representative	24000	MS-16
Local Housing Advisor I	24031	MS-11
Local Housing Advisor II	24032	MS-14
Local Housing Advisor III	24033	MS-19
Local Revenue and Fiscal Advisor I	24101	MS-12
Local Revenue and Fiscal Advisor II	24102	MS-16
Local Revenue and Fiscal Advisor III	24103	MS-21
Lock and Dam Tender	24290	MS-07
Locksmith	24300	MS-16
Lottery Commodities Distributor II	24402	MS-09
Lottery Regional Coordinator	24504	MS-21
Lottery Sales Representative	24515	MS-14
Lottery Telemarketing Representative	24520	MS-06
Maintenance Equipment Operator	25020	MS-17
Maintenance Worker	25500	MS-15
Management Operations Analyst I	25541	MS-19
Management Operations Analyst II	25542	MS-23
Management Operations Analyst Trainee	25545	MS-12
Management Systems Specialist	25583	MS-25
Manpower Planner I	25591	MS-11
Manpower Planner II	25592	MS-16
Manpower Planner III	25593	MS-23

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Manpower Planner Trainee	25597	MS-09
Manuscripts Manager	25610	MS-22
Meat and Poultry Inspector	26070	MS-10
Meat and Poultry Inspector Supervisor	26073	MS-13
Meat and Poultry Inspector Trainee	26075	MS-07
Mechanical Engineer I	26201	MS-12
Mechanical Engineer II	26202	MS-16
Mechanical Engineer III	26203	MS-21
Medical Administrator I Option C	26400	MS-60
Medical Administrator I Option D	26401	MS-62
Medical Administrator II Option C	26402	MS-61
Medical Administrator II Option D	26403	MS-64
Medical Administrator III	26404	MS-65
Medical Administrator IV	26405	MS-66
Medical Administrator V	26406	MS-67
Medical Assistance Consultant I	26501	MS-10
Medical Assistance Consultant II	26502	MS-14
Medical Assistance Consultant III	26503	MS-21
Mental Health Administrator Trainee	26817	MS-12
Mental Health Program Administrator	26908	MS-63
Mental Health Recovery Support Specialist I	26921	MS-16
Mental Health Recovery Support Specialist II	26922	MS-19
Mental Health Specialist I	26924	MS-09
Mental Health Specialist II	26925	MS-11
Mental Health Specialist III	26926	MS-14
Mental Health Specialist Trainee	26928	MS-08
Mental Health Technician I	27011	MS-04
Mental Health Technician II	27012	MS-05
Mental Health Technician III	27013	MS-06
Mental Health Technician IV	27014	MS-07
Mental Health Technician V	27015	MS-08
Mental Health Technician VI	27016	MS-09
Mental Health Technician Trainee I	27021	MS-03
Meteorologist	27120	MS-19
Methods and Procedures Advisor I	27131	MS-11
Methods and Procedures Advisor II	27132	MS-14
Methods and Procedures Advisor III	27133	MS-23

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Methods and Procedures Career Associate I	27135	MS-08
Methods and Procedures Career Associate II	27136	MS-09
Methods and Procedures Career Associate Trainee	27137	MS-06
Metrologist Associate	27146	MS-12
Microbiologist I	27151	MS-14
Microbiologist II	27152	MS-21
Microfilm Laboratory Technician I	27175	MS-04
Microfilm Laboratory Technician II	27176	MS-06
Microfilm Operator I	27181	MS-03
Microfilm Operator II	27182	MS-04
Microfilm Operator III	27183	MS-05
Mine Rescue Station Assistant	28150	MS-07
Motorist Assistance Specialist	28490	MS-05
Musician	28805	MS-05
Natural Resource Technician I	28851	MS-07
Natural Resource Technician II	28852	MS-10
Natural Resources Advanced Specialist	28833	MS-23
Natural Resources Coordinator	28831	MS-12
Natural Resources Education Program Coordinator	28834	MS-23
Natural Resources Grant Coordinator	28835	MS-20
Natural Resources Manager I	28836	MS-23
Natural Resources Manager II	28837	MS-26
Natural Resources Manager III	28838	MS-30
Natural Resources Site Manager I	28841	MS-23
Natural Resources Site Manager II	28842	MS-26
Natural Resources Specialist	28832	MS-19
Nursing Act Assistant Coordinator	29731	MS-25
Nutritionist	29820	MS-19
Occupational Therapist	29900	MS-16
Occupational Therapist Program Coordinator	29908	MS-21
Occupational Therapist Supervisor	29910	MS-25
Office Administrative Specialist	29990	MS-09
Office Administrator I	29991	MS-04
Office Administrator II	29992	MS-06
Office Administrator III	29993	MS-08
Office Administrator IV	29994	MS-11
Office Administrator V	29995	MS-12

Office Aide	30005	MS-02
Office Assistant	30010	MS-04
Office Associate	30015	MS-05
Office Clerk	30020	MS-03
Office Coordinator	30025	MS-06
Office Occupations Trainee	30075	MS-01
Office Specialist	30080	MS-08
Optometrist	30300	MS-11
Oral Health Consultant	30317	MS-19
Paralegal Assistant	30860	MS-11
Pension and Death Benefits Technician I	30961	MS-09
Pension and Death Benefits Technician II	30962	MS-21
Pest Control Operator	31810	MS-07
Pharmacist Lead Technician	32007	MS-06
Pharmacist Technician	32008	MS-04
Pharmacy Services Coordinator	32010	MS-32
Photographer I	32085	MS-08
Photographer II	32086	MS-11
Photographer III	32087	MS-12
Photographic Technician I	32091	MS-08
Photographic Technician II	32092	MS-11
Photographic Technician III	32093	MS-12
Physical Therapist	32145	MS-16
Physical Therapist Program Coordinator	32153	MS-21
Physical Therapy Aide I	32191	MS-03
Physical Therapy Aide II	32192	MS-05
Physical Therapy Aide III	32193	MS-08
Physician	32200	MS-36
Physician Assistant	32210	MS-27
Physician Specialist − Option A	32221	MS-37
Physician Specialist − Option B	32222	MS-38
Physician Specialist − Option C	32223	MS-61
Physician Specialist − Option D	32224	MS-63
Physician Specialist − Option E	32225	MS-64
Plant and Pesticide Specialist I	32501	MS-15
Plant and Pesticide Specialist II	32502	MS-20
Plant and Pesticide Specialist Supervisor	32505	MS-20

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Plumbing Consultant	32910	MS-28
Plumbing Inspector	32915	MS-22
Podiatrist	32960	MS-11
Police Lieutenant	32977	MS-31
Police Officer I	32981	MS-18
Police Officer II	32982	MS-22
Police Officer III	32983	MS-26
Police Officer Trainee	32985	MS-06
Police Training Specialist	32990	MS-16
Polygraph Examiner I	33001	MS-20
Polygraph Examiner II	33002	MS-24
Polygraph Examiner III	33003	MS-28
Polygraph Examiner Trainee	33005	MS-12
Power Shovel Operator	33360	MS-16
Private Secretary I	34201	MS-13
Private Secretary II	34202	MS-18
Procurement Representative	34540	MS-06
Products and Standards Inspector	34603	MS-11
Products and Standards Inspector Trainee	34605	MS-09
Program Integrity Auditor I	34631	MS-14
Program Integrity Auditor II	34632	MS-21
Program Integrity Auditor Trainee	34635	MS-09
Project Designer	34725	MS-21
Property and Supply Clerk I	34791	MS-03
Property and Supply Clerk II	34792	MS-04
Property and Supply Clerk III	34793	MS-05
Property Consultant	34900	MS-12
Psychologist Associate	35626	MS-12
Psychologist I	35611	MS-16
Psychologist II	35612	MS-23
Psychologist III	35613	MS-27
Psychology Intern	35660	MS-15
Public Administration Intern	35700	MS-11
Public Aid Eligibility Assistant	35825	MS-05
Public Aid Investigator	35870	MS-21
Public Aid Investigator Trainee	35874	MS-11
Public Aid Lead Casework Specialist	35880	MS-16

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Public Aid Program Quality Analyst	35890	MS-21
Public Aid Quality Control Reviewer	35892	MS-16
Public Aid Quality Control Supervisor	35900	MS-21
Public Aid Staff Development Specialist I	36071	MS-12
Public Aid Staff Development Specialist II	36072	MS-16
Public Aid Staff Development Specialist III	36073	MS-22
Public Health Educator	36430	MS-21
Public Health Educator Associate	36434	MS-11
Public Health Program Specialist I	36611	MS-11
Public Health Program Specialist II	36612	MS-14
Public Health Program Specialist III	36613	MS-21
Public Health Program Specialist Trainee	36615	MS-09
Public Information Coordinator	36750	MS-19
Public Information Officer I	37001	MS-09
Public Information Officer II	37002	MS-11
Public Information Officer III	37003	MS-21
Public Information Officer IV	37004	MS-25
Public Safety Inspector	37007	MS-14
Public Safety Inspector Trainee	37010	MS-07
Public Service Trainee	37025	MS-01
Race Track Maintainer I	37551	MS-10
Race Track Maintainer II	37552	MS-12
Radiologic Technologist	37500	MS-08
Radiologic Technologist Chief	37505	MS-17
Radiologic Technologist Program Coordinator	37507	MS-09
Railroad Safety Specialist I	37601	MS-21
Railroad Safety Specialist II	37602	MS-25
Railroad Safety Specialist III	37603	MS-29
Railroad Safety Specialist IV	37604	MS-32
Ranger	37725	MS-10
Real Estate Investigator	37730	MS-21
Real Estate Professions Examiner	37760	MS-27
Recreation Worker I	38001	MS-09
Recreation Worker II	38002	MS-11
Refrigeration and Air Conditioning Repairer	38119	MS-12
Registered Nurse − Advanced Practice	38135	MS-27
Registered Nurse I	38131	MS-18

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Registered Nurse II	38132	MS-22
Rehabilitation Case Coordinator I	38141	MS-05
Rehabilitation Case Coordinator II	38142	MS-07
Rehabilitation Counselor	38145	MS-16
Rehabilitation Counselor Aide I	38155	MS-06
Rehabilitation Counselor Aide II	38156	MS-08
Rehabilitation Counselor Senior	38158	MS-21
Rehabilitation Counselor Trainee	38159	MS-12
Rehabilitation Services Advisor I	38176	MS-23
Rehabilitation Workshop Instructor I	38192	MS-05
Rehabilitation Workshop Instructor II	38193	MS-09
Rehabilitation Workshop Supervisor I	38194	MS-09
Rehabilitation Workshop Supervisor II	38195	MS-11
Rehabilitation Workshop Supervisor III	38196	MS-20
Rehabilitation/Mobility Instructor	38163	MS-21
Rehabilitation/Mobility Instructor Trainee	38167	MS-12
Reimbursement Officer I	38199	MS-11
Reimbursement Officer II	38200	MS-14
Reproduction Service Supervisor I	38201	MS-10
Reproduction Service Supervisor II	38202	MS-18
Reproduction Service Technician I	38203	MS-03
Reproduction Service Technician II	38204	MS-06
Reproduction Service Technician III	38205	MS-08
Research Economist I	38207	MS-19
Research Fellow, Option B	38211	MS-19
Research Scientist I	38231	MS-10
Research Scientist II	38232	MS-14
Research Scientist III	38233	MS-23
Resident Physician	38270	MS-15
Residential Care Program Supervisor I	38271	MS-22
Residential Care Worker	38277	MS-09
Residential Care Worker Trainee	38279	MS-05
Resource Planner I	38281	MS-16
Resource Planner II	38282	MS-21
Resource Planner III	38283	MS-27
Retirement System Disability Specialist	38310	MS-21
Revenue Audit Supervisor	38369	MS-32

Revenue Auditor I	38371	MS-14
Revenue Auditor II	38372	MS-21
Revenue Auditor III	38373	MS-27
Revenue Auditor Trainee	38375	MS-09
Revenue Collection Officer I	38401	MS-12
Revenue Collection Officer II	38402	MS-16
Revenue Collection Officer III	38403	MS-21
Revenue Collection Officer Trainee	38405	MS-09
Revenue Computer Audit Specialist	38425	MS-29
Revenue Senior Special Agent	38557	MS-29
Revenue Special Agent	38558	MS-21
Revenue Special Agent Trainee	38565	MS-11
Revenue Tax Specialist I	38571	MS-09
Revenue Tax Specialist II	38572	MS-11
Revenue Tax Specialist III	38573	MS-16
Revenue Tax Specialist Trainee	38575	MS-07
Safety Responsibility Analyst	38910	MS-09
Safety Responsibility Analyst Supervisor	38915	MS-11
School Psychologist	39200	MS-19
Security Guard I	39851	MS-13
Security Guard II	39852	MS-14
Security Officer	39870	MS-10
Security Officer Sergeant	39877	MS-11
Security Therapy Aide I	39901	MS-10
Security Therapy Aide II	39902	MS-11
Security Therapy Aide III	39903	MS-13
Security Therapy Aide IV	39904	MS-18
Security Therapy Aide Trainee	39905	MS-06
Seed Analyst I	39951	MS-09
Seed Analyst II	39952	MS-10
Seed Analyst Trainee	39953	MS-07
Senior Ranger	40090	MS-11
Shift Supervisor	40800	MS-31
Sign Shop Foreman	41000	MS-22
Silk Screen Operator	41020	MS-16
Site Assistant Superintendent I	41071	MS-12
Site Assistant Superintendent II	41072	MS-16

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Site Interpreter	41090	MS-07
Site Interpretive Coordinator	41093	MS-10
Site Security Officer	41115	MS-06
Site Services Specialist I	41117	MS-12
Site Services Specialist II	41118	MS-16
Site Superintendent I	41211	MS-20
Site Superintendent II	41212	MS-25
Site Superintendent III	41213	MS-29
Site Technician I	41131	MS-07
Site Technician II	41132	MS-09
Small Engine Mechanic	41150	MS-10
Social Service Aide I	41281	MS-05
Social Service Aide II	41282	MS-08
Social Service Aide Trainee	41285	MS-03
Social Service Community Planner	41295	MS-08
Social Service Consultant I	41301	MS-19
Social Service Consultant II	41302	MS-21
Social Service Program Planner I	41311	MS-12
Social Service Program Planner II	41312	MS-16
Social Service Program Planner III	41313	MS-23
Social Service Program Planner IV	41314	MS-27
Social Services Career Trainee	41320	MS-09
Social Worker I	41411	MS-14
Social Worker II	41412	MS-19
Social Worker III	41413	MS-21
Social Worker IV	41414	MS-25
Social Worker Intern	41430	MS-15
Staff Development Specialist I	41771	MS-19
Staff Development Technician I	41781	MS-09
Staff Development Technician II	41782	MS-12
Staff Pharmacist	41787	MS-31
State Mine Inspector	42230	MS-21
State Mine Inspector-At-Large	42240	MS-31
State Police Crime Information Evaluator	41801	MS-08
State Police Evidence Technician I	41901	MS-09
State Police Evidence Technician II	41902	MS-10
State Police Field Specialist I	42001	MS-19

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State Police Field Specialist II	42002	MS-23
Statistical Research Specialist I	42741	MS-09
Statistical Research Specialist II	42742	MS-11
Statistical Research Specialist III	42743	MS-16
Statistical Research Technician	42748	MS-08
Storage Tank Safety Specialist	43005	MS-19
Storekeeper I	43051	MS-11
Storekeeper II	43052	MS-12
Storekeeper III	43053	MS-13
Stores Clerk	43060	MS-03
Student Intern	43190	MS-01
Student Worker	43200	MS-01
Supervising Vehicle Testing Compliance Officer	43680	MS-22
Support Service Coordinator I	44221	MS-07
Support Service Coordinator II	44222	MS-09
Support Service Lead	44225	MS-04
Support Service Worker	44238	MS-03
Switchboard Chief Operator	44410	MS-11
Switchboard Operator I	44411	MS-03
Switchboard Operator II	44412	MS-04
Switchboard Operator III	44413	MS-06
Technical Advisor Advanced Program Specialist	45256	MS-31
Technical Advisor I	45251	MS-19
Technical Advisor II	45252	MS-23
Technical Advisor III	45253	MS-29
Technical Manager I	45261	MS-18
Telecommunications Specialist	45295	MS-12
Telecommunications Supervisor	45305	MS-23
Telecommunications Systems Analyst	45308	MS-16
Telecommunications Systems Technician I	45312	MS-07
Telecommunications Systems Technician II	45313	MS-10
Telecommunications Systems Technician Trainee	45314	MS-05
Telecommunicator	45321	MS-09
Telecommunicator − Command Center	45316	MS-10
Telecommunicator Call Taker	45322	MS-11
Telecommunicator Lead Call Taker	45323	MS-14
Telecommunicator Lead Specialist	45327	MS-16

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Telecommunicator Lead Worker	45324	MS-11
Telecommunicator Lead Worker − Command Center	45318	MS-12
Telecommunicator Specialist	45326	MS-12
Telecommunicator Trainee	45325	MS-07
Terrorism Research Specialist I	45371	MS-19
Terrorism Research Specialist II	45372	MS-23
Terrorism Research Specialist III	45373	MS-27
Terrorism Research Specialist Trainee	45375	MS-11
Transportation Officer	45830	MS-11
Truck Weighing Inspector	46100	MS-10
Unemployment Insurance Adjudicator I	47001	MS-08
Unemployment Insurance Adjudicator II	47002	MS-10
Unemployment Insurance Adjudicator III	47003	MS-12
Unemployment Insurance Revenue Analyst I	47081	MS-12
Unemployment Insurance Revenue Analyst II	47082	MS-16
Unemployment Insurance Revenue Specialist	47087	MS-10
Unemployment Insurance Special Agent	47096	MS-19
Utility Engineer I	47451	MS-20
Utility Engineer II	47452	MS-24
Vehicle Compliance Inspector	47570	MS-15
Vehicle Emission Compliance Inspector	47580	MS-10
Vehicle Emission Compliance Supervisor	47583	MS-20
Vehicle Emission Quality Assurance Auditor	47584	MS-10
Vehicle Permit Evaluator	47585	MS-08
Veterans Educational Specialist I	47681	MS-12
Veterans Educational Specialist II	47682	MS-16
Veterans Educational Specialist III	47683	MS-25
Veterans Employment Representative I	47701	MS-11
Veterans Employment Representative II	47702	MS-14
Veterans Nursing Assistant − Certified	47750	MS-05
Veterans Service Officer	47800	MS-11
Veterans Service Officer Associate	47804	MS-10
Veterinarian I	47901	MS-19
Veterinarian II	47902	MS-23
Veterinarian III	47903	MS-25
Veterinary Consumer Safety Officer	47911	MS-20
Veterinary Pathologist	47915	MS-29

Veterinary Supervisor I	47917	MS-25
Veterinary Supervisor II	47918	MS-26
Vision/Hearing Consultant I	47941	MS-14
Vision/Hearing Consultant II	47942	MS-23
Vision/Hearing Consultant III	47943	MS-25
Vital Records Quality Control Inspector	48000	MS-10
Vocational Instructor	48200	MS-09
Volunteer Services Coordinator I	48481	MS-10
Volunteer Services Coordinator II	48482	MS-14
Volunteer Services Coordinator III	48483	MS-19
Wage Claims Specialist	48770	MS-06
Warehouse Claims Specialist	48780	MS-22
Warehouse Examiner	48881	MS-13
Warehouse Examiner Specialist	48882	MS-18
Warehouse Examiner Supervisor	48785	MS-20
Waterways Construction Supervisor I	49061	MS-14
Waterways Construction Supervisor II	49062	MS-24
Weatherization Specialist I	49101	MS-11
Weatherization Specialist II	49102	MS-16
Weatherization Specialist III	49103	MS-23
Weatherization Specialist Trainee	49105	MS-09
Well Inspector I	49421	MS-11
Well Inspector II	49422	MS-18
Workers Compensation Insurance Compliance Investigator	49640	MS-23

NOTE: Effective January 1, 2008, the merit compensation grade 12 in the Personnel Code [20 ILCS 415/8b.18(a) and (b) and 8b.19(a) and (b)] that formerly was indicated by MC-12 is MS-32.

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

Section 310.460 Other Pay Increases

a) Promotion − Normally, upon promotion, an employee shall be advanced in salary by an amount not more than 5%~~equivalent to between 8 and 15 percent~~ of the current base salary. In no event is the resulting salary to be lower than the minimum rate of the salary range to which the employee is being promoted or greater than the maximum of the new salary range. Upon promotion the

employee shall receive a new creditable service date. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is a special salary adjustment (see Section 310.470).

b) Reallocation − Upon reallocation, an employee shall be advanced in salary to a rate of pay that is the equivalent of 5 percent above the current base salary. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the new salary range. A reallocation will not affect the creditable service date of the employee, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new title. The reallocation shall not change the creditable service date.

c) Reevaluation − If a higher salary range is assigned to a class, the employee occupying a position in the class normally shall be advanced the equivalent of 5 percent of the current base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed due to the reevaluation of the class the employee occupies, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new range. The reevaluation shall not change the creditable service date.

d) Separation and Subsequent Appointment − Upon separation from a position of a given class and appointment within four calendar days to a position in a higher salary range, an increase shall be given under the conditions and requirements applicable to promotions (see subsection (a)).

e) Reclassification – If the class to which the position is being moved has a higher salary range, the employee occupying the position shall be advanced the equivalent of 5 percent of the current base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of the employee will not be changed due to the reclassification of the position the employee occupies, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new range.

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

Section 310.470 Adjustment

An employee may receive an upward adjustment in base salary for the purpose of correcting a previous error or oversight or~~,~~ when the best interests of the agency and the State of Illinois will be served. Adjustments shall~~Such adjustments must~~ have the prior approval of the Director of Central Management Services. An adjustment at the time of entrance into State government requires supporting documentation in the candidate's CMS employment application (CMS-100). An adjustment at the time substantial additional duties and responsibilities are added to a position allocated to a broad-band title requires that the substantial additional duties and responsibilities be documented on an updated position description (CMS-104) and are reflected on the organization chart. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The approval of an adjustment at the time of entrance into State government is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position. The adjustment shall not change the creditable service date.

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

Section 310.490 Other Pay Provisions

a) Transfer – Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.

b) Entrance Base Salary –

1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.

2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5%~~10%~~ above the candidate's current base salary. Any deviation from the 5% maximum

is a special salary adjustment (see Section 310.470).~~An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.~~

3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

d) Differential and Overtime Pay – An eligible employee may have an amount added to the base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay – An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay –

A) Eligibility − The Director of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System that are eligible for overtime compensation. Classes in salary ranges MC-06 and below and, effective January 1, 2008, classes in salary ranges MS-23 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services or federal guidelines. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. Classes in MC-07 and above and, effective January 1, 2008, classes in MS-24 and above are not eligible for overtime unless required by federal regulation or approved by the Director of Central Management Services. Exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

B) Compensatory Time − Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no

time are overtime hours or compensatory time to be transferred from one agency to another agency.

e) Equivalent Earned Time –

1) Eligibility – Employees who are non-union or represented by the VR-704 bargaining unit, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee.

2) Accrual –

A) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours at any time.

B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.

3) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. The equivalent earned time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

4) Employees in Positions Represented by an American Federation of State, County and Municipal Employees Bargaining Unit − Employees shall retain their equivalent earned time upon their positions' representation by an American Federation of State, County and Municipal Employees

bargaining unit. Employees whose positions were certified as represented effective July 1, 2007 or after shall have previously unused equivalent earned time restored no later than July 1, 2009. The use of the equivalent earned time is approved by supervisors, prior to other benefit time excluding sick and personal business leave, in increments of fifteen minutes after the initial use of one-half hour, and granted under the same criteria as vacation time. Employees may substitute equivalent earned time for sick leave in accordance to sick leave policies and procedures.

f) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis computed by dividing the annual rate of salary by the total number of work days in the year.

g) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

h) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a).

AGENCY NOTE: The method to be used in computing lump sum payment for accrued vacation, sick leave and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

i) Salary Treatment upon Return from Leave –

1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained.

2) An employee returning to his/her former salary range from any other leave (not mentioned in subsection (i)(1)) of over 14 days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

j) Employees in classes that are made subject to the Merit Compensation System will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.

k) Temporary Assignment Pay When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

l) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

m) Reinstatement – The salary upon reinstatement should not provide more than a 5%~~10%~~ increase over the candidate's current base salary or exceed the salary rate held in the position where previously certified without prior approval of the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is a special salary adjustment (see Section 310.470).

n) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

o) Clothing or Equipment Allowance – An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment that is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

p) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a merit compensation (including broad-band~~ and medical administrator~~) position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (~~salary grade or~~ merit compensation, ~~(~~including broad-band~~ and medical administrator)~~) position. On the effective date of the employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received

a promotion into the higher pay grade or range. When assigned to the merit compensation position, the adjustment is an amount not more than 5% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is a special salary adjustment (see Section 310.470).

~~1) When Assigned to the Merit Compensation Position − When assigned to the merit compensation position, the adjustment is an amount equivalent to between 8% and 15% of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change.~~

~~2) When Assigned to the Salary Grade Position − When assigned to the salary grade position, the adjustment is determined by taking the difference between the salary on the step equivalent to or greater than the employee's current base salary and the salary one step above that step and adding that difference to the employee's current base salary. Then place the employee on the lowest step in the higher pay grade that is at least equivalent to that amount. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the pay grade to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change.~~

q) International Differential Pay − For positions with a headquarters outside of the United States, a differential shall be made once a month to the base salary of the employee residing outside the United States to compensate for a change in the currency exchange rate.

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

Section 310.495 Broad-Band Pay Range Classes

Broad-band pay range classes shall be covered by all provisions of the Merit Compensation System except for the provisions identified in the following subsections:

a) Salary Range − The salary range for broad-band classes shall be as set out in Appendix G.

b) Entrance Base Salary –

1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.

2) The salary assigned an employee shall take into account the duties, education, training and experience of the employee to assure reasonable pay equity among employees in the same class.

3) If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5%~~10%~~ above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.470).~~An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.~~

c) Salary Adjustment for Substantial Additional Duties and Responsibilities within the Same Position or for Transfer to Another Position with Substantial Additional Duties and Responsibilities in the Same Title – An upward salary adjustment that is not more than 5%~~10%~~ above the employee's current base salary in a broad-band position classification may be made by the employing agency where the employee's position has been given substantial additional duties and responsibilities but will remain in the same classification or where the employee transfers to another position with substantial additional duties and responsibilities in the same broad-band class. Any deviation from the 5% maximum is a special

salary adjustment (see Section 310.470).~~An upward salary adjustment for substantial additional duties and responsibilities that is more than 10% above the employee's current base salary may be given where the substantial additional duties and responsibilities are documented on an updated position description (CMS-104) and are reflected on the organization chart, and where the employing agency received the required prior approval from the Director of Central Management Services.~~ The salary adjustment shall not change the creditable service date.

d) Movement between Salary Systems − Salary treatment on movement of an employee between one position in the broad-band class series and another position outside of the broad-band class series will be as recommended by the employing agency and approved by the Director of Central Management Services.

e) Salary Treatment upon Initial Placement of Positions in Other Occupational Broad-Band Classes − For the purpose of establishing salary treatment upon initial placement of positions, it is necessary to determine the "lowest corresponding Merit Compensation grade".~~"~~ The Merit Compensation range with a minimum salary closest to, but not lower than, that of the broad-band range minimum is known as the "lowest corresponding Merit Compensation grade".~~"~~

1) The incumbent of a position with a current salary range maximum equal to or greater than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with no change in salary.

2) The incumbent of a position with a current salary range maximum less than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with a 5% increase in current base salary. However, in no event shall the resulting salary be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed unless an increase of 10% or greater is provided to move the employee to the minimum of the new range.

f) Out-of-State Adjustment for Positions allocated to Broad-banded Titles, Not Represented by a Bargaining Unit −

1) Requirements – The out-of-state rate is the base salary for an employee

appointed to a position not subject to Section 310.220 but subject to broad-banded Merit Compensation classification titles listed in subsection (f)(4) that require payment in accordance with the economic conditions of another state. The employee shall reside in the state where the position is assigned.

2) Approval – The Director of Central Management Services shall, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

3) Calculation – Ranges assigned to states other than Illinois, California and New Jersey are 15% above the ranges assigned to in-state positions and are listed in subsection (f)(4). Ranges assigned to California and New Jersey are 30% above the ranges assigned to in-state positions and are listed in subsection (f)(4).

4) Minimum and Maximum Out-of-State Rates in Ranges by Classification Title –

Title	Out-Of State Ranges Minimum	Maximum
Public Service Administrator, Option 1		
(States Other Than CA and NJ)	3583	9176
(CA, NJ)	4051	10373
Senior Public Service Administrator		
(States Other Than CA and NJ)	4939	11607
(CA, NJ)	5584	13121

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

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NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE S VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' − ISEA Local #2002)

Title	Title Code	Bargaining Unit	Pay Grade
Clinical Services Supervisor	08260	VR-704	24
Forensic Science Administrator I	15881	VR-704	24
Forensic Science Administrator II	15882	VR-704	25
Juvenile Justice Chief of Security	21965	VR-704	24
Police Lieutenant	32977	VR-704	24
Public Service Administrator, Option 7 (women and family services coordinator~~, forensic science administrator I, clinical services supervisor, juvenile justice chief of security and shift supervisor~~ function~~functions~~)	37015	VR-704	24
Public Service Administrator, Option 7 (criminal intelligence analyst supervisor, strategic management policy administrator, firearms specialist, computer evidence recovery specialist, and narcotics and currency unit supervisor non-sworn functions at State Police, statewide enforcement function at Financial and Professional Regulation, and superintendent, operations center supervisor and training academy supervisor functions at Corrections~~ and forensic science administrator II function~~)	37015	VR-704	25
Public Service Administrator, Option 7 (sex offender registry supervisor non-sworn function at State Police)	37015	VR-704	26
Shift Supervisor	40800	VR-704	24

Effective August 14, 2008
Bargaining Unit: VR-704

Pay	Pay	S T E P S

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Grade	Plan Code	1c	1b	1a	1	2	3	4	5	6	7	8
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852

Effective December 31, 2008
Bargaining Unit: VR-704

		STEPS										
Pay Grade	Pay Plan Code	1c	1b	1a	1	2	3	4	5	6	7	8
24	B	5104	5257	5414	5576	5873	6181	6477	6776	7082	7526	7827
24	Q	5333	5492	5659	5830	6140	6459	6769	7080	7401	7866	8180
24	S	5405	5564	5730	5901	6209	6529	6840	7153	7474	7937	8254
25	B	5440	5602	5771	5944	6269	6600	6929	7258	7588	8075	8399
25	Q	5685	5856	6029	6210	6552	6895	7242	7587	7931	8439	8777
25	S	5760	5926	6105	6284	6624	6966	7312	7657	8000	8511	8852
26	B	5749	5920	6101	6343	6690	7044	7402	7747	8096	8618	8963

Effective January 1, 2009
Bargaining Unit: VR-704

		STEPS										
Pay Grade	Pay Plan Code	1c	1b	1a	1	2	3	4	5	6	7	8
24	B	5181	5336	5495	5660	5961	6274	6574	6878	7188	7639	7944
24	Q	5413	5574	5744	5917	6232	6556	6871	7186	7512	7984	8303

24	S	5486	5647	5816	5990	6302	6627	6943	7260	7586	8056	8378
25	B	5522	5686	5858	6033	6363	6699	7033	7367	7702	8196	8525
25	Q	5770	5944	6119	6303	6650	6998	7351	7701	8050	8566	8909
25	S	5846	6015	6197	6378	6723	7070	7422	7772	8120	8639	8985
26	B	5835	6009	6193	6438	6790	7150	7513	7863	8217	8747	9097

Effective July 1, 2009
Bargaining Unit: VR-704

Pay Grade	Pay Plan Code	STEPS 1b	1a	1	2	3	4	5	6	7	8
24	B	5469	5632	5802	6610	6431	6738	7050	7368	7830	8143
24	Q	5713	5888	6065	6388	6720	7043	7366	7700	8184	8511
24	S	5788	5961	6140	6460	6793	7117	7442	7776	8257	8587
25	B	5828	6004	6184	6522	6866	7209	7551	7895	8401	8738
25	Q	6093	6272	6461	6816	7173	7535	7894	8251	8780	9132
25	S	6165	6352	6537	6891	7247	7608	7966	8323	8855	9210
26	B	6159	6348	6599	6960	7329	7701	8060	8422	8966	9324

Effective January 1, 2010
Bargaining Unit: VR-704

Pay Grade	Pay Plan Code	STEPS 1b	1a	1	2	3	4	5	6	7	8
24	B	5578	5745	5918	6232	6560	6873	7191	7515	7987	8306
24	Q	5827	6006	6186	6516	6854	7184	7513	7854	8348	8681
24	S	5904	6080	6263	6589	6929	7259	7591	7932	8422	8759
25	B	5945	6124	6308	6652	7003	7353	7702	8053	8569	8913

25	Q	6215	6397	6590	6952	7316	7686	8052	8416	8956	9315
25	S	6288	6479	6668	7029	7392	7760	8125	8489	9032	9394
26	B	6282	6475	6731	7099	7476	7855	8221	8590	9145	9510

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Cares Rx Program

2) Code Citation: 89 Ill. Adm. Code 119

3)

Section Numbers:	Proposed Action:
119.10	Amendment
119.20	Amendment
119.60	Amendment
119.80	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 96-804, effective January 1, 2010. It provides that any Illinois Cares Rx (ICRx) member with Medicare will receive the ICRx Plus benefit. Currently, members under the age of 65, and those with incomes that exceed the ICRx Plus level, receive the limited ICRx Basic benefit, which covers drugs to treat 11 disease states. Further, it implements the new statutory income limit in Public Act 96-804.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

12) Time, Place, and Manner in which interested persons may comment on this proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeannette Badrov

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 119
ILLINOIS CARES RX PROGRAM

Section
119.10 Definitions
119.20 Eligibility
119.30 Low Income Subsidy
119.40 Automatic Enrollment of Program Beneficiaries
119.50 Assignment and Coordination of Benefits
119.60 Covered Services
119.70 Prior Authorization and Preferred Drug List (PDL)
119.80 Illinois Cares Rx Basic Covered Prescription Drugs
119.90 Co-Payments and Cost Sharing
119.100 Pharmacy Payment
119.110 Inspection and Disclosure of Records
119.120 Establishment of Liens
119.130 Penalties
119.140 Penalties (Repealed)

AUTHORITY: Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25] and implementing and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Executive Order 2004-3.

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 13816, effective October 1, 2004, for a maximum of 150 days; adopted at 29 Ill. Reg. 4069, effective February 25, 2005; emergency amendment at 30 Ill. Reg. 482, effective January 1, 2006, for a maximum of 150 days; emergency amendment modified in response to the Joint Committee on Administrative Rules' Objection at 30 Ill. Reg. 5436, effective February 28, 2006, for the remainder of the maximum 150 days; amended at 30 Ill. Reg. 10274, effective May 26, 2006; amended at 31 Ill. Reg. 5537, effective March 26, 2007; emergency amendment at 32 Ill. Reg. 373, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 7717, effective May 5, 2008; emergency amendment at 33 Ill. Reg. 1220, effective January 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 5765, effective May 1, 2009; amended at 34 Ill. Reg. _____, effective _____.

Section 119.10 Definitions

The following definitions apply for purposes of this Part:

"Act" means the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25].

"AIDS Drug Assistance Program" or "ADAP" means the program administered by the Illinois Department of Public Health (DPH) that provides pharmaceutical assistance for AIDS/HIV drugs for eligible Illinois citizens.

"AIDS Drug Assistance Program formulary" or "ADAP formulary" means the formulary developed and published by DPH for ADAP.

"Applicant" means any person in a household who has requested pharmaceutical assistance benefits on an application filed by an applicant.

"Beneficiary" means a person whose application for pharmaceutical assistance benefits under the Act has been approved by the Department on Aging.

"Brand name drug" means those drugs as defined in 89 Ill. Adm. Code 140.440(g)(3) when dispensed to an individual not enrolled in Medicare Part D. When dispensed to an individual enrolled in Medicare Part D, brand name drugs means those legend drugs defined as brand name drugs by the individual's Medicare Prescription Drug Plan (PDP).

"Coordinating Prescription Drug Plan" means a Medicare Part D Prescription Drug Plan that has signed a coordination agreement with the Department and to which the Department pays a per member/per month (PM/PM) payment for each Illinois Cares Rx beneficiary enrolled in that plan.

"Department" means the Illinois Department of Healthcare and Family Services.

"Director" means the Director of the Illinois Department of Healthcare and Family Services.

"Disabled person" means a person who is unable to engage in any substantial gainful activity by reason of medically determinable physical or mental

impairment that can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months. [320 ILCS 25/3.14]

"Disease" means a chronic and possibly recurrent illness of long duration, as distinguished from an acute illness that is of short duration with recovery due to limited medical treatment (such as in the case of colds, flu, pneumonia, bronchitis, or other similar illnesses).

"Domiciled" means having a fixed habitation at a permanent residence in Illinois at the time of filing the application and during the coverage year.

"Electronic application" means the electronic document set forth in 86 Ill. Adm. Code 530.305(a).

"FPL" means the federal poverty income guideline as determined annually by the United States Department of Health and Human Services.

"Generic drug" means those legend drugs as defined in 89 Ill. Adm. Code 140.440(g)(2) when dispensed to individuals not enrolled in Medicare Part D. When dispensed to individuals enrolled in Medicare Part D, generic drugs means those legend drugs defined as generic drugs by the individual's Medicare Prescription Drug Plan (PDP).

"Household" means an applicant or an applicant and *his* or her *spouse living together in the same residence*. [320 ILCS 25/3.05]

"Household income" means the combined income of the members of a household for a year. [320 ILCS 25/3.06]

"Illinois Cares Rx Plus" means the provision of benefits to individuals in eligibility group 2, 3 or~~,~~ 4, ~~or 5~~ as defined in 320 ILCS 25/4(g).

"Illinois Cares Rx Basic" means the provision of benefits to individuals in eligibility group 1, ~~2 or 5~~ as defined in 320 ILCS 25/4(g).

"Illinois Cares Rx Basic Covered Prescription Drug" means any drug included in the categories listed in Section 119.80 and prescribed as set forth in Section 119.80.

"Illinois Cares Rx Rebate" means an Illinois Cares Rx benefit in the form of a monthly monetary payment made to an individual enrolled in a third-party plan that provides a pharmacy benefit or a PDP that is not a Coordinating Medicare PDP. The payment is made in lieu of the covered services described in Section 119.60.

"Income" means adjusted gross income, properly reportable for federal income tax purposes under the provisions of the Internal Revenue Code, modified as defined in 320 ILCS 25/3.07.

"Non-Preferred Drug" means those drugs that are 3rd tier or higher on an individual's Medicare Part D Prescription Drug Plan's (PDPs) formulary or are listed as non-preferred on the Department's Preferred Drug List.

"Over-the-counter items" means those pharmaceutical items that may be purchased off the shelf by the general public.

"Pharmaceutical product" means a brand name drug, a generic drug, or an over-the-counter item.

"Prescription Drug Plan" or "PDP" means a Medicare Part D Prescription Drug Plan.

"Program" means the Illinois Cares Rx Pharmaceutical Assistance Program provided for under the Act.

"Projected income" means household income expected to be received for a coverage year.

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

Section 119.20 Eligibility

a) Illinois Cares Rx Eligibility Qualifications
To be eligible for Illinois Cares Rx pharmaceutical benefits, an individual must meet all of the following requirements:

1) Be:

A) 65 years of age or older; or

B) a disabled person.

2) Be domiciled in Illinois at the time of filing an application, and during the coverage period.

3) Except for individuals choosing Illinois Cares Rx Rebate, be enrolled in a Coordinating Medicare Part D PDP if eligible for Medicare Part D.

4) Except for individuals choosing Illinois Cares Rx Rebate, apply for all available subsidies under Medicare Part D. The Department may deem individuals to be compliant with this requirement in cases where the Department's data clearly indicates the individual would not be eligible for any low income subsidy.

5) For 2006 applications postmarked on or before December 31, 2007, have ~~Have~~ a maximum household income as described in subsection (a)(5)(A), (B) or (C). If any income eligibility limit set forth in subsection (a)(5)(A), (B) or (C) is less than 200 percent of the Federal Poverty Level (FPL) for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200 percent of FPL.

A) less than $21,218 for a household containing one person;

B) less than $28,480 for a household containing two persons; or

C) less than $35,740 for a household containing three or more persons.

6) For 2007 and 2008 applications postmarked on or before December 31, 2009, have a maximum household income as described in subsection (a)(6)(A), (B) or (C). If any income eligibility limit set forth in subsection (a)(6)(A), (B) or (C) is less than 200 percent of the Federal Poverty Level (FPL) for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200 percent of FPL.

A) less than $22,218 for a household containing one person;

B) less than $29,480 for a household containing two persons; or

C) less than $36,740 for a household containing three or more persons.

7) For 2009 applications submitted during calendar year 2010, and for applications submitted during subsequent years, have a maximum household income as described in subsection (a)(7)(A), (B) or (C). If any income eligibility limit set forth in subsection (a)(7)(A), (B) or (C) is less than 200 percent of the Federal Poverty Level (FPL) for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200 percent of FPL.

A) less than $27,610 for a household containing one person;

B) less than $36,635 for a household containing two persons; or

C) less than $45,657 for a household containing three or more persons.

8)~~6)~~ Individuals eligible for SeniorCare on December 31, 2005 will be automatically determined eligible for and enrolled in Illinois Cares Rx Plus for coverage year 2006; individuals eligible for Circuit Breaker Pharmaceutical Assistance on December 31, 2005 will be automatically determined eligible for and enrolled in Illinois Cares Rx Basic for coverage year 2006.

b) Illinois Cares Rx Plus Eligibility Qualifications
To be eligible for Illinois Cares Rx Plus pharmaceutical benefits as described in Section 119.60(a), an individual must meet all of the eligibility requirements described in subsection (a) and meet ~~all of~~ the following requirements:

1) Be Medicare-eligible; or

2)~~1)~~ Meet the following requirements:

A) Be a U.S. citizen or qualify as an eligible non-citizen pursuant to 89 Ill. Adm. Code 120.310; and~~.~~

B)~~2)~~ Be 65 years of age or older; and~~.~~

C)~~3)~~ Have a maximum household ~~countable annual~~ income at or below 200 percent of FPL guidelines published annually by the U.S. Department of Health and Human Services. For applications received after January 1, 2010, this amount shall be adjusted upward to disregard 19.53 percent of household income, an amount equivalent to the 2005 through 2009 Social Security and Supplemental Security Income Cost of Living Adjustments.

c) Proof of Eligibility Qualifications
An applicant must submit proof of his or her eligibility qualifications as described in subsections (a) and (b).

1) Examples of proof of date of birth include:

A) a baptismal record; or

B) a birth certificate; or

C) a driver's license; or

D) an identification card from the Secretary of State's office; or

E) an insurance policy; or

F) naturalization papers.

2) Examples of proof of disability include:

A) proof that an applicant is eligible to receive disability benefits under the federal Social Security Act of 1935 (see 42 USC 423); or

B) issuance of an Illinois Disabled Person Identification Card stating that an applicant is under a Class 2 disability, as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A]; or

C) status of an applicant as a disabled person determined by a physician designated by the Department on Aging using the same

standards as used by the Social Security Administration with the costs of any required examination paid by the applicant (see 42 USC 423); or

D) receipt by an applicant of Railroad (see 45 USC 231), Civil Service, or Veterans' total disability benefits (see 38 USC 101). (See 320 ILCS 25/3.14.)

3) Applicants age 64 and older who are ineligible for Medicare must submit proof of citizenship as set forth in section 6036 of the federal Deficit Reduction Act of 2005. This requirement becomes inapplicable if federal funding for these individuals becomes unavailable.

d) Income

Income shall be based on income for the full calendar year prior to the year the applicant filed an application for pharmaceutical benefits, unless the applicant requests consideration of projected income as described in subsections (d)(1)(A), (B), (C), (D) and (E).

1) Projected Income

A) An applicant may request that projected income for the coverage year be used as current income in determining eligibility at the time an application is filed if projected income for the coverage year will be lower than current income for the coverage year. The application must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department on Aging will allow such a request and use projected income as current income in processing the application if its use will enable an applicant to qualify for this program.

B) An applicant whose application has been denied for exceeding maximum household income eligibility qualifications may file a Schedule P requesting use of projected income for the coverage year as current income for the coverage year in re-determining eligibility if projected income for the coverage year will be lower than current income for the coverage year. The Schedule must

include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department on Aging will allow such a request and use projected income as current income in processing the application if its use will enable an applicant to qualify for this program.

C) A beneficiary whose application has been approved for Illinois Cares Rx Basic may file a Schedule P requesting use of projected income for the coverage year as current income for the coverage year in redetermining the eligibility for Illinois Cares Rx Plus if projected income for the coverage year will be lower than current income for the coverage year. The Schedule must include an itemized listing of current income for the coverage year and projected income for the coverage year, together with documentation for the lost sources of income used in calculating projected income. The Department on Aging will allow such a request and use projected income as current income in processing the application if its use will enable a beneficiary to qualify for Illinois Cares Rx Plus.

D) Amended applications for pharmaceutical assistance benefits must be filed on the appropriate paper forms approved by the Department on Aging prior to the expiration of the coverage year for the coverage year at issue.

E) A beneficiary may not use projected income for two consecutive years, except in the case of hardship such as death, change in marital status or retirement.

2) Countable Income
The earned and unearned income of the applicant and his or her spouse (if the spouse resides with the applicant) shall be counted when determining eligibility.

3) Assets shall not be considered.

4) For applications processed after January 1, 2007, but received on or before December 31, 2007, 6.91 percent of the household income is exempt from consideration in determining eligibility. For 2007 applications, postmarked on or before December 31, 2008, 10.44 percent of the household income is exempt from consideration in determining eligibility. For 2008 applications postmarked on or before December 31, 2009, 12.98 percent of the household income is exempt from consideration in determining eligibility.

5) Illinois Cares Rx Plus participants shall be exempt from the requirements of 89 Ill. Adm. Code 102.210, Estate Claims, with regard to expenditures made for Illinois Cares Rx benefits.

e) An individual who is eligible for medical assistance with a spenddown may participate in Illinois Cares Rx.

f) An individual who receives benefits from any of the Medicare Savings programs, the Qualified Medicare Beneficiary (QMB) program, the Specified Low Income Medicare Beneficiary (SLIB) program, or the Qualified Individual (QI) program may participate in Illinois Cares Rx.

g) Application Process

1) An application for pharmaceutical assistance benefits under the Act must be filed on the appropriate paper or electronic forms approved by the Department on Aging.

2) Individuals shall apply by completing and submitting an application as specified by the Illinois Department on Aging.

3) Spouses who live together in the same residence may apply on the same application as long as the application contains both signatures.

4) After eligibility is determined by the Illinois Department on Aging, notice of the outcome shall be sent to the applicant.

5) An individual enrolled in Illinois Cares Rx shall receive coverage under his or her own name and unique Recipient Identification Number.

h) Enrollment Periods

1) Enrollment shall be effective the first of the month no later than the second month after the date when the applicant was determined to be eligible for the program.

2) The initial coverage period shall continue from the effective date of the enrollment through the end of the calendar year following the year in which the beneficiary filed the application for Illinois Cares Rx benefits.

3) Individuals must reapply annually.

4) Subsequent uninterrupted periods of enrollment shall be for 12 months and shall be coincident with the calendar year.

i) Authorization of Illinois Cares Rx
Once an individual has been determined eligible for Illinois Cares Rx, an Illinois Cares Rx identification card shall be sent to the individual, unless the individual elects to participate in the Illinois Cares Rx Rebate Program.

j) Illinois Cares Rx coverage shall terminate:

1) at the end of a participant's coverage period unless the participant reapplies timely and is found to continue to be eligible;

2) when a participant no longer resides in Illinois;

3) when a participant becomes an inmate of a public institution;

4) upon a participant's death;

5) upon discovery that the initial determination of the participant's eligibility was incorrect; or

6) when a participant not enrolled in Illinois Cares Rx Rebate fails to apply for any low income subsidy available under Medicare Part D, except in cases where the Department has deemed the individual to be compliant based on the Department's data.

k) Appeal Rights
Any applicant or beneficiary aggrieved by action of the Department on Aging under the Act, whether in the denial of an application or amended application may request in writing that the Department on Aging reconsider its action, setting out the facts on which the request is based. The Department on Aging will consider the request and either affirm or modify its action.

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

Section 119.60 Covered Services

a) Illinois Cares Rx Plus

1) For an individual enrolled in a Coordinating Medicare Part D Plan, except for an individual who elects to participate in the Illinois Cares Rx Rebate Program, coverage under the Illinois Cares Rx Plus Program shall consist of:

A) Payment to the individual's Coordinating Medicare Part D PDP for premium and deductible and cost sharing expenses, except for applicable cost sharing and co-payments set forth in Section 119.90 for pharmaceutical products covered by the individual's Medicare Part D PDP.

B) Payment to a pharmacy for pharmaceutical products excluded by Medicare Part D but covered by the Medical Assistance Program operated pursuant to Article V of the Public Aid Code, subject to applicable cost sharing and co-payments set forth in Section 119.90.

2) For an individual not eligible for Medicare Part D, except for an individual who elects to participate in the Illinois Cares Rx Rebate Program, covered services under the Illinois Cares Rx Plus Program shall consist of payment to a pharmacy for pharmaceutical products that are covered by the Medical Assistance Program operated pursuant to Article V of the Public Aid Code, subject to applicable cost sharing and co-payments set forth in Section 119.90.

3) For a Medicare-eligible individual who is enrolled in a non-coordinating Medicare Part D PDP and not enrolled in the Illinois Cares Rx Rebate Program, payment of the monthly Part D premium for basic coverage.

b) Illinois Cares Rx Basic

~~1)~~Except for an individual who elects to participate in the Illinois Cares Rx Rebate Program, ~~for individuals enrolled in a coordinating Medicare Part D PDP, coverage under the Illinois Cares Rx Basic Program shall consist of:A)Payment to the individual's Medicare Part D PDP for premium, deductible and cost sharing expenses, except for applicable cost sharing and co-payments described in Section 119.90 for pharmaceutical products prescribed as described in Section 119.80 that are covered by the individual's Medicare Part D PDP.B)Payment to a pharmacy for Illinois Cares Rx Basic covered pharmaceutical products excluded by Medicare Part D and prescribed as set forth in Section 119.80, subject to applicable cost sharing and co-payments set forth in Section 119.90.2)For an individual not eligible for Medicare Part D, except for an individual who elects to participate in the Illinois Cares Rx Rebate Program,~~ and except for those products prescribed as described in Section 119.80(k), covered services under the Illinois Cares Rx Basic Program shall consist of payment to a pharmacy for pharmaceutical products that are prescribed as described in Section 119.80, subject to applicable cost sharing and co-payments set forth in Section 119.90.

~~3) For a Medicare-eligible individual who is enrolled in a non-coordinating Medicare Part D PDP and not enrolled in the Illinois Cares Rx Rebate Program, payment of the monthly Part D premium for basic coverage.~~

c) If a coordinating Medicare Part D PDP has an approved actuarially equivalent benefit design pursuant to section 1860D-2(a)(3)(B) of the Social Security Act, the Department may adjust the threshold at which a beneficiary begins paying 20 percent cost sharing if necessary for the PDP to coordinate administration of the Illinois Cares Rx benefit with the Medicare Part D benefit. The threshold may not be lower than $1,750.

d) An individual determined eligible for Illinois Cares Rx who is enrolled in a third-party plan that provides a pharmacy benefit or a Medicare Part D PDP that is not a Coordinating Medicare Part D PDP may choose the Illinois Cares Rx Rebate option in lieu of receiving the covered services set forth in subsection (a), (b) or (c) of this Section. An individual enrolled in Illinois Cares Rx Rebate receives his or her benefit in the form of a monetary payment (a monthly payment of $25)

made to the individual. An individual who is enrolled in Medicare Part D and has been determined eligible for the full low income subsidy (LIS) may not choose the Illinois Cares Rx Rebate.

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

Section 119.80 Illinois Cares Rx Basic Covered Prescription Drugs

The Illinois Cares Rx Basic Program shall cover pharmaceutical products as described in this Section for the treatment of heart disease and its related conditions, diabetes, arthritis, cancer, Alzheimer's disease, Parkinson's disease, glaucoma, lung disease and smoking related illnesses, osteoporosis and~~,~~ multiple sclerosis~~ and, effective January 1, 2007, for those enrolled in Medicare Part D, HIV or AIDS~~.

a) Drugs prescribed for treatment of heart disease and its related conditions that fall within the following categories qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:

1) Antihypertensives

2) Antiarrhythmics

3) Antihyperlipidemics

4) Cardiac Glycosides

5) Calcium Channel Blockers

6) Vasodilators

7) Anti-Adrenergic/Sympatholytics

8) Renin Angiotensin System Antagonists

9) Diuretics

10) Potassium Supplements

11) Anticoagulants

12) Vasopressor Used in Shock

13) Potassium Removing Agents

14) System Alkalinizers

b) Drugs that fall within the following categories for the treatment of diabetes qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:

1) Insulin

2) Syringes and Needles

3) Oral Hypoglycemics

4) Posterior Pituitary Hormones

5) Hyperglycemics

c) Drugs that fall within the following categories and are prescribed for the treatment of arthritis qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:

1) Adrenocortical Steroids

2) Antimalarials

3) Analgesics

4) Antirheumatic Agents

5) Immunomodulators

6) Immunosuppressives

7) NSAIDS

8) Penicillamine

d) Drugs that fall within the following categories and are prescribed for the treatment of cancer qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:

1) Analgesics

2) Anticonvulsants

3) Antineoplastics

4) Immunomodulators

e) Drugs that fall within the following categories and are prescribed for the treatment of Alzheimer's disease qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:

1) NMDA Receptor Antagonists

2) Cholinesterase Inhibitors

f) Drugs that fall within the following categories and are prescribed for the treatment of Parkinson's disease qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:

1) Antiparkinson Agents, Anticholinergics

2) Antiparkinson Agents, Other

3) Pituitary Suppressive Agents

g) Drugs that fall within the following categories and are prescribed for the treatment of glaucoma qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:

1) Miotics/Other Introcular Pressure Reducers

2) Mydriatics

3) Carbonic Anhydrase Inhibitors

h) Drugs that fall within the following categories and are prescribed for the treatment of lung disease and smoking related illnesses qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:

1) Bronchodilators

2) Diluents

3) Mucolytics

4) Pancreatic Enzymes

5) Smoking Cessation Products

6) Corticosteroid Respiratory Inhalants and Combinations

7) Antituberculosis Agents

8) Mast Cell Stabilizers

9) Leukotriene Receptor Antagonists

10) Leukotriene Formation Inhibitors

11) Monoclonal Antibodies

12) Respiratory Enzymes

i) Drugs that fall within the category of Bone Resorption Inhibitors and are prescribed for the treatment of osteoporosis qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs.

j) Multiple Sclerosis

1) Drugs that fall within the following categories and are prescribed for the treatment of multiple sclerosis qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs:

A) Immunomodulators

B) Immunosuppresives

C) Adrenocortical Steroids

D) Urinary Tract Anti-Spasmodic/Anti-Incontinence Agents,

E) Antibiotics Used in the Treatment of Urinary Tract Infections

F) Antidepressants

G) Urinary Tract Anesthetic/Analgesic Agents

H) Stimulants

I) The following Skeletal Muscle Relaxants: baclofen, dantrolene, tizanidine

2) Coverage of Urinary Tract Anti-Spasmodic/Anti-Incontinence Agents, Antibiotics, Antidepressants, Urinary Tract Anesthetic/Analgesic Agents and Stimulants may be limited to generic agents when appropriate generic agents are available.

~~k) Effective January 1, 2007, for Medicare eligible individuals in eligibility group 5 as defined in 320 ILCS 25/4(g), drugs that are listed on the ADAP formulary and are prescribed for the treatment of HIV or AIDS and its related conditions qualify for inclusion in the Illinois Cares Rx Basic Pharmaceutical Assistance Program as covered prescription drugs.~~

k)~~l)~~ An Illinois Cares Rx Basic covered prescription drug must be approved by the Food and Drug Administration of the federal Department of Health and Human Services for the treatment of a specific disease category.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3)

Section Numbers:	Proposed Action:
148.117	Amendment
148.126	Amendment
148.295	Amendment
148.462	New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 96-821

5) Complete Description of the Subjects and Issues Involved: The rulemaking proposes changes to methods and standards for setting certain payment rates for hospital supplemental payments. In addition, changes are being made pursuant to implementation of the State fiscal year 2010 budget and changes required by Public Act 96-821. The proposed amendments also include new one time supplemental hospital payments, as well as modifications to existing supplemental payments.

Further, this rulemaking will have an expected budgetary impact of $139 million in State fiscal year 2010. $120.3 million are one-time payments in 2010, while $18.6 million will be paid each year in State fiscal years 2010 through 2012.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid-funded hospitals

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

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148.20 Participation
148.25 Definitions and Applicability
148.30 General Requirements
148.40 Special Requirements
148.50 Covered Hospital Services
148.60 Services Not Covered as Hospital Services
148.70 Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

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148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.85 Supplemental Tertiary Care Adjustment Payments
148.90 Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
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148.100 Outpatient Rural Hospital Adjustment Payments
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148.105 Psychiatric Adjustment Payments
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NOTICE OF PROPOSED AMENDMENTS

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148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
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148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments
148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payments (CHAP)
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148.300 Payment
148.310 Review Procedure
148.320 Alternatives
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148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions (Repealed)
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services

148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.390 Hearings
148.400 Special Hospital Reporting Requirements
148.402 Medicaid Eligibility Payments (Repealed)
148.404 Medicaid High Volume Adjustment Payments (Repealed)
148.406 Intensive Care Adjustment Payments (Repealed)
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148.412 Rehabilitation Adjustment Payments (Repealed)
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148.416 Crossover Percentage Adjustment Payments (Repealed)
148.418 Long Term Acute Care Hospital Adjustment Payments (Repealed)
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148.430 Perinatal Outpatient Adjustment Payments (Repealed)
148.432 Supplemental Psychiatric Adjustment Payments (Repealed)
148.434 Outpatient Community Access Adjustment Payments (Repealed)
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148.456 Ambulatory Procedure Listing Increase Payments
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

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148.600 Definitions
148.610 Scope of the Program
148.620 Assistance Level and Reimbursement
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148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
148.TABLE C List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648,

effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at

26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150

days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; peremptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; amended at 34 Ill. Reg. _____, effective _____.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.117 Outpatient Assistance Adjustment Payments

a) Qualifying Criteria. Outpatient Assistance Adjustment Payments, as described in subsection (b) of this Section, shall be made to Illinois hospitals meeting one of the criteria identified in this subsection (a):

1) A hospital that qualifies for Disproportionate Share Adjustment Payments for rate year 2007, as defined in Section 148.120, has an emergency care percentage greater than 70% and has provided greater than 10,500

Medicaid outpatient ambulatory procedure listing services in the outpatient assistance base year.

2) A general acute care hospital that qualifies for Disproportionate Share Adjustment Payments for rate year 2007, as defined in Section 148.120, has an emergency care percentage greater than 85%.

3) A general acute care hospital that does not qualify for Medicaid Percentage Adjustment Payments for rate year 2007, as defined in Section 148.122, located in Cook County, outside the City of Chicago, has an emergency care percentage greater than 63%, has provided more than 10,750 Medicaid outpatient ambulatory procedure listing services in the outpatient assistance base year and has provided more than 325 Medicaid surgical group outpatient ambulatory procedure listing services in the outpatient assistance base year.

4) A general acute care hospital located outside of Cook County that qualifies for Medicaid Percentage Adjustment Payments for rate year 2007 as defined in Section 148.122, is a trauma center recognized by the Illinois Department of Public Health (IDPH) as of July 1, 2006, has an emergency care percentage greater than 58%, and has provided more than 1,000 Medicaid Non-emergency/Screening outpatient ambulatory procedure listing services in the outpatient assistance base year.

5) A hospital that has an MIUR of greater than 50% and an emergency care percentage greater than 80%, and that provided more than 6,000 Medicaid outpatient ambulatory procedure listing services in the outpatient assistance base year.

6) A hospital that has an MIUR of greater than 70% and an emergency care percentage greater than 90%.

7) A general acute care hospital, not located in Cook County, that is not a trauma center recognized by IDPH as of July 1, 2006 and did not qualify for Medicaid Percentage Adjustment payments for rate year 2007, as defined in Section 148.122, has an MIUR of greater than 25% and an emergency care percentage greater than 50%, and that provided more than

8,500 Medicaid outpatient ambulatory procedure listing services in the outpatient assistance base year.

8) A general acute care hospital, not located in Cook County, that is a Level I trauma center recognized by IDPH as of July 1, 2006, has an emergency care percentage greater than 50%, and provided more than 16,000 Medicaid outpatient ambulatory procedure listing services, including more than 1,000 non-emergency screening outpatient ambulatory procedure listing services, in the outpatient assistance base year.

9) A general acute care hospital, not located in Cook County, that qualified for Medicaid Percentage Adjustment payments for rate year 2007, as defined in Section 148.122, has an emergency care percentage greater than 55%, and provided more than 12,000 Medicaid outpatient ambulatory procedure listing services, including more than 600 surgical group outpatient ambulatory procedure listing services and 7,000 emergency services in the outpatient assistance base year.

10) A general acute care hospital that has an emergency care percentage greater than 75% and provided more than 15,000 Medicaid outpatient ambulatory procedure listing services in the outpatient assistance base year.

11) A rural hospital that has an MIUR of greater than 40% and provided more than 16,000 Medicaid outpatient ambulatory procedure listing services in the outpatient assistance base year.

12) A general acute care hospital, not located in Cook County, that is a trauma center recognized by IDPH as of July 1, 2006, had more than 500 licensed beds in calendar year 2005, and provided more than 11,000 Medicaid outpatient ambulatory procedure listing services, including more than 950 surgical group outpatient ambulatory procedure listing services, in the outpatient assistance base year.

13) A general acute care hospital located outside of Illinois that provided more than 300 high tech diagnostic Medicaid outpatient ambulatory procedure listing services in the outpatient assistance base year.

b) Outpatient Assistance Adjustment Payments

1) For hospitals qualifying under subsection (a)(1), the rate is $139.00.

2) For hospitals qualifying under subsection (a)(2), the rate is $850.00.

3) For hospitals qualifying under subsection (a)(3), the rate is $425.00.

4) For hospitals qualifying under subsection (a)(4), the rate is $665.00 through June 30, 2012~~$375.00~~. For dates of service on or after July 1, 2012, the rate is $375.00.

5) For hospitals qualifying under subsection (a)(5), the rate is $250.00.

6) For hospitals qualifying under subsection (a)(6), the rate is $336.25.

7) For hospitals qualifying under subsection (a)(7), the rate is $110.00

8) For hospitals qualifying under subsection (a)(8), the rate is $200.00.

9) For hospitals qualifying under subsection (a)(9), the rate is $128.50 through June 30, 2012~~$48.50~~. For dates of service on or after July 1, 2012, the rate is $48.50.

10) For hospitals qualifying under subsection (a)(10), the rate is $135.00.

11) For hospitals qualifying under subsection (a)(11), the rate is $65.00.

12) For hospitals qualifying under subsection (a)(12), the rate is $90.00.

13) For hospitals qualifying under subsection (a)(13) that have an emergency care percentage greater than 19% but less than 25%, the rate is $141.00. For hospitals qualifying under subsection (a)(13) that have an emergency care percentage greater than 25%, the rate is $494.00.

c) Payment to a Qualifying Hospital

1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by the Medicaid outpatient ambulatory

procedure listing services in the outpatient assistance adjustment base year.

2) For the outpatient assistance adjustment period for fiscal year 2010~~2009~~ and after, total payments will equal the amount determined using the methodologies described in subsection (c)(1) of this Section and shall be paid to the hospital, at least, on a quarterly basis.

3) Payments described in subsections (b)(5) through (b)(12) of this Section are contingent upon approval of federal funding for such payments.

d) Definitions

1) "Emergency care percentage" means a fraction, the numerator of which is the total Group 3 ambulatory procedure listing services as described in Section 148.140(b)(1)(C), excluding services for individuals eligible for Medicare, provided by the hospital in State fiscal year 2005 contained in the Department's data base adjudicated through June 30, 2006, and the denominator of which is the total ambulatory procedure listing services as described in Section 148.140(b)(1), excluding services for individuals eligible for Medicare, provided by the hospital in State fiscal year 2005 contained in the Department's data base adjudicated through June 30, 2006.

2) "General acute care hospital" is a hospital that does not meet the definition of a hospital contained in 89 Ill. Adm. Code 149.50(c).

3) "Outpatient Ambulatory Procedure Listing Payments" means, for a given hospital, the sum of payments for ambulatory procedure listing services as described in Section 148.140(b)(1), excluding payments for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the outpatient assistance base period that were adjudicated by the Department through June 30, 2006.

4) "Outpatient assistance year" means, beginning January 1, 2007, the 6-month period beginning on January 1, 2007 and ending June 30, 2007, and

beginning July 1, 2007, the 12-month period beginning July 1 of the year and ending June 30 of the following year.

5) "Outpatient assistance base period" means the 12-month period beginning on July 1, 2004 and ending June 30, 2005.

6) "Surgical group outpatient ambulatory procedure listing services" means, for a given hospital, the sum of ambulatory procedure listing services as described in Section 148.140(b)(1)(A), excluding services for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the outpatient assistance base period that were adjudicated by the Department through June 30, 2006.

7) "Non-emergency/screening outpatient ambulatory procedure listing services" means, for a given hospital, the sum of ambulatory procedure listing services as described in Section 148.140(b)(1)(C)(iii), excluding services for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the outpatient assistance base period that were adjudicated by the Department through June 30, 2006.

8) "High tech diagnostic Medicaid outpatient ambulatory procedure listing services" means, for a given hospital, the sum of ambulatory procedure listing services described in Section 148.140(b)(1)(B)(ii), excluding services for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the outpatient assistance base period that were adjudicated by the Department through June 30, 2006.

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

Section 148.126 Safety Net Adjustment Payments

a) Qualifying criteria: Safety net adjustment payments shall be made to a qualifying hospital, as defined in this subsection (a), unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006.

A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it meets one of the following criteria:

1) The hospital has, as provided in subsection (e)(6) of this Section, an MIUR equal to or greater than 40 percent.

2) The hospital has the highest number of obstetrical care days in the safety net hospital base year.

3) The hospital is, as of October 1, 2001, a sole community hospital, as defined by the United States Department of Health and Human Services (42 CFR 412.92).

4) The hospital is, as of October 1, 2001, a rural hospital, as described in Section 148.25(g)(3), that meets all of the following criteria:

   A) Has an MIUR greater than 33 percent.

   B) Is designated a perinatal level two center by the Illinois Department of Public Health.

   C) Has fewer than 125 licensed beds.

5) The hospital is a rural hospital, as described in Section 148.25(g)(3).

6) The hospital meets all of the following criteria:

   A) Has an MIUR greater than 30 percent.

   B) Had an occupancy rate greater than 80 percent in the safety net hospital base year.

   C) Provided greater than 15,000 total days in the safety net hospital base year.

7) The hospital meets all of the following criteria:

   A) Does not already qualify under subsections (a)(1) through (a)(6) of this Section.

B) Has an MIUR greater than 25 percent.

C) Had an occupancy rate greater than 68 percent in the safety net hospital base year.

D) Provided greater than 12,000 total days in the safety net hospital base year.

8) The hospital meets all of the following criteria in the safety net base year:

A) Is a rural hospital, as described in Section 148.25(g)(3).

B) Has an MIUR greater than 18 percent.

C) Has a combined MIUR greater than 45 percent.

D) Has licensed beds less than or equal to 60.

E) Provided greater than 400 total days.

F) Provided fewer than 125 obstetrical care days.

9) The hospital meets all of the following criteria in the safety net base year:

A) Is a psychiatric hospital, as described in 89 Ill. Adm. Code 149.50(c)(1).

B) Has licensed beds greater than 120.

C) Has an average length of stay less than ten days.

10) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(9) of this Section.

B) Has an MIUR greater than 17 percent.

C) Has licensed beds greater than 450.

D) Has an average length of stay less than four days.

11) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(10) of this Section.

B) Has an MIUR greater than 21 percent.

C) Has licensed beds greater than 350.

D) Has an average length of stay less than 3.15 days.

12) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(11) of this Section.

B) Has an MIUR greater than 34 percent.

C) Has licensed beds greater than 350.

D) Is designated a perinatal Level II center by the Illinois Department of Public Health.

13) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(12) of this Section.

B) Has an MIUR greater than 35 percent.

C) Has an average length of stay less than four days.

14) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(13) of this Section.

B) Has a Combined MIUR greater than 25 percent.

C) Has an MIUR greater than 12 percent.

D) Is designated a perinatal Level II center by the Illinois Department of Public Health.

E) Has licensed beds greater than 400.

F) Has an average length of stay less than 3.5 days.

15) A hospital provider that would otherwise be excluded from payment by subsection (a) because it does not operate a comprehensive emergency room, if the hospital provider operates within 1 mile of an affiliate hospital provider that is owned and controlled by the same governing body that operates a comprehensive emergency room, as defined in 77 Ill. Adm. Code 250.710(a), and the provider operates a standby emergency room, as defined in 77 Ill. Adm. Code 250.710(c), and functions as an overflow emergency room for its affiliate hospital provider.

16) The hospital has an MIUR greater than 90% in the safety net hospital base year.

17) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(16) of this Section.

B) Is located outside HSA 6.

C) Has an MIUR greater than 16%.

D) Has licensed beds greater than 475.

E) Has an average length of stay less than five days.

18) The hospital meets all of the following criteria in the safety net base year:

A) Provided greater than 5,000 obstetrical care days.

B) Has a combined MIUR greater than 80%.

19) The hospital meets all of the following criteria in the safety net base year:

A) Does not already qualify under subsections (a)(1) through (a)(18) of this Section.

B) Has a CMIUR greater than 28 percent.

C) Is designated a perinatal Level II center by the Illinois Department of Public Health.

D) Has licensed beds greater than 320.

E) Had an occupancy rate greater than 37 percent in the safety net hospital base year.

F) Has an average length of stay less than 3.1 days.

b) The following five classes of hospitals are ineligible for safety net adjustment payments associated with the qualifying criteria listed in subsections (a)(1) through (a)(4), subsections (a)(6) through (a)(8), subsections (a)(10) through (a)(15) and subsections (a)(17) through (a)(19) of this Section:

1) Hospitals located outside of Illinois.

2) County-owned hospitals, as described in Section 148.25(b)(1)(A).

3) Hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B).

4) Psychiatric hospitals, as described in 89 Ill. Adm. Code 149.50(c)(1).

5) Long term stay hospitals, as described in 89 Ill. Adm. Code 149.50(c)(4).

c) Safety Net Adjustment Rates

1) For a hospital qualifying under subsection (a)(1) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:

A) A qualifying hospital – $15.00.

B) A rehabilitation hospital, as described in 89 Ill. Adm. Code 149.50(c)(2) – $20.00.

C) A children's hospital, as described in 89 Ill. Adm. Code 149.50(c)(3) – $20.00.

D) A children's hospital that has an MIUR greater than or equal to 80 per centum that is:

i) Located within HSA 6 or HSA 7 – $296.00.

ii) Located outside HSA 6 or HSA 7 – $35.00.

E) A children's hospital that has an MIUR less than 80 per centum, but greater than or equal to 60 per centum, that is:

i) Located within HSA 6 or HSA 7 – $35.00.

ii) Located outside HSA 6 or HSA 7 – $15.00.

F) A children's hospital that has an MIUR less than 60 per centum, but greater than or equal to 45 per centum, that is:

i) Located within HSA 6 or HSA 7 – $12.00.

ii) Located outside HSA 6 or HSA 7 – $5.00.

G) A children's hospital with more than 25 graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory" – $160.25.

H) A children's hospital that is a rural hospital – $145.00.

I) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital that is located in HSA 6 and that:

i) Provides obstetrical care – $10.00.

ii) Has at least one graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – $5.00.

iii) Has at least one obstetrical graduate medical education program, as listed in the "2000-2001 Graduate Medical Education Directory" – $5.00.

iv) Provided more than 5,000 obstetrical days during the safety net hospital base year – $35.00.

v) Provided fewer than 4,000 obstetrical days during the safety net hospital base year and its average length of stay is: less than or equal to 4.50 days – $5.00; less than 4.00 days – $5.00; less than 3.75 days – $5.00.

vi) Provides obstetrical care and has an MIUR greater than 65 percent – $11.00.

vii) Has greater than 700 licensed beds – $37.75.

J) A qualifying hospital that is neither a rehabilitation hospital nor a children's hospital, that is located outside HSA 6, that has an MIUR greater than 50 per centum, and that:

i) Provides obstetrical care – $280.00 if federal approval is received by the Department for such a rate; otherwise, the rate shall be $70.00.

ii) Does not provide obstetrical care – $120.00 if federal approval is received by the Department for such a rate; otherwise, the rate shall be $30.00.

iii) Is a trauma center, recognized by the Illinois Department of Public Health (IDPH), as of July 1, 2005 – $173.50.

K) A qualifying hospital that provided greater than 35,000 total days in the safety net hospital base year – $43.25.

L) A qualifying hospital with two or more graduate medical education programs, as listed in the "2000-2001 Graduate Medical Education Directory", with an average length of stay fewer than 4.00 days – $48.00.

2) For a hospital qualifying under subsection (a)(2) of this Section, the rate shall be $123.00.

3) For a hospital qualifying under subsection (a)(3) of this Section, the rate is the sum of the amounts for each of the following criteria for which it qualifies:

A) A qualifying hospital – $40.00.

B) A hospital that has an average length of stay of fewer than 4.00 days, and:

i) More than 150 licensed beds – $20.00.

ii) Fewer than 150 licensed beds – $40.00.

C) A qualifying hospital with the lowest average length of stay – $15.00.

D) A hospital that has a CMIUR greater than 65 per centum – $35.00.

E) A hospital that has fewer than 25 total admissions in the safety net hospital base year – $160.00.

4) For a hospital qualifying under subsection (a)(4) of this Section, the rate shall be $110.00 if federal approval is received by the Department for such a rate; otherwise, the rate shall be $55.00.

5) For a hospital qualifying under subsection (a)(5) of this Section, the rate is the sum of the amounts for each of the following for which it qualifies, divided by the hospital's total days:

A) The hospital that has the highest number of obstetrical care admissions – $30,840.00.

B) The greater of:

i) The product of $115.00 multiplied by the number of obstetrical care admissions.

ii) The product of $11.50 multiplied by the number of general care admissions.

6) For a hospital qualifying under subsection (a)(6) of this Section, the rate is $56.00 if federal approval is received by the Department for such a rate; otherwise, the rate shall be $53.00.

7) For a hospital qualifying under subsection (a)(7) of this Section, the rate is $315.50 through June 30, 2012~~$210.50~~ if federal approval is received by the Department for that~~such a~~ rate; otherwise, the rate shall be $210.50~~$175.50~~. For dates of service on or after July 1, 2012, the rate is $210.50.

8) For a hospital qualifying under subsection (a)(8) of this Section, the rate is $124.50.

9) For a hospital qualifying under subsection (a)(9) of this Section, the rate is $133.00 through June 30, 2012. For dates of service on or after July 1, 2012, the rate is $85.50.

10) For a hospital qualifying under subsection (a)(10) of this Section, the rate is $13.75.

11) For a hospital qualifying under subsection (a)(11) of this Section, the rate is $421.00~~$200.00 for dates of service on or after April 1, 2009~~ through

June 30, 2012~~2010~~. For dates of service on or after July 1, 2012~~2010~~, the rate is $39.50.

12) For a hospital qualifying under subsection (a)(12) of this Section, the rate is $240.50 if federal approval is received by the Department for such a rate; otherwise, the rate shall be $120.25.

13) For a hospital qualifying under subsection (a)(13) of this Section, for dates of service on or after April 1, 2009, the rate is $815.00.

14) For a hospital qualifying under subsection (a)(14) of this Section, the rate is $443.75 if federal approval is received by the Department for such a rate; otherwise, the rate shall be $343.75.

15) For a hospital qualifying under subsection (a)(16) of this Section, the rate is $39.50.

16) For a hospital qualifying under subsection (a)(17) of this Section, the rate is $69.00. This reimbursement rate is contingent on federal approval.

17) For a hospital qualifying under subsection (a)(18) of this Section, the rate is $56.00 through June 30, 2012~~$16.00~~. For dates of service on or after July 1, 2012, the rate is $16.00. This reimbursement rate is contingent on federal approval.

18) For a hospital qualifying under subsection (a)(19) of this Section, ~~for dates of service on or after April 1, 2009,~~ the rate is $229.00 through June 30, 2012. For dates of service on or after July 1, 2012, the rate is $145.00.

d) Payment to a Qualifying Hospital

1) The total annual payments to a qualifying hospital shall be the product of the hospital's rate multiplied by two multiplied by total days.

2) For the safety net adjustment period occurring in State fiscal year 2010~~2008~~, total payments will be determined through application of the methodologies described in subsection (c) of this Section.

3) For safety net adjustment periods occurring after State fiscal year

2010~~2008~~, total payments made under this Section shall be paid in installments on, at least, a quarterly basis.

e) Definitions

1) "Average length of stay" means, for a given hospital, a fraction in which the numerator is the number of total days and the denominator is the number of total admissions.

2) "CMIUR" means, for a given hospital, the sum of the MIUR plus the Medicaid obstetrical inpatient utilization rate, determined as of October 1, 2001, as defined in Section 148.120(i)(6).

3) "General care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department by June 30, 2001, excluding admissions for: obstetrical care, as defined in subsection (e)(7) of this Section; normal newborns; psychiatric care; physical rehabilitation; and those covered in whole or in part by Medicare (Medicaid/Medicare crossover admissions).

4) "HSA" means Health Service Area, as defined by the Illinois Department of Public Health.

5) "Licensed beds" means, for a given hospital, the number of licensed beds, excluding long term care and substance abuse beds, as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois."

6) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(i)(5) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2002 shall be the same determination used to determine a hospital's eligibility for safety net adjustment payments in the Safety Net Adjustment Period.

7) "Obstetrical care admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, as tabulated from the Department's claims data, for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001, and were assigned by the Department a diagnosis related grouping (DRG) code of 370 through 375.

8) "Obstetrical care days" means, for a given hospital, days of hospital inpatient service associated with the obstetrical care admissions described in subsection (e)(7) of this Section.

9) "Occupancy rate" means, for a given hospital, a fraction, the numerator of which is the hospital's total days, excluding long term care and substance abuse days, and the denominator of which is the hospital's total beds, excluding long term care and substance abuse beds, multiplied by 365 days. The data used for calculation of the hospital occupancy rate is as listed in the July 25, 2001, Illinois Department of Public Health report entitled "Percent Occupancy by Service in Year 2000 for Short Stay, Non-Federal Hospitals in Illinois".

10) "Safety net hospital base year" means the 12-month period beginning on July 1, 1999, and ending on June 30, 2000.

11) "Safety net adjustment period" means, beginning July 1, 2002, the 12 month period beginning on July 1 of a year and ending on June 30 of the following year.

12) "Total admissions" means, for a given hospital, the number of hospital inpatient admissions for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover admissions), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

13) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title

XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the safety net hospital base year that were adjudicated by the Department through June 30, 2001.

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

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

a) Trauma Center Adjustments (TCA)
The Department shall make a TCA to hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(4) of this Section. For the purpose of a TCA, a children's hospital, as defined under 89 Ill. Adm. Code 149.50(c)(3), operating under the same license as a hospital designated as a trauma center, shall be deemed to be a trauma center.

1) Level I Trauma Center Adjustment.

A) Criteria. Hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by IDPH shall receive the Level I trauma center adjustment. Hospitals qualifying under subsection (a)(2) are not eligible for payment under this subsection.

B) Adjustment. Hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:

i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this

Section, shall receive an adjustment of $21,365.00 per Medicaid trauma admission in the CHAP base period.

ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $14,165.00 per Medicaid trauma admission in the CHAP base period.

2) Level I Trauma Center Adjustment for hospitals located in the same city, that alternate their Level I trauma center designation.

A) Criteria. Hospitals that are located in the same city and participate in an agreement in effect as of July 1, 2007, whereby their designation as a Level I trauma center by the Illinois Department of Public Health is rotated among qualifying hospitals from year to year or during a year, that are in the following classes:

i) A children's hospital − All children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3), in a given city, qualifying under subsection (a)(2)(A) shall be considered one entity for the purpose of calculating the adjustment in subsection (a)(2)(B).

ii) A general acute care hospital − All general acute care adult hospitals, in a given city, affiliated with a children's hospital, as defined in subsection (a)(2)(A)(i), qualifying under subsection (a)(2)(A) shall be considered one entity for the purposes of calculating the adjustment in subsection (a)(2)(B).

B) Adjustment. Hospitals meeting the criteria specified in subsection (a)(2)(A) shall receive an adjustment as follows:

i) If the sum of Medicaid trauma center admissions within either class, as described in subsection (a)(2)(A), is equal to or greater than the mean Medicaid trauma admissions for the 2 classes under subsection (a)(2)(A) of this Section, then each member of that class shall receive an adjustment

of $5,250.00 per Medicaid trauma admission for that class, in the CHAP base period.

ii) If the sum of Medicaid trauma center admissions within either class, as described in subsection (a)(2)(A), is less than the mean Medicaid trauma admissions of the 2 classes under subsection (a)(2)(A) of this Section, then each member of that class shall receive an adjustment of $3,625.00 per Medicaid trauma admission for that class in the CHAP base period.

3) Level II Rural Trauma Center Adjustment. Rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period.

4) Level II Urban Trauma Center Adjustment. Urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(4) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (a)(4) of this Section; and

C) The hospital does not qualify under subsection (a)(2).

5) In determining annual payments that are pursuant to the Trauma Center Adjustments as described in this Section, for the CHAP rate period occurring in State fiscal year 2009, total payments will equal the methodologies described in this Section. For the period December 1, 2008 to June 30, 2009, payment will equal the State fiscal year 2009 amount less the amount the hospital received for the period July 1, 2008 to November 30, 2008.

b) Rehabilitation Hospital Adjustment (RHA)
Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive $4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $229,360.00 in the CHAP rate period.

B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $527,528.00 in the CHAP rate period.

3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive $276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

1) Qualifying Criteria
Hospitals may qualify for the DHA under this subsection (c) under the following categories unless the hospital does not provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on or after July 1, 2006, but did provide comprehensive emergency treatment services as defined in 77 Ill. Adm. Code 250.710(a) on January 1, 2006:

A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:

i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999 and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;

ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999 and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or

iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.

B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999 and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.

C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.

D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.

E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999 and provided more than 15,000 total~~Total~~ days.

F) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999 and provided more than 7,500 total~~Total~~ days and provided obstetrical care as of July 1, 2001.

G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999 that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999 and provided 75 or more Alzheimer days for patients diagnosed as having the disease.

H) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.

I) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(H) of this Section, all other hospitals that had an MIUR greater than 23 percent on July 1,

1999, had an average length of stay less than four days, provided more than 4,200 total~~Total~~ days and provided 100 or more Alzheimer days for patients diagnosed as having the disease.

J) A hospital that does not qualify under subsection (c)(1) of this Section because it does not operate a comprehensive emergency room will qualify if the hospital provider operates a standby emergency room, as defined in 77 Ill. Adm. Code 250.710(c), and functions as an overflow emergency room for its affiliate hospital provider, owned and controlled by the same governing body, that operates a comprehensive emergency room, as defined in 77 Ill. Adm. Code 250.710(a), within one mile of the hospital provider.

2) DHA Rates

A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:

i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive $69.00 per day for hospitals that do not provide obstetrical care and $105.00 per day for hospitals that do provide obstetrical care.

ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive $105.00 per day for hospitals that do not provide obstetrical care and $142.00 per day for hospitals that do provide obstetrical care.

iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive $124.00 per day for hospitals that do

not provide obstetrical care and $160.00 per day for hospitals that do provide obstetrical care.

iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive $142.00 per day for hospitals that do not provide obstetrical care and $179.00 per day for hospitals that do provide obstetrical care.

B) Hospitals qualifying under subsection (c)(1)(A) of this Section will also receive the following rates:

i) County owned hospitals as defined in Section 148.25 with more than 30,000 total~~Total~~ days will have their rate increased by $455.00 per day.

ii) Hospitals that are not county owned with more than 30,000 total~~Total~~ days will have their rate increased by $354.00 per day for dates of service on or after April 1, 2009.

iii) Hospitals with more than 80,000 total~~Total~~ days will have their rate increased by an additional $423.00 per day.

iv) Hospitals with more than 4,500 obstetrical~~Obstetrical~~ days will have their rate increased by $101.00 per day.

v) Hospitals with more than 5,500 obstetrical~~Obstetrical~~ days will have their rate increased by an additional $194.00 per day.

vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by $147.00 per day.

vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by $385.00~~$131.00~~ per day through June 30, 2012~~for dates of service on or after April 1, 2009~~. For dates of service on or after July 1, 2012, the rate is $131.00.

viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999 will have their rate increased by $360.00 per day for dates of service on or after April 1, 2009.

ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by $650.00 per day for dates of service on or after April 1, 2009.

x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by $320.50 per day.

xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by $185.00 per day for dates of service on or after April 1, 2009.

xii) Hospitals with a Combined MIUR greater than 75 percent that have more than 20,000 total days, have an average length of stay less than five days and have at least one graduate medical program will have their rate increased by $148.00 per day.

C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:

i) Qualifying hospitals will receive a rate of $421.00 per day.

ii) Qualifying hospitals with more than 1,500 obstetrical~~Obstetrical~~ days will have their rate increased by $824.00~~$600~~ per day ~~for dates of service on or after April 1, 2009~~ through June 30, 2012~~2010~~. For dates of service on or after July 1, 2012~~2010~~, the rate is $369.00.

D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:

i) Hospitals will receive a rate of $28.00 per day.

ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by $55.00 per day.

iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by $573.00 per day.

iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by:

- For~~$32.00 per day for~~ hospitals that have fewer than 4,000 total~~Total~~ days, $32.00 per day.

- For hospitals that have more than 4,000 total days but fewer than 8,000 total days, $363.00 per day for dates of service through June 30, 2012; for dates of service on or after July 1, 2012, the rate is $246.00 per day.

- For hospitals that have more than 8,000 total days, $295.00 per day for dates of service through June 30, 2012; for dates of service on or after July 1, 2012, the rate is $178 per day.~~; or $246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or $178.00 per day for hospitals that have more than 8,000 Total days.~~

v) Hospitals with more than 3,200 total~~Total~~ admissions will have their rate increased by $328.00 per day.

E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:

i) Hospitals will receive a rate of $41.00 per day.

ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional $14.00 per day.

iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional $191.00 per day for dates of service on or after April 1, 2009.

iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional $41.00 per day.

F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive $188.00 per day.

G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of $55.00 per day.

H) Hospitals that qualify under subsection (c)(1)(G) of this Section will receive the following rates:

i) Hospitals with an MIUR greater than 19.75 percent will receive a rate of $69.00 per day.

ii) Hospitals with an MIUR equal to or less than 19.75 percent, will receive a rate of $11.00 per day.

I) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of $268.00 per day.

J) Hospitals qualifying under subsection (c)(1)(I) of this Section will receive a rate of $328.00 per day if federal approval is received by the Department for such a rate; otherwise, the rate shall be $238.00 per day.

K) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments calculated under this Section may be classified as disproportionate share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.

3) DHA Payments

A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.

B) Payment rates will be multiplied by the total~~Total~~ days.

C) For the CHAP rate period occurring in State fiscal year 2010~~2008~~, total payments will equal the methodologies described in subsection (c)(2) of this Section.

d) Rural Critical Hospital Adjustment Payments (RCHAP)
RCHAP shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this subsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive $367,179.00 per year. The Department shall also make an RCHAP to hospitals qualifying under this subsection at a rate that is the greater of:

1) the product of $1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or

2) the product of $138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

e) Total CHAP Adjustments
Each eligible hospital's critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.

f) Critical Hospital Adjustment Limitations
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased. This limitation does not apply to hospitals qualifying under subsection (a)(2).

g) Critical Hospital Adjustment Payment Definitions
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

1) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.

2) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995 CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996 CHAP rate period; etc.

3) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.

4) "Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.

5) "Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for

normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

6) "Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.

7) "Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.

8) "Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.

9) "Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.31, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0

through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925 through 925.2, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

10) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

11) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

12) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.

13) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

14) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

15) "Total obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

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

Section 148.462 Hospital Medicaid Stimulus Payments

One-time payments shall be made to all eligible Illinois hospitals, for inpatient and outpatient Medicaid services occurring on or after December 10, 2009, in accordance with this Section. The total payment shall be the sum of the following payment methodologies:

a) Rural Emergency Services Stimulus Adjustment (RESA)

1) Qualifying Criteria

A) Rural Illinois hospitals, as defined at 89 Ill. Adm. Code 148.25(g)(3), licensed by the Department of Public Health (IDPH) under the Hospital Licensing Act, certified by IDPH to participate in the Illinois Medicaid Program, and enrolled with the Department of Healthcare and Family Services to participate in the Illinois Medicaid Program; and

B) Provide services as required under 77 Ill. Adm. Code 250.710 in an emergency room subject to the requirements under either 77 Ill. Adm. Code 250.2440(k) or 77 Ill. Adm. Code 250.2630(k).

2) Payment. Hospitals meeting the qualifying criteria shall receive a supplemental outpatient payment equal to the hospital's outpatient ambulatory procedure listing payments for Group 3 services, as defined in Section 148.140(b)(1)(C), except that a qualifying hospital designated as a critical access hospital by IDPH in accordance with 42 CFR 485, subpart F (2001) as of July 1, 2009 shall have the payment determined under subsection (a)(2)(A) of this Section multiplied by 3.5, rounded to the nearest whole dollar.

b) Obstetrical Care Severity and Volume Stimulus Adjustment (OCSVSA)

1) Qualifying Criteria
With the exception of a large public hospital, a hospital designated as of July 1, 2009 by IDPH as a Perinatal Level III facility in accordance with

77 Ill. Adm. Code 250.1820(f)(1)(C) and that provided more than 2,000 Medicaid obstetrical days.

2) Payment. Hospitals meeting the qualifying criteria shall receive a supplemental inpatient payment equal to the product of:

A) The hospital's Medicaid obstetrical days; and

B) $175.00.

c) Illinois Trauma Center Stimulus Adjustment (ITCA)

1) Qualifying Criteria
With the exception of a large public hospital, a hospital designated as of July 1, 2009 by IDPH as a Level I Trauma Center in accordance with 77 Ill. Adm. Code 515.2030 or 515.2035. For the purposes of this payment, hospitals located in the same city that alternate their Level I Trauma Center designation in accordance with 89 Ill. Adm. Code 148.295(a)(2)(A) shall each be deemed eligible for the payment under this Section.

2) Payment. Hospitals meeting the qualifying criteria shall receive a supplemental inpatient payment equal to the product of:

A) The hospital's Medicaid inpatient days; and

B) $22.00.

d) Acute Care Across the Board Stimulus Adjustment (ABSA)

1) Qualifying Criteria
An Illinois hospital, with the exception of a large public hospital and a hospital identified in 89 Ill. Adm. Code 149.50(c)(4).

2) Payment. Hospitals meeting the qualifying criteria shall receive a supplemental inpatient payment equal to the product of:

A) The hospital's Medicaid inpatient days; and

B) $37.00.

e) High Volume Medicaid Dependent Provider Stimulus Adjustment (HVMDA)

1) Qualifying Criteria
With the exception of a large public hospital and hospitals identified in 89 Ill. Adm. Code 149.50(c)(1), (c)(2) and (c)(4), an Illinois hospital qualifying for designation under 89 Ill. Adm. Code 148.120 or 148.122 for the rate year beginning October 1, 2009 and ending September 30, 2010.

2) Payment. Hospitals meeting the qualifying criteria shall receive a supplemental inpatient payment equal to the product of:

A) The hospital's Medicaid inpatient days; and

B) $35.00.

f) Adjustments and Limitations

1) The provisions of this Section shall be in effect:

A) Upon approval by the Department of Health and Human Services in the Title XIX State Plan; and

B) As soon as practicable after the effective date of P.A. 96-821; and

C) As long as the payments under Sections 148.440 through 148.456 remain eligible for federal match under an approved State Plan Amendment, but not beyond December 31, 2010.

2) No hospital shall be eligible for payment under this Section that:

A) Ceases operations prior to federal approval of, and adoption of, administrative rules necessary to effect payments under this Section; or

B) Has filed for bankruptcy or is operating under bankruptcy protection under any chapter of USC 11 (Bankruptcy Code); or

C) Discontinues providing a service recognized by one of the payments for which it qualifies; or

D) Surrenders a license or designation recognized by one of the payments, or has a designation or certification revoked by the authorizing agency or entity.

3) The Department may pay a portion of payments made under this Section in a subsequent State fiscal year to comply with federal law or regulations regarding hospital-specific payment limitations.

g) Definitions. Unless otherwise indicated, the following definitions apply to the terms used in this Section.

"Hospital" means any facility located in Illinois that is required to submit cost reports as mandated in Section 148.210.

"Large public hospital" means a county-owned hospital, as described in Section 148.25(b)(1)(A), a hospital organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), or a hospital owned or operated by a State agency, as described in Section 148.25(b)(6).

"Medicaid inpatient days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover days), for admissions occurring during State fiscal year 2005 as adjudicated by the Department through March 23, 2007.

"Medicaid obstetrical days" means, for a given hospital, the sum of days of inpatient hospital service provided to Illinois recipients of medical assistance under Title XIX of the federal Social Security Act, assigned a diagnosis related group code of 370 through 375, excluding days for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover day), for admissions occurring during State fiscal year 2005, as adjudicated by the Department through March 23, 2007.

"Outpatient Ambulatory Procedure Listing Payments" means, for a given hospital, the sum of payments for individuals covered under the Title XIX Medicaid State

Plan, for its ambulatory procedure listing Group 3 services as described in Section 148.140(b)(1)(C), excluding payments for individuals eligible for Medicare under Title XVIII of the Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the outpatient assistance base period that were adjudicated by the Department through March 23, 2007.

h) Rate Reviews
Rate reviews shall be conducted in accordance with 89 Ill. Adm. Code 148.458(c)(2).

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

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

1) Heading of the Part: Public Access Counselor

2) Code Citation: 53 Ill. Adm. Code 300

3)

Section Numbers:	Proposed Action:
300.10	New
300.20	New
300.100	New
300.110	New
300.120	New
300.130	New
300.140	New
300.250	New
300.300	New

4) Statutory Authority: Section 7 of the Attorney General Act [15 ILCS 205/7], added by Public Act 96-542, effective January 1, 2010

5) A Complete Description of the Subjects and Issues Involved: Among the changes made by Public Act 96-542 is the amendment of the Attorney General Act to create the Office of Public Access Counselor (PAC) in the Office of the Attorney General. The PAC is to play key roles in the exercise of powers newly granted to the Attorney General with respect to the resolution of disputes that arise under the Open Meetings Act (OMA) [5 ILCS 120] and the Freedom of Information Act (FOIA) [5 ILCS 140] and with respect to the training of public officials as to their responsibilities under those statutes. The Attorney General must develop electronic OMA and FOIA training curricula that must be successfully completed by, in the case of OMA, designated officials and, in the case of FOIA, by Freedom of Information officers by June 30, 2010. This rulemaking establishes the characteristics of the new training programs, including their availability over the Internet, the subject matter to be covered, and information that must be provided in order for a trainee to obtain documentation of having successfully completed a training program. The rules would allow the PAC to accept lists of employees, officers and members of public bodies who are required to complete OMA training from the governing bodies of units of local governments and school districts on behalf of other public bodies under their control, and they establish a time frame for submission of those lists by public bodies that are created after June 30, 2010.

Regarding the procedures for PAC review, the rules resolve some potential ambiguity in the statutes by clarifying how certain time limits apply and when PAC review of the

assertion of certain FOIA exemptions is deemed concluded for purposes of the tolling of FOIA response times.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: Neither creates nor enlarges a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: During the first notice period by writing:

Cara Smith
Public Access Counselor
Office of the Attorney General
100 W. Randolph Street
12th Floor
Chicago, IL 60601

312/814-5526

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: All small municipalities are affected.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) This rulemaking was not included on either of the 2 most recent agendas because: The statutes authorizing and implemented by this rulemaking had not yet become law at the time of publication of the Attorney General's most recent regulatory agendas.

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

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

TITLE 53: INTERGOVERNMENTAL RELATIONS
CHAPTER III: ATTORNEY GENERAL

PART 300
PUBLIC ACCESS COUNSELOR

Section
300.10 Definitions
300.20 Purpose
300.100 Training Requirements
300.110 Electronic Training Availability and Certification
300.120 Training Curricula Format
300.130 OMA Training Subject Matter
300.140 FOIA Training Subject Matter
300.250 OMA Review Time Line
300.300 Tolling of FOIA Response or Compliance Times

AUTHORITY: Authorized by Section 7 of the Attorney General Act [15 ILCS 205/7] and implementing Sections 1.05 and 3.5 of the Open Meetings Act [5 ILCS 120/1.05 and 3.5] and Sections 3.5 and 9.5 of the Freedom of Information Act [5 ILCS 140/3.5 and 9.5].

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

Section 300.10 Definitions

FOI: Freedom of Information

FOIA: Freedom of Information Act [5 ILCS 140]

OMA: Open Meetings Act [5 ILCS 120]

PAC: Public Access Counselor

Section 300.20 Purpose

Effective January 1, 2010, Public Act 96-542 created the Office of Public Access Counselor in the Office of the Attorney General and authorized the Attorney General to promulgate rules to implement the powers granted to the Attorney General by Section 7(c) of the Attorney General Act [15 ILCS 205/7(c)] and exercised through the Public Access Counselor. Included among

those powers are the power to develop and make available electronic OMA and FOIA training curricula and the power to resolve matters brought to the attention of the Public Access Counselor by means of a request for review under either the OMA or FOIA. This Part prescribes the content of and delivery procedure for OMA and FOIA training and establishes limited procedural requirements to supplement those in the OMA and FOIA for the handling of requests for review.

Section 300.100 Training Requirements

a) Every public body (as that term is defined in Section 1.02 of the OMA) shall designate the employees, officers or members who must complete the electronic OMA training curriculum established pursuant to this Part and submit a list of those designees to the PAC by U.S. mail, e-mail or facsimile transmission.

1) OMA designees must complete the electronic OMA training program established pursuant to this Part by June 30, 2010.

2) A public body created after June 30, 2010 shall submit a list of its OMA designees to the PAC within 30 days after its first meeting, and the designees must complete the OMA training curriculum within 30 days after the designation.

3) The governing body of a unit of local government, school district or State agency may submit lists of OMA designees for itself as well as on behalf of its committees and subcommittees and advisory, subsidiary or other public bodies within its control.

b) Freedom of Information Officers designated pursuant to Section 3.5 of the FOIA must successfully complete the electronic FOIA training program established pursuant to this Part by June 30, 2010.

c) After June 30, 2010, a new OMA designee or FOI officer must successfully complete the electronic OMA or FOI training curriculum, respectively, within 30 days after the designation.

d) After June 30, 2010, an OMA designee or FOI officer who has completed the applicable training under this Part must, on an annual basis, complete whatever applicable OMA or FOIA training curriculum established pursuant to this Part is available at the time of retraining.

Section 300.110 Electronic Training Availability and Certification

a) The Attorney General will make the OMA and FOIA electronic training content available to the public through the Attorney General's official web site, which can be found at: http://www.illinoisattorneygeneral.gov/.

b) In order to receive a certificate of completion generated by the training system upon successful completion of the training program, an OMA or FOIA designee must, at the beginning of the training session, enter the following information:

1) Name, title, business telephone number, business address and, if available, e-mail address of trainee;

2) Name, telephone number, address and, if available, e-mail address of the trainee's public body or bodies;

c) The printable certificate of training completion generated by the training system will show the name of the trainee, date of completion and the names of the public bodies with respect to which the trainee is designated as identified by the trainee.

Section 300.120 Training Curricula Format

a) The OMA and FOIA training curricula will be presented over the Internet in a form that will include explanatory materials, references to particular statutory provisions, hypothetical factual situations, and questions based upon the application of the legal requirements to the hypothetical facts. When training is being completed for the purpose of generating a certificate of completion, the trainee will need to correctly answer the questions in one portion in order to move on to the next and complete the training. The training programs will allow the trainee to have unlimited attempts to answer each question correctly.

b) The specific content of the training curricula may change over time as the law and experience require. In general, however, the curricula will cover the subject matter areas set forth in Sections 300.130 and 300.140.

Section 300.130 OMA Training Subject Matter

The electronic OMA training curriculum shall include, but is not limited to, the following subjects regarding the responsibilities of public bodies and their members:

a) The purposes of the OMA;

b) The scope of the OMA, including definitions of the terms "public body" and "meeting";

c) Meeting requirements, including:

1) Openness and exceptions

2) Notice and posting of agendas

3) Agendas

4) Closed meeting procedures

5) Minutes of open and closed meetings;

d) The role of the PAC and the request for review process;

e) Enforcement.

Section 300.140 FOIA Training Subject Matter

The electronic FOIA training curriculum shall include, but is not limited to, the following subjects regarding the responsibilities of public bodies and their members:

a) The purposes of the FOIA;

b) The scope of the FOIA, including definitions of the terms "public body" and "public record";

c) Disclosure requirements, including:

1) Duty to disclose and key exceptions

2) Time frames and procedures for responding to requests

3) Fees

4) Redaction;

d) The role of the PAC and the request for review process;

e) Enforcement.

Section 300.250 OMA Review Time Line

Pursuant to Section 3.5 of the OMA, any person who believes that a violation of the OMA has occurred may file a request for review with the PAC no later than 60 days after the alleged violation occurred.

a) Unless the PAC determines that the alleged violation is unfounded, the PAC shall forward a copy of a request for review of the alleged violation to the public body that is the subject of the allegation within 7 working days after the PAC's receipt of the request.

b) Section 3.5(e) of the OMA gives the Attorney General up to 60 days "after initiating review" of the request for review to make findings of fact and conclusions of law and issue a binding opinion, subject to an extension of up to 21 business days. For purposes of that subsection, the Attorney General will be deemed to initiate review of a request for review:

1) when the public body has furnished all the records or other documents specified by the PAC; or

2) when the PAC determines that no further response from the public body is reasonably forthcoming.

Section 300.300 Tolling of FOIA Response or Compliance Times

Section 9.5(b) of FOIA requires a public body that asserts that records responsive to a request made pursuant to FOIA are exempt from disclosure under the exemptions in subsection 7(1)(c) or (f) of FOIA to give written notice to the PAC of its intention to deny the request in whole or in part on that basis. It also provides that the public body's time for response or compliance shall be tolled until the PAC concludes his or her inquiry. For purposes of the tolling provision, the PAC

is deemed to have concluded the inquiry when the public body receives notice from the PAC that further inquiry is not warranted or that the PAC has concluded the inquiry.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Minimum Health Care Standards for Health Maintenance Organizations

2) Code Citation: 77 Ill. Adm. Code 240

3) Section Number: 240.60 — Proposed Action: Amend

4) Statutory Authority: Health Maintenance Organization Act [215 ILCS 125]

5) A Complete Description of the Subjects and Issues Involved: 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, 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 in favor of a "random" review. 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].

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

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

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

11) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

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

13) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: HMOs

B) Reporting, bookkeeping or other procedures required for compliance: Maintaining records and minutes of quarterly medical record review meetings

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 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. _____, effective _____.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

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~~on-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;~~,~~ and

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

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

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) AThere shall be a written medical record review program shall:that

A) Establishestablishes minimum chart standards thatwhich shall be consistent with the medical record standards contained in this Part (seeSee Section 240.90);,

B) Provideprovides for a random review and evaluation of the medical record documentation of each primary care physicians pursuant to the HMO policy, demonstrating that the HMO has assessed medical record practices;physician at least once every two years, and

C) Includeincludes 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.

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.

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. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Children's Community-Based Health Care Center Program Code

2) Code Citation: 77 Ill. Adm. Code 260

3)

Section Numbers:	Proposed Action:
260.1200	Amend

4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]

5) A Complete Description of the Subjects and Issues Involved:

Part 260 establishes minimum standards for children's community-based health care centers, including the requirements for licensure.

This rulemaking implements Public Act 96-129, which exempts centers from the requirement to obtain a Certificate of Need from the Health Facilities Planning Board prior to applying for licensure.

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

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

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

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

Section Number:	Proposed Action:	Ill. Reg. Citation:
260.1000	Amend	September 4, 2009; 33 Ill. Reg. 12362
260.1900	Amend	September 4, 2009; 33 Ill. Reg. 12362
260.2500	Amend	September 4, 2009; 33 Ill. Reg. 12362

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

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:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Children's community-based health care centers

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: July 2009

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

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

PART 260
CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTER PROGRAM CODE

Section

260.1000 Definitions
260.1050 Incorporated and Referenced Materials
260.1100 Demonstration Program Elements
260.1200 Application for and Issuance of a License to Operate a Children's Community-Based Health Care Center Model
260.1300 Obligations and Privileges of Children's Community-Based Health Care Center Models
260.1400 Inspections and Investigations
260.1500 Notice of Violation and Plan of Correction
260.1600 Adverse Licensure Action
260.1700 Policies and Procedures
260.1750 Health Care Worker Background Check
260.1800 Admission and Participation Practices
260.1900 Child's Rights
260.2000 Child Care Services
260.2100 Medication Administration
260.2200 Personnel
260.2300 Food Service
260.2400 Physical Plant
260.2500 Quality Assessment and Improvement

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

SOURCE: Adopted at 22 Ill. Reg. 3899, effective February 20, 1998; amended at 24 Ill. Reg. 14016, effective August 31, 2000; amended at 26 Ill. Reg. 11974, effective July 31, 2002; emergency amendment at 27 Ill. Reg. 7937, effective April 30, 2003, for a maximum of 150 days; emergency expired September 26, 2003; amended at 27 Ill. Reg. 18070, effective November 12, 2003; amended at 30 Ill. Reg. 883, effective January 9, 2006; amended at 31 Ill. Reg. 3008, effective February 2, 2007; amended at 34 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Section 260.1200 Application for and Issuance of a License to Operate a Children's Community-Based Health Care Center Model

a) Applications for a license to operate a Children's Community-Based Health Care Center Model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:

~~1) Proof of a Certificate of Need to establish and operate a Children's Community-Based Health Care Center Model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act [20 ILCS 3960];~~

1)~~2)~~ The name of the proposed Model;

2)~~3)~~ The address of the proposed Model;

3)~~4)~~ A precise description of the site of the proposed Model;

4)~~5)~~ The maximum occupancy of the Model;

5)~~6)~~ The name and address of the registered agent or other individual authorized to receive Service of Process for the Model licensee;

6)~~7)~~ The name of the person or persons under whose management or supervision the center will be operated;

7)~~8)~~ Documentation of compliance with Section 260.2300 of this Part; and

8)~~9)~~ The Model's admission policies and procedures in accordance with Section 260.1800 of this Part.

b) An application for initial licensure shall be accompanied by an application fee of $500 plus $100 for each bed.

c) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.

d) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year. The

license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application.

e) An application for license renewal shall be filed with the Department 90 to 120 days prior to the expiration of the license, on forms provided by the Department.

1) The renewal application shall comply with the requirements of subsections (a) and (b) of this Section; and

2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (d) of this Section.

f) *The Department may issue a provisional license to any* Children's Community-Based Health Care Center *Model that does not substantially comply with the provisions of the Act* and this Part:

1) A provisional license may be issued only *if the Department finds that*:

A) *The Model has undertaken changes and corrections which upon completion will render the Model in substantial compliance with the Act; and*

B) *The health and safety of the patients* in the Model *will be protected during the period for which the provisional license is issued.* (Section 30(c) of the Act)

2) *The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:*

A) *The manner in which the Model fails to comply with the provisions of the Act;*

B) The changes and corrections that shall be completed;

C) *The time within which the necessary changes and corrections shall be completed* (Section 30(c) of the Act); and

D) The interim actions that are necessary to protect the health and

safety of the patients.

g) The Children's Community-Based Health Care Center Model license or provisional license shall be prominently displayed in an area accessible to the public.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) Heading of the Part: Health Care Personnel Vaccination Code

2) Code Citation: 77 Ill. Adm. Code 956

3)

Section Numbers:	Proposed Action:
956.10	New
956.20	New
956.30	New
956.APPENDIX A	New

4) Statutory Authority: Section 2310-195, Section 2310-610, and Section 2310-650 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-195, 2310/2310-610, and 2310/2310-650]

5) A Complete Description of the Subjects and Issues Involved: These rules are part of the Illinois Department of Public Health's efforts to combat influenza. The rules implement Public Act 96- 0823, which amended the Department of Public Health Powers and Duties Law to authorize the Department to require any facility licensed by the Department to implement an influenza vaccination program that ensures that employees are offered the opportunity to be vaccinated against seasonal influenza and other novel/pandemic influenza viruses as vaccines become available. The rules will provide health care settings with procedures to implement employee vaccination programs for each influenza season. The 2009-2010 influenza season presents the potential for the simultaneous circulation of both seasonal influenza viruses and the pandemic H1N1 strain. Seasonal and pandemic influenza places a great demand on the health care delivery system by making many people ill over a short period of time, so that every available health care worker may be necessary to provide care. Health care personnel who do not provide direct care must also be protected from influenza, because their work is essential to the efficient and effective delivery of health care. In addition, exposed health care personnel themselves can transmit the disease. Many professional organizations, such as the Centers for Disease Control and Prevention (CDC), the Joint Commission for the Accreditation of Health Care Organizations (JCAHO), and the National Foundation for Infectious Diseases, endorse the universal, annual vaccination of health care workers and health facility employees. The purposes of these rules are to increase vaccination rates, to reduce the incidence of illness among health care workers, and to reduce transmission rates in the population of the State.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

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: "Influenza Vaccination of Health-Care Personnel: Recommendations of the Healthcare Infection Control Practices Advisory Committee (HICPAC) and the Advisory Committee on Immunization Practices (ACIP)" Morbidity and Mortality Weekly Report (MMWR) February 24, 2006; www.cdc.gov/mmwrhtml/rr5502a1.htm

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: This rulemaking does not create or expand a State mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

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

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

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Health care settings as defined in the Proposed Rules

B) Reporting, bookkeeping or other procedures required for compliance: documentation that vaccination has been offered; retention of declination statements of personnel who decline vaccination

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent Regulatory Agendas because: The need for the rulemaking was not apparent at the time that the Regulatory Agendas were prepared.

The full text of the Proposed Rules is identical to the Emergency Rules that appear in this issue of the *Illinois Register* on page 996:

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Carnival and Amusement Ride Safety Act

2) Code Citation: 56 Ill. Adm. Code 6000

3)

Section Numbers:	Adopted Action:
6000.10	Amended
6000.15	New Section
6000.20	Amended
6000.25	New Section
6000.30	Amended
6000.50	Amended
6000.70	Amended
6000.80	Amended
6000.85	Amended
6000.100	Amended
6000.110	Amended
6000.120	Amended
6000.130	Amended
6000.150	Amended
6000.160	Amended
6000.170	Amended
6000.190	Amended
6000.220	Amended
6000.250	Amended
6000.270	Amended
6000.280	Amended
6000.290	Amended
6000.302	Amended
6000.308	Amended
6000.320	Amended
6000.340	Amended

4) Statutory Authority: Authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85]

5) Effective Date of Amendments: December 29, 2009

6) Does this rulemaking contain an automatic repeal date? No

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENTS

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Springfield office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: February 6, 2009; 33 Ill. Reg. 1836

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Minor, non-substantive changes were made as recommended by JCAR. In addition, Section 6000.15 was added to the text of the rule at the request of JCAR in order to provide citations for all incorporations by reference in one location. Also, the proposal to change the rulemaking agency from the Board to the Department of Labor will be accomplished at a later date by recodification.

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

15) Summary and Purpose of Amendments: The rulemaking is being implemented in order to reflect changes to the existing law and update incorporated safety standards. The rulemaking includes clarifications and additions to the definitions, specifies qualifications for the Department's inspectors, specifies requirements for itinerary and/or route sheets, updates amusement ride safety standards, updates electrical standards and incorporates safety standards for inflatable amusement attractions. In addition, the rulemaking also reflects changes to the existing law pursuant to Public Act 95-397, Public Act 95-687 and Public Act 96-151 relating to criminal history records checks and sex offender registry checks for carnival workers.

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

Sara Scherer
Illinois Department of Labor
1 W. Old State Capitol Plaza, 3rd Floor 217/558-1270
Springfield, Illinois 62701

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

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000
CARNIVAL AND AMUSEMENT RIDE SAFETY ACT

Section	
6000.10	Definitions
6000.15	Incorporated and Referenced Materials
6000.20	Exemptions
6000.25	Qualifications of Inspectors
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit, Inspection and Associated Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	Amusement Ride and Amusement Attraction Design and Construction
6000.80	Insurance
6000.85	Requirements for Liability Insurance, Bond or Deposit of Security
6000.90	Penalties
6000.100	Appeals of Permit Denials
6000.110	Assembly and Disassembly
6000.120	Operator Requirements
6000.130	Operator Authority Regarding Passenger Safety~~Passenger Conduct~~
6000.140	Signal Systems
6000.150	Daily Inspection and Test
6000.160	Reports
6000.170	Maintenance
6000.180	Stop Operation Order
6000.190	Fire Prevention and Protection
6000.200	Internal Combustion Engines
6000.210	Means of Access and Egress
6000.220	Electrical Equipment – Amusement Rides and Amusement Attractions
6000.230	Hydraulic Systems
6000.240	Air Compressors and Equipment
6000.250	Wire Rope
6000.260	Chain
6000.270	Inflatable~~Inflated~~ Amusement Attractions ~~and Inflated Buildings~~
6000.280	Non-Destructive Testing

CARNIVAL-AMUSEMENT SAFETY BOARD

NOTICE OF ADOPTED AMENDMENTS

6000.290 Ski Lifts, Aerial Tramways, and Rope Tows
6000.300 Go-Karts, Dune Buggies, and All-Terrain Vehicles (Repealed)
6000.302 Outdoor and Indoor Concession Go-Karts
6000.305 Racing Go-Karts
6000.308 Dune Buggies and All-Terrain Vehicles
6000.310 Water Slides (Repealed)
6000.320 Dry Type Slides
6000.330 Trams
6000.340 Bungee Jumping

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act [430 ILCS 85].

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10 Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5896, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 24 Ill. Reg. 490, effective January 1, 2000; amended at 26 Ill. Reg. 871, effective January 9, 2002; amended at 27 Ill. Reg. 17992, effective November 14, 2003; amended at 28 Ill. Reg. 10569, effective July 19, 2004; amended at 30 Ill. Reg. 12093, effective June 30, 2006; amended at 34 Ill. Reg. 763, effective December 29, 2009.

Section 6000.10 Definitions

In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act (the Act) [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this Part:

"Act" means the Carnival and Amusement Rides Safety Act [430 ILCS 85].

"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

"All-Terrain Vehicle" or "~~(~~ATV"~~)~~ means any vehicle designed and manufactured for off-road use.

"A.M. Best" or "Best" is the abbreviation for A.M. Best Company, Ambest Road, Oldwick, New Jersey 08858.

"Annual Inspection" is the official inspection of an amusement~~a~~ ride or amusement attraction performed~~device made~~ by the Director or the Director's~~his~~ designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

"ASNT" is the abbreviation for the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box #28518, Columbus, Ohio 43228-0518.

"ASTM" means ASTM International~~is the abbreviation for American Society for Testing and Materials~~, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

"Board" means the Carnival-Amusement Safety Board as defined in Section 2-3 of the Act.

"Carnival" means an enterprise which offers amusement or entertainment to the public by means of one or more amusement attractions or amusement rides. (Section 2-2(5) of the Act)

"Carnival Worker" means a person who is employed (and is therefore not a volunteer) by a carnival or fair to manage, physically operate, or assist in the operation of an amusement ride or amusement attraction when it is open to the public. (Section 2-2(8) of the Act)

"Concession Go-kart" means a go-kart specifically designed and manufactured for indoor and/or outdoor use for up to 15 mph.

"Department" means Illinois Department of Labor. (Section 2-2(2) of the Act)

"Director" means the Director of the Illinois Department of Labor or the Director's~~his~~ designee. (Section 2-2(1) of the Act)

"Dry Slides" means an inclined surface with a change in elevation of 20~~twenty~~ feet or more upon which people slide or are conveyed.

"Dune Buggy" means a small vehicle generally made from standard compact rear engine chassis and prefabricated, often fiberglass body, originally equipped with wide low-pressure tires for driving on sand.

"Employee", for purposes of this Part, means an individual who is performing services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

"Employed" means to perform services for pay or lodging as an attendant or assistant on an amusement ride or amusement attraction.

"Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with which amusement rides or amusement attractions are operated. (Section 2-2(6) of the Act)

"Inflatable Amusement Attraction" means a device consisting of air-filled structures designed for use, as specified by the manufacturer, that may include but is not limited to bounce, climb, slide or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape. This definition shall not include inflatable devices that are used for professional exhibition or stunt work, safety and rescue activities, aerial or aviation structures or devices, exhibit floats or similar inflatable devices.

"In-line Riding" means one person in front of the other.

"Kiddie Kart" means karts that are designed for 75 pounds or less per passenger and go less than 10 mph.

"Kiddie Rides" are those amusement rides or amusement attractions that~~which~~ are

designed for 75 pounds or less per passenger.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those amusement rides or amusement attractions that are designed for more than 75 pounds per passenger unit.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions. (Section 2-2(7) of the Act) For the purpose of this Part:

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, that owns an amusement ride or amusement attraction.

Agent means a person employed by the Owner to carry out the responsibilities of management on the Owner's behalf.

Manager means a person employed by the Owner and who is responsible to the Agent or the Owner for the day-to-day on-site management of the amusement rides ~~and/~~or amusement attractions.

Attendant means a person employed by the Owner to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the Owner to assist the Attendant in operating an amusement ride or amusement attraction when it is open to

the public.

"Payment of Fees" as used in this Part shall be deemed made when the Department receives in the Springfield office all fees due as calculated on the application in the form of a check or money order made payable to "Illinois Department of Labor". All fees shall be paid before a permit to operate an amusement ride or ~~an~~ amusement attraction is issued.

"Permit" means a permit issued annually by the Department allowing an amusement ride or ~~an~~ amusement attraction unit to be operated in the State of Illinois.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the amusement ride or amusement attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

"Racing Go-Kart" means a go-kart specifically designed and manufactured for racing at 15 mph or more, for indoor or outdoor use.

"Roll Over Protection System" means a system that supports the combined driver and/or passenger weight capacity, as specified by the manufacturer, and the weight of the vehicle.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"SAE" means the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale PA 15096-0001.

"Serious Injury" means an injury for which treatment by a licensed physician is required.

"Snell Foundation" means Snell Memorial Foundation, 3628 Madison Avenue, North Highlands CA 95660.

"Tram" means *any*~~: *Any*~~ *tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the*

Secretary~~secretary~~ of State~~state~~, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides. (Section 2-2(4) of the Act)

"Volunteer" means a person who operates or assists in the operation of an amusement ride or amusement attraction for an owner or operator without pay or lodging. An individual shall not be considered a volunteer if the individual is otherwise employed by the same owner or operator to perform the same type of service as those for which the individual proposes to volunteer. (Section 2-2(9) of the Act)

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.15 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part. All incorporations by reference refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.

1) Private and professional association standards:

A) A.M. Best Bond and Liability Insurance Ratings, available from A.M. Best Company, Ambest Road, Oldwick, New Jersey 08858.

B) The following standards and recommended practices of the American National Standards Institute, Inc. (ANSI), which may be obtained from the American National Standards Institute, Inc., 25 West 43rd Street, 4th Floor, New York, New York 10036:

i) Standards

ANSI B-77.1 – 2006 Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements (2006); and

ANSI B30.5 – 2000 Safety Standard for Mobile and Locomotive Cranes (2006).

ii) Recommended Practices

ANSI SAE J-1241 Surface Vehicle Recommended Practices (1999).

C) American Society for Nondestructive Testing, Inc. (ASNT) Recommended Practice No. SNT-TC-1A, 2006, which may be obtained from the American Society for Nondestructive Testing, Inc., 1711 Arlingate Plaza, P.O. Box 28518, Columbus, Ohio 43228-0518.

D) The following standards of the ASTM International (ASTM), which may be obtained from the ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959:

i) ASTM F698-94 (Reapproved 2000) Standard Specification for Physical Information to be Provided for Amusement Rides and Devices (2000);

ii) ASTM F770-06a Standard Practice for Ownership and Operation of Amusement Rides and Devices (2006);

iii) ASTM F846-92 (Reapproved 2003) Standard Guide for Testing Performance of Amusement Rides and Devices (2003);

iv) ASTM F853-05 Standard Practice for Maintenance Procedures for Amusement Rides and Devices (2005);

v) ASTM F2374-07a Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices (2007); and

vi) ASTM F2007-07 Standard Practice for the Classification, Design, Manufacture, and Operation of Concession Go Karts and Facilities (2007).

E) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

i) NFPA 10, Standard for Portable Fire Extinguishers (2007);

ii) NFPA 30, Flammable and Combustible Liquids Code (2003);

iii) NFPA 70, National Electrical Code – Article 525 Carnivals, Circuses, Fairs, and Similar Events (2005); and

iv) NFPA 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films (1999).

F) SAE J-1241-1999 Surface Vehicle Recommended Practice, which may be obtained from the Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, Pennsylvania 15096-0001 (1999).

G) Snell Helmet Safety Standards, which may be obtained from Snell Memorial Foundation Inc., 3628 Madison Avenue, North Highlands, California 95660 (1998).

b) All incorporations by reference of federal regulations refer to the regulations on the date specified and do not include any editions or amendments subsequent to the date specified.

1) 29 CFR 1910.180 (2006); and

2) 29 CFR 1926.550(g) (2006).

c) The following State statutes are referenced in this Part:

1) Freedom of Information Act [5 ILCS 140];

2) Carnival and Amusement Rides Safety Act [430 ILCS 85];

3) Illinois Controlled Substances Act [720 ILCS 570]; and

4) Weights and Measures Act [225 ILCS 470].

(Source: Added at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.20 Exemptions

The following amusement rides or amusement attractions are exempt from the provisions of this Act:

a) *Any amusement ride or amusement attraction which is owned or operated by a non-profit religious, educational or charitable institution or association if such amusement ride or amusement attraction is located within a building subject to inspection by the State Fire Marshal ~~marshall~~ or by any political subdivisions of the State under its building, fire, electrical, and related public safety ordinances, and the amusement ride or amusement attraction itself is subject to inspection by a political subdivision of the State in accordance with Section 2-17*. (Section 2-16 of the Act)

b) Unpowered, non-mechanized playground equipment including but not limited to: swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and trampolines.

c) Any single passenger manually, mechanically, or electrically operated, coin-actuated ride that~~, which~~ is customarily placed singly, or in groups, in a public location and that~~which~~ does not normally require the supervision or services of an operator.

d) Any amusement ride or amusement attraction that is not open to the general public and where admission is monitored and strictly controlled by invitation, company or group identification or other means of identification.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.25 Qualifications of Inspectors

All amusement ride and amusement attraction inspectors shall meet the following qualifications:

a) have knowledge, skills and mental development equivalent to completion of two years of technical school or college with courses in mechanical engineering, physical sciences, or related fields (related work experience in safety inspections or the carnival and amusement ride industry may be substituted on a year-for-year basis);

b) have a working knowledge of effective methods of inspection and enforcement;

c) have the ability to prepare clear and concise inspection reports;

d) have a working knowledge of the fundamental principles of accepted safety and health practices and methods;

e) have the ability to interpret laws, rules, regulations and standards associated with carnival and amusement ride safety;

f) have the ability to climb amusement rides or amusement attractions and tolerate heights and work in extreme outdoor weather conditions;

g) receive annual training or continuing education regarding carnival and amusement ride safety and occupational safety and health issues; and

h) possess a valid Illinois driver's license and have the ability to travel.

(Source: Added at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.30 Inspections

a) The inspector, upon presenting credentials, is authorized without prior notice to inspect and investigate during regular working hours, any establishment, assembly area, or other area where amusement rides or amusement attractions are assembled or are in use.

b) Inspection includes a review of necessary documents required under this Part, observance and/or inspection of amusement ride or amusement attraction assembly or set-up. Inspection of the amusement ride or amusement attraction is to include: foundation, blocking, fuel containers, mechanical conditions, and safe operation of the amusement ride or amusement attraction.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.40 Application for a Permit to Operate

a) No amusement ride or amusement attraction shall be operated for public use at a carnival or fair in this State without a permit having been issued by the Director to the owner of such equipment.

b) The permit will be valid for one calendar year. Permits are valid January 1 through December 31. A permit is not transferable and if the owner transfers ownership of the amusement ride or amusement attraction, all rights secured under the permit are terminated.

c) At least 30 days prior to the first day of operation or the expiration of the permit~~On or before the first day of May each year~~, the owner or agent shall apply to the Director for a permit to operate in Illinois. ~~The application shall be made upon forms furnished by the Director.~~ The application shall be made on a form to be supplied by the Department~~number IL 452-0005~~ and be accompanied by a certificate of insurance in the amount as set forth in Section 2-14 of the Act, Non-Destructive Test Certificates as required by Section 6000.280, the times and places where the amusement rides or amusement attractions will be available for inspection, and a check or money order for the required fees.

d) Inspections will be scheduled as expeditiously as practicable, considering the availability of inspectors, the location of the sites to be inspected, and the complexity of the inspection.

e) If an amusement ride or amusement attraction undergoes a major alteration or is repaired after a major breakdown it shall be reinspected.

f) Permit and inspection fees are non-refundable and shall be delivered to Illinois Department of Labor, Carnival and Amusement Ride Inspection Division, #1 West Old State Capitol Plaza, Room 300, Springfield IL 62701. Without exception, payment may not be made to an inspector.

g) No permit will be issued if there are any:

1) Outstanding charges or fees;

2) Open Stop Operation Orders;

3) Modifications, repairs or maintenance procedures that are not in accordance with manufacturer's standards;

4) The owner or agent fails to comply with the procedures set forth in this Part.

h) In order to keep the Department informed regarding the operation of relocatable or mobile amusement rides or amusement attractions, the owner or operator shall submit, with the required registration application, a tentative itinerary and/or route sheet providing dates and locations of expected operation in the State of Illinois. Throughout the operating season, this itinerary and/or route sheet shall be updated through written submission of notices as to additional operating periods or locations as soon as practicable but prior to operation. The itinerary and/or route sheet shall be submitted on a form to be supplied by the Department and shall include the following:

1) the name of the company;

2) the name of the event and/or the event contact person and telephone number;

3) the location address of the event;

4) the date and time the amusement ride or amusement attraction is scheduled to arrive at the location;

5) the date and time the amusement ride or amusement attraction is scheduled to begin operation; and

6) the last date and time the amusement ride or amusement attraction is scheduled to be in operation at that location.

i~~h~~) The Department shall maintain the confidentiality of all route sheets as authorized by Section 7(1)(g) of the Freedom of Information Act [5 ILCS 140/7(l)(g)].

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.50 Permit, Inspection and Associated Fees

Fees assessed under the Act will be:

a) Permit Fees

1) Kiddie Rides: $10 each

2) Major Rides: $25 each

3) Amusement Attractions: $25 each

4) Ski Lifts, Aerial Tramways, and Rope Tows: $25 each

5) Inflatable~~Inflated~~ Amusement Attractions: $10 each

6) Permit issued upon resolution of a Stop Operation Order: $10 each

b) Inspection Fees

1) Kiddie Rides: $25 each

2) Major Rides: $60 each

3) Amusement Attractions: $60 each

4) Ski Lifts, Aerial Tramways, and Rope Tows: $60 each

5) Inflatable~~Inflated~~ Amusement Attractions: $25 each

6) Reinspection to resolve a Stop Operation Order: $250 each

7) Reinspection: $30 each

c) Administrative Hearing Fee: $250 per hearing.

d) The fee increases are effective January 1, 2007.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.70 Amusement Ride and Amusement Attraction Design and Construction.

All amusement rides and amusement attractions shall meet the manufacturer's standards and specifications. No amusement ride or amusement attraction manufactured or undergoing major alterations after April 29, 1986, shall be placed in service unless:

a) It complies with ASTM Standard F698-9483 (1983). This Standard is hereby incorporated by reference and does not include any later editions, amendments or corrections;

b) The owner is supplied with a manual containing the operation procedures established by ASTM Standard F770-06a82 (1982). This Standard is hereby incorporated by reference and does not include any later editions, amendments or corrections;

c) The owner receives certification that the amusement ride or amusement attraction has been tested to the standards as established by ASTM Standard F846-9283 (1983). This Standard is hereby incorporated by reference and does not include any later editions, amendments or corrections; and

d) The owner is supplied with a maintenance procedures manual as established by ASTM Standard F853-05 (2005)83 (1983). This Standard is hereby incorporated by reference and does not include any later editions, amendments or corrections.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.80 Insurance

No person shall operate an amusement ride or amusement attraction unless there is in force:

a) *A* current *liability insurance policy or policies*, with coverage in amounts at least as great as those required by Section 2-14 of the Act;

b) *A bond in like amount*, as set forth in Section 2-14 of the Act; or

c) *A deposit with the Illinois Department of LaborBoard of cash or other security acceptable to the Director chairman*. (Section 2-14 of the Act)[430 ILCS 85/2-

~~14]~~

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.85 Requirements for Liability Insurance, Bond or Deposit of Security

The Owner, Operator, Agent or Manager shall have in force liability insurance, a bond or a deposit in cash or security in the amounts specified in Section 2-14 of the Act.

a) Liability Insurance

1) Proof of insurance shall be a copy of the policy or policies, including all endorsements, or a certificate of insurance issued by the insurer and filed with the Department's Carnival and Amusement Ride Inspection Division.

2) The company or companies affording coverage shall have a current Best's rating of "B" or better and a current Best's financial class of "V" or better.

3) Policies and certificates issued by companies not a part of the Illinois Insurance Guaranty Fund shall bear a surplus lines stamp.

b) Bonds

1) The bonding company shall have:

A) A current Best's rating of "B" or better and a current Best's financial class of "V" or better.

B) A duly issued license in the State of Illinois by the Department of Financial and Professional Regulation-Division of Insurance.

2) The bonding company shall not have an unacceptable record of improper conduct or financial problems with the Division of Insurance.

3) The bond shall be in effect for a minimum of 3 years or until any pending litigation has been finalized.

c) Deposit of Cash or Other Security

1) The acceptability of any deposit of cash or other security shall be determined by the Director with agreement from a majority of the Board~~Chairman of the Carnival-Amusement Safety Board with agreement from a majority of the Board and the Director~~.

2) The deposits shall be held, interest free, by the Department for a minimum of 3 years or until any pending litigation has been finalized.

d) Self-Insured Governmental Bodies

1) A governmental body that is self-insured shall submit a Statement of Self-Insurance at least as great as those required by Section 2-14 of the Act.

2) If the governmental body's self-insurance is not as great as required, then the body shall also submit documentation of its excess coverage, either through a conventional insurance company or an insurance pool. If the excess coverage is through a conventional insurance carrier, then the A.M. Best ratings as stated in this Section shall apply. If a pool is used, the pool shall be registered with the Division of Insurance, and shall submit a financial statement to the Department's Carnival and Amusement Ride Inspection~~Safety~~ Division evidencing a surplus to liability ratio of at least 2.5 to 1.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.100 Appeals of Permit Denials

If, after inspection, a permit is denied, the affected owner or agent may request the Director~~chief inspector~~ to review the denial. If the Director~~chief inspector~~ determines that the denial was in conformance with this Part and the Act, the Director~~he~~ shall notify the affected party of the~~his~~ determination, orally or in writing, within 5 days after the receipt of the request. The owner or agent may, within 20 business days after the original request, petition the Board in writing and request a review of the Director's~~chief inspector's~~ determination. The Board shall issue its written findings within 15 days after receipt of the written petition. The Board's findings shall constitute final administrative action.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.110 Assembly and Disassembly

a) The attendant of an amusement ride or amusement attraction shall comply with the manufacturer's construction manual for the assembly and disassembly of the amusement ride or amusement attraction. The manufacturer's construction manual shall be available for inspection by the Department. In the absence of a manufacturer's operating manual, the attendant or manager shall have the written step by step procedure or other documents used by the attendant for the assembly and disassembly of the amusement ride or amusement attraction.

b) Amusement rides and amusement attractions shall be kept away from overhead electrical lines, except for the electric power supply to each amusement ride or amusement attraction, by a minimum of 15 feet.

c) Quality of Assembly. Assembly work shall be in accordance with the manufacturers requirement; or, in the absence of manufacturers requirements, in accordance with industry accepted standards.

d) Quality and Inspection of Parts. Parts worn beyond manufacturers specifications shall not be used. Close visual inspection of parts shall be made during assembly to discover such wear or damage and immediate inspection of fastening devices shall be made after assembly to assure that they have been properly installed.

e) Before being used by the public, amusement rides and amusement attractions shall be placed on or secured with blocking, cribbing, outriggers, guys, or other means as to be stable under all operating conditions.

1) Long guy wires or braces utilized for amusement ride or amusement attraction support shall be clearly marked with streamers or other devices to attract attention when located in pedestrian or traffic patterns.

2) Cement, brick, or stone type blocks shall not be used for blocking, cribbing or outriggers. Brick or similar type blocks may be permitted on buildings such as bumper cars and on platforms, cat walks, ramps, stairs and stations of amusement rides or amusement attractions that bear no weight of the amusement ride or amusement attraction.

3) Cribbing or crossing of blocks shall be required when more than 2 tiers high. The height of the blocking shall not exceed the width of the base.

f) All amusement rides and amusement attractions, such as but not limited to passenger tramways, where restoration of electric power could create a hazard shall be provided with a main disconnect switch capable of being locked only in the off position.

g) The path of travel of an amusement ride or amusement attraction shall have a clearance to insure that a passenger on the amusement ride or amusement attraction cannot be injured by contacting any structural member or other fixed object when the passenger is in the recommended riding position.

h) All amusement rides or amusement attractions shall be adequately shielded so as to provide protection to spectators and riders.

1) Fences shall be erected to resist moving or tipping and shall prevent inadvertent~~inadvertant~~ contact between the spectator and rider. In determining whether an amusement~~a~~ ride or amusement attraction is adequately fenced, the inspector shall consider the maximum diameter and height of the amusement ride or amusement attraction operated at the manufacturers maximum recommendation. All barriers purchased after the adoption of this part, shall be at least 36" high for major rides and 24" high for kiddie rides and shall be located at a safe distance from the amusement ride or amusement attraction.

2) All power units shall be shielded by:

A) Fencing around unit;

B) Mesh guarding over unit; or

C) Total enclosure.

i) Leveling and alignment shall be to manufacturers specifications.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.120 Operator Requirements

No amusement ride or amusement attraction shall be operated for public use at a carnival or fair in this State without an attendant or assistant. The attendant and/or assistant may~~shall~~ be an

employee or volunteer~~of the owner~~.

a) All ~~ride~~ attendants or assistants shall be at~~a~~ least 16 years of age.

b) The attendant shall operate no more than one amusement ride or amusement attraction at any given time, even if automatic timing devices are used to control the time cycle of the amusement ride or amusement attraction.

c) The attendant and/or assistant shall be trained in the proper use and operation of the amusement ride or amusement~~/~~ attraction as provided for in ASTM F770-06a,~~82 (1982) and~~ ASTM F853-05~~83 (1983)~~ and ASTM 2374-07a.

d) The ~~ride~~ attendant and/or assistant shall ensure that all passenger safety devices are in place around patrons before starting.

e) The attendant and/or assistant shall be within arms length of the operators station when the amusement ride or amusement~~/~~ attraction is in use.

f) The ~~ride~~ attendant and/or assistant shall not operate any amusement ride or amusement attraction while under the influence of alcohol or any drug or combination of drugs to a degree that renders the operator incapable of safely operating the amusement ride or amusement attraction. For the purposes of this Section, the term "drug" includes any substance defined as a drug by Section 102(t) of the Illinois Controlled Substance Act [702 ILCS 570/102].

g) The attendant and/or assistant shall ensure that no one is permitted on an amusement~~a~~ ride or amusement attraction while carrying any article, i.e., food, beverages, packages, lighted cigarettes, etc., which could endanger the rider or spectators.

h) The record of attendant and assistant training required by subsection (c) of this Section shall be kept on file by the owner or operator~~manager~~ and be made available to the inspector during inspection and upon request by the Department.

i) This subsection (i) does not apply to volunteers.

1) The owner or operator has a duty to comply with all the requirements set forth in Section 2-20 of the Act regarding the employment of carnival

workers, criminal history records checks, sex offender registry checks and the maintenance of a substance abuse policy for carnival workers.

2) The owner or operator shall be required to acknowledge in writing that the owner or operator understands its obligations under the Act and confirm that the required criminal history records check and national search of sex offender registry checks have been performed. Upon annual inspection or reinspection, the owner or operator shall provide written evidence that the criminal history records check and the sex offender registry check have been completed for each carnival worker in its employ. If the documentation is not available upon inspection, the Department may grant the owner or operator five calendar days to obtain and provide documentation to the Department showing that the checks were requested and the results were received for each carnival worker. An owner or operator shall provide copies of the results of the criminal records check and the sex offender registry checks to the Department upon inspection or upon request by the Department. These records shall be maintained by the owner or operator for a period of two years unless the records relate to an ongoing investigation or enforcement action under the Act, in which case the records must be maintained until after their destruction is authorized by the Department or court order.

3) The owner or operator shall also be required to provide written documentation that he or she maintains a substance abuse policy that includes random drug testing of carnival workers.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.130 Operator Authority Regarding Passenger Safety~~Passenger Conduct~~

a) *The owner or operator of an amusement ride or amusement attraction may* remove from or *deny entry to a person to an amusement ride or amusement attraction if, in the owner's or operator's opinion, the entry* or conduct *may jeopardize the safety of such person or the safety of any other person.* (Section 2-19 of the Act)

b) Any amusement ride or amusement attraction that~~which~~ is subject to guardian, height or weight requirement established by manufacturer, manager or attendant shall have that~~such~~ restriction in plain view at the entrance to the amusement ride

or amusement attraction. The~~Such~~ restriction may not be waived.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.150 Daily Inspection and Test

a) The amusement rides and amusement attractions shall be inspected and tested on each day they are intended to be used. This inspection shall be made by a trained attendant as defined in Section 6000.120(c). Results of these daily inspections shall be recorded on industry approved forms or~~such as Outdoor Amusement Business Association, Form No. 1AOA-2, on~~ other forms approved by the Department. Completed inspection forms shall be certified by the manager. The record of daily inspection shall be kept on file by the manager for one calendar year and be made available to the inspector during inspection.

b) The inspection and test shall include the operation of control devices, speed limiting devices, brakes, anti-roll back dogs, and other equipment provided for safety.

c) The amusement ride or amusement attraction shall be operated through a minimum of one ride sequence.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.160 Reports

a) Personal Injury Report. The owner or manager of an amusement ride or amusement attraction shall report a serious injury to the Department within 24 hours after occurrence of the incident by telephone or other means of immediate communication. An owner or manager shall confirm in writing to the Director all such accidents within forty-eight hours after occurrence of the incident. The report of an accident shall be on a form supplied by the Department~~may be a duplicate copy of the report submitted to the insurance companies~~.

b) Fatal Accident Reports:

1) An owner or manager shall as soon as physically possible report to the Director all fatal accidents resulting from the operation of an amusement ride or amusement attraction.

2) The initial report shall be made by telephone and followed within twenty-four hours in writing.

3) If the fatality is related to a major breakdown the Department shall initiate an investigation within 24 hours of initial notification.

4) The amusement ride or amusement attraction shall not be moved or repaired without written approval of the Department. This rule shall not be construed to hinder any action by emergency response personnel or to prevent the elimination of any obvious safety hazard.

5) The owner or manager shall afford the Department every facility for inspection. He shall provide all information or facts known as to the cause of such accidents.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.170 Maintenance

a) The attendant shall perform periodic maintenance as required or recommended by the amusement ride or amusement attraction manufacturer. Such maintenance shall be recorded on Daily Inspection Checklists as provided in Section 6000.150(a) and be available for review by the Director.

b) Maintenance records shall be maintained for one calendar year.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.190 Fire Prevention and Protection

a) The inspector shall waive the requirement that an owner or agent be inspected under this Section prior to operation if an owner or agent gives satisfactory proof that all amusement rides, amusement attractions, and the carnival or fair site have passed an inspection conducted by the State Fire Marshal~~Marshall~~ or the local fire protection agency. The inspection by the State Fire Marshal~~Marshall~~ or local fire protection agency must have been conducted no more than 5 days prior to the department's inspection and must have been conducted in accordance with standards and requirements that are at least equal to those requirements and

standards applicable to fire protection and prevention established in this Part.

b) If the inspection requirements have not been waived under the requirements of Section 6000.190(a) then the following shall apply.

1) The manager shall provide a portable fire extinguisher complying with NFPA 10~~, 1984 Standard ,~~ within 125 feet of any amusement ride, amusement attraction, or electrical distribution system. ~~The NFPA 10 , 1984 Standard, is hereby incorporated by reference and does not include any later editions, amendments or corrections.~~

2) Flammable waste, such as oily rags and other flammable or combustible materials, shall be placed in a covered metal container that~~which~~ shall be kept in easily accessible locations. Such containers shall not be kept at or near access, egress or aisles.

3) Fire and smoke detecting systems shall be installed in each building or structure used in an amusement ride or amusement attraction that~~which~~ requires a darkened interior during operation.

4) Gasoline, other flammable liquids and flammable gases shall be stored in reasonably cool and ventilated places in accordance with NFPA 30~~, 1984 Standard, which is hereby incorporated by reference and does not include any later editions, amendments or corrections~~.

A) Dispensing of such liquids shall be from approved safety cans painted red and marked with the word "Gasoline" in ½" high letters in a contrasting color. Damaged or leaking fuel containers are prohibited.

B) Smoking and/or the carrying of open flame, lighted cigars, cigarettes, or pipes is prohibited in any area where such liquids or gases are stored or transferred from one container to another.

C) Bulk storage (quantities over 12 gallons) is not permitted in any area accessible to the public.

5) Fabric constituting part of an amusement ride or amusement attraction shall meet the flamespread ratings of NFPA 701~~, 1977 Standard which is~~

~~hereby incorporated by reference and does not include any later editions, amendments or corrections~~. A certificate or a test report from the fabric manufacturer or approved testing agency indicating a fire resistance rating equal to or better than the above standard shall be available upon request.

6) "No Smoking" signs shall be posted at the entrances/exits~~entrance~~ to all amusement rides or amusement attractions that~~which~~ require a darkened interior during operation.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.220 Electrical Equipment – Amusement Rides and Amusement Attractions

a) Effective January 1, 2010 ~~April 15, 1998~~, all electrical equipment related to amusement rides and amusement attractions must comply with NFPA 70, Article 525~~1996. The National Electrical Code, NFPA-70-1996 is hereby incorporated by reference and does not include any later editions, amendments or corrections~~.

b) Lock Out. A means shall be provided for locking out the power source to the amusement ride, amusement attraction, and equipment for maintenance, repair or inspection. This may be a padlock latch on the main switch.

c) High Voltage Lines. The outlets for electric power lines carrying more than 120 volts shall be clearly marked by a contrasting color marking pen or paint, a name label or a steel stencil imprint to show the voltage.

d) Outdoor apparatus and wiring. Electrical apparatus and wiring located outdoors shall be of such quality and so constructed or protected that exposure to weather will not interfere with its normal operation.

e) Grounding:

1) Five wire electrical systems shall be grounded at the main power generator or main distribution panel. The neutral wire and equipment ground shall not be bonded together at any amusement ride or amusement attraction.

2) All other electrical systems shall have individual ground rods connected to the amusement ride or amusement attraction frame. The neutral wire and equipment ground shall not be bonded together at any amusement ride or

amusement attraction.

3) Sufficient electrodes to achieve 25 ohms or less resistance to ground shall be utilized.

4) Any motor operating on 50 or more volts shall have its frame grounded.

f) Overcurrent Protection. Conductors shall be provided with overcurrent protection devices according to load. No such device shall be installed in neutral or grounding conductors.

g) Receptacles and caps. All receptacles and attachment caps shall be of the grounding type.

h) Each amusement ride or amusement attraction not designed to be controlled directly by the passenger shall be provided with a fused power disconnect switch placed within arms length of the attendant's station.

i) Safety stop circuits:

1) The resumption of operation after a system shutdown caused by loss of power or activation of a safety circuit or stop shall require manual restarting by the attendant.

2) Safety circuits shall not be bypassed during operation.

j) Emergency lighting. If~~Effective January 1, 1986, if~~ an amusement ride or amusement attraction requires a darkened interior during operation each building or structure shall be equipped with a battery powered emergency lighting system. In addition to a manual switch at the attendant's station, the system shall activate automatically when either a power failure occurs or the smoke and fire detection alarm sounds.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.250 Wire Rope

a) Wire rope used on amusement rides and amusement attractions shall be thoroughly examined periodically per amusement ride or amusement attraction

manufacturer's~~manufacturers~~ specifications.

b) Wire rope found damaged shall be replaced with new wire rope conforming to specifications set forth by the amusement ride or amusement attraction manufacturer. Any of the following conditions shall be cause for wire rope replacement:

1) In running ropes, 6 randomly distributed broken wires in 1 rope lay, or three broken wires in 1 strand in 1 rope lay. A rope lay being the length along the rope required for one strand to make one revolution around the rope;

2) In pendants or standing ropes~~,~~ (ropes bearing the entire load or subjected to constant pressure or shock loading), evidence of more than 1 broken wire in 1 rope lay;

3) Abrasion, scrubbing or peening causing loss of more than ⅓ of the original diameter of the outside wires;

4) Corrosion which results in surface pitting on the wires;

5) Kinking, crushing, birdcaging, or other damage resulting in distortion of the rope structure causing some members of the rope structure carrying more load than others;

6) Heat damage;

7) Reduction from the normal diameter of the wire rope of more than $^{3}/_{64}$ inch for diameters up to and including ¾ inch; $^{1}/_{16}$ inch for diameters over ¾ inch up to and including $1^{1}/_{18}$ inches; $^{3}/_{32}$ inch for diameters over $1^{1}/_{18}$ inches up to 1½ inches;

8) Any rust that cannot be removed by wiping the wire rope with an oily rag or development of broken wires in the vicinity of attachments. If this condition is localized in an operating rope, the section in question may be eliminated by making a new attachment; and

9) Wire ropes used to support, suspend, bear or control forces and weights involved in the movement and utilization of tubs, cars, chairs, seats,

gondolas, other carriers, the sweeps, or other supporting members of an amusement ride or amusement attraction shall not be lengthened or repaired by splicing.

c) When using U-bolt clips, the U section of each clip must contact the dead end or short end of the wire rope.

d) Mechanical devices, such as rollers, drums or sheaves, shall not have any chipping, unequal wear, surface roughness or deterioration in any area that contacts the wire rope.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.270 InflatableInflated Amusement Attractions and Inflated Buildings

All inflatable amusement attractions shall meet the manufacturer's standards and specifications.

a) Anchorage in accordance with the manufacturer'smanufacturers specifications shall be provided for inflatableinflated amusement attractions and inflated buildings and examined daily.

b) The fabricskin on inflatableinflated amusement attractions and inflated buildings shall be examined daily for rips and tears and those found shall be repaired immediately.

c) Ventilators and fans shall be shielded by one of the following methods:

1) Fencing around unit;

2) Mesh guarding over unit; or

3) Total enclosure.

d) Covered or enclosed inflatableinflated amusement attractions and buildings shall be so designed that if a power failure occurs the structure will remain substantially erect for more than the time required to evacuate the normal rated occupancy or five minutes whichever is the longer period.

e) No inflatable amusement attraction manufactured after January 1, 2010 shall be

placed in service unless the owner:

1) Receives certification that the attraction has been designed, constructed and tested to the standards established by ASTM F2374-07a;

2) Obtains and complies with the manual containing the operation procedures established by ASTM F2374-07a; and

3) Obtains and complies with the maintenance procedures manual established by ASTM F2374-07a.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.280 Non-Destructive Testing

a) The owner or agent shall provide the Department with a certificate of non-destructive testing for each part which the manufacturer recommends testing or the Board requires to be tested.

b) Persons performing non-destructive testing on amusement ride or amusement attraction components shall be qualified to NDT Level II or NDT Level III, in accordance with the ASNT~~American Society for Nondestructive Testing~~ Recommended Practice No. SNT-TC-1A.~~ The American Society for Nondestructive Testing Recommended Practice No. SNT-TC-1A, 1984 Edition, is hereby incorporated by reference and does not include any later editions, amendments, or corrections.~~ Only individuals qualified may perform non-destructive testing on amusement ride or amusement attraction components. The Department may require certifications of personnel or accept previous certifications at their option.

c) The Board shall direct the Department to require the non-destructive testing of any part, which if failure were to occur, would result in a major breakdown. The Board shall designate the parts~~part(s)~~ to be tested, the date by which the initial test certificate shall be submitted to the Department and the frequency at which the test is to be repeated.

d) The Department shall maintain and disseminate a listing of all amusement ride or amusement attraction components requiring non-destructive testing. This list shall include the test specifications and frequency of testing.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.290 Ski Lifts, Aerial Tramways, and Rope Tows

~~a) The provisions of ANSI Standard B-77.1, 1992, is hereby incorporated by reference and does not include any later editions, amendments or corrections.~~

a)~~b)~~ New Construction and Alteration

1) All new construction must be registered with the Department before installation is commenced. This registration shall provide the name and mailing address of the owner or agent, the location of the installation, the design and location information cited in the section of the ANSI ~~Standard~~ B77.1 that is applicable to the type of installation being registered.

2) The movement of an existing installation to a new location shall be considered new construction.

3) A newly constructed aerial tramway shall be subjected to an acceptance test and inspection as defined in the ANSI ~~Standard~~ B77.1 for the installation being inspected before the installation is used by the public. These tests shall be witnessed by the Department.

4) Engineering and architectural work shall be performed by or under the supervision of a licensed professional engineer.

b)~~c)~~ Inspection, Operation, Maintenance and Repair

1) After accidental activation of a safety stop or gate, the attendant shall make an inspection to determine the cause. No safety stop or gate may be installed which will allow automatic restart. The attendant shall physically restart the tramway.

2) Debris and foreign material shall not be allowed on, in, under, or around a passenger tramway. Spillage or leakage of grease, gasoline, oil, or other petroleum products shall be immediately cleaned up and, if due to mechanical fault, the fault shall be corrected.

3) Each snow-grooming and other authorized vehicles, except a snowmobile, shall conspicuously display a flashing or rotating yellow light when the vehicle is on, or in the vicinity of, a passenger tramway or tow. A snowmobile shall be permitted in the vicinity of a passenger tramway or tow only in emergency situations and must have a least one operating white light or flashing beacon on the front of the snowmobile.

4) No attendant or assistant may act as ticket seller or receive money while the aerial tramway is in operation.

c)~~d)~~ Any aerial tramway malfunction that results in evacuation of passengers shall be considered a major breakdown. The Department shall be notified within 24 hours after the occurrence~~occurance~~ by telephone or other means of immediate communication. The owner or manager shall confirm in writing to the Director all such incidents within 48 hours after the occurrence~~occurance~~ of the incident.

d)~~e)~~ Any serious injury or fatality resulting from the operation of an aerial tramway or tow shall be handled as required by Section 6000.160.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.302 Outdoor and Indoor Concession Go-Karts

a) Vehicle Requirements

1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.

2) All vehicles shall be guarded to prevent interlocking of wheels during operation.

3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.

4) Vehicles' shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The guarding system shall also cover the exhaust to protect the passenger when entering or exiting the vehicle.

5) Vehicles' fuel tanks shall be mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to ANSI SAE ~~Recommended Practice~~ J-1241~~ (1999)~~.

6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used.

b) Track and Course Requirements

1) The surface of the track or course used by go-karts shall be of a solid and binding material.

2) Minimum width requirements for go-kart tracks shall be 20 feet throughout the entire length of the track.

3) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts. It shall be securely anchored and extend the entire length of the track or course. The system may be a guardrail, rubber tires, a runoff strip or embankment of friable earth or gravel or a combination thereof.

A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked over two high.

B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there are no loose or unsecured areas.

C) A barrier system shall be installed to designate and protect opposing traffic, the pit area or passenger loading area.

D) No one shall have access to the track and courses other than properly admitted go-kart drivers, employees of the licensee or the

Board, and other persons authorized by the license for the purpose of maintenance, etc.

4) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting amusement rides and spectators from entering these track areas without the permission of, or direction by, track personnel.

5) No intersecting course configurations, including but not limited to a Figure 8 course configuration, shall be permitted.

c) Operation

1) The attendants or assistants shall be able to clearly view the entire course.

2) Fire extinguishers shall be charged and readily available to the track personnel at all times in accordance with ASTM ~~Standard~~ F-2007-07~~:~~ ~~Practice for the Classification, Design, Manufacture, and Operation of Concession Go Karts and Facilities as published in ASTM's Standards on Amusement Rides and Devices (ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 16428-2959 (2004)~~.

3) The refueling of vehicles with internal combustion engines or the charging of batteries in electric powered karts shall take place in the pit areas.

4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 – Fire Prevention and Protection.

5) Beginning at twilight at an outdoor operation, track lighting is required. During indoor operation, track lighting is required. Track lighting shall be in accordance with ASTM ~~Standard~~ F-2007~~:~~-07~~Practice for the Classification, Design, Manufacture, and Operation of Concession Go Karts and Facilities as published in ASTM's Standards on Amusement Rides and Devices (ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959 (2004)~~.

6) Monitoring

A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.

B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.

7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector's review. All replacement of parts should be documented in the maintenance log for that vehicle. A comment section should be provided. On a daily basis, the track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:

A) Brake inspection;

B) Tire wear and pressure;

C) Steering inspection;

D) Body inspection;

E) Padding inspection;

F) Lubrication and engine oil check; and

G) Drive mechanism.

8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.

d) Special Circumstances/Waiver of this Section

1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:

A) A written request for waiver is submitted to the Director; and

B) The facility requesting waiver was built and licensed prior to January 1, 2007.

2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.

3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.305 Racing Go-Karts

a) Vehicle Requirements

1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.

2) All vehicles shall be guarded to prevent interlocking of wheels during operation.

3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.

4) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The exhaust system shall be located or guarded to protect the passenger when entering or exiting the vehicle.

5) Vehicles with fuel tanks shall have the tanks mounted and/or guarded in such manner that provides protection to the passenger during operation

and if an accident should occur. Fuel tank caps shall conform to ANSI SAE ~~Recommended Practice~~ J-1241 ~~(1999)~~ and be designed and maintained so as not to leak.

6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used.

b) Track and Course Requirements

1) The surface of the track or course used by go-karts shall be of a solid and binding material.

2) Minimum width requirements for tracks shall be 20 feet throughout the entire length of the track or course.

3) A barrier system shall be installed around the inner and outer edges of the track or course used by go-karts and shall extend the entire length of the track or course.

A) When rubber tires are used for a barrier system, these tires shall be free of the rims and/or wheels. They shall be fastened together to form a continuous train. Tires shall never be stacked over two high.

B) If a metal or fiberglass rail is used as the barrier, the rail surface shall be kept free of sharp or protruding edges or seams and shall be maintained so that there is no loose or unsecured areas.

C) A barrier system shall be installed to designate and protect the pit area or passenger loading area.

D) Access to the entire track shall be restricted.

4) A fence or railing system shall be installed at maintenance buildings or areas, driveways, pit areas, and fuel storage/pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.

5) No intersecting course configurations, including but not limited to a Figure 8 course or opposing traffic configuration, shall be permitted.

c) Operation

1) The attendants or assistants shall be able to clearly view the entire course.

2) Fire extinguishers shall be charged and readily available to the track personnel at all times.

3) The refueling of the vehicles with internal combustion engines or the recharging and/or exchanging of batteries shall take place in the pit areas.

4) All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 – Fire Prevention and Protection.

5) Beginning at twilight, track lighting is required and lighting is required for indoor tracks at all times during operations.

6) Monitoring

A) A signal system shall be installed to safely alert the drivers of the vehicles to a caution situation or to stop the vehicles in case of an emergency. This signal system may consist of, but is not limited to, a hand held flag system or a set of lights visible to the drivers. The system shall be explained to the drivers before operating any vehicle.

B) Effective January 1, 2006, each vehicle shall be equipped with a throttle control device that can be activated from the ride attendant's station.

7) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector review. All replacing of parts should be noted. A comment section should be provided. The track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:

A) Brake inspection;

B) Tire wear and pressure;

C) Steering inspection;

D) Body inspection;

E) Padding inspection;

F) Lubrication and engine oil check; and

G) Drive mechanism.

8) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.

9) Personal Safety Equipment. Drivers of karts that are not equipped with seatbelts and roll bars shall wear the following personal safety equipment while on the track or course.

A) Drivers of karts shall wear the following personal safety equipment while on the track or course:

i) Head Gear – A full-face helmet with head sock complying with a Snell Foundation test specification as published in the Snell Helmet Safety Standards ~~(The Snell Memorial Foundation, Inc., 3628 Madison Ave., Suite 11, North Highlands CA 95660) (1998)~~ is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.

ii) Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing his or her neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.

B) Drivers of indoor karts that are not equipped with seatbelts and roll bars, and that go less than 7 mph, are not required to wear personal safety equipment as stated in this Section and are called kiddie karts.

d) Special Circumstances/Waiver of this Section

1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:

A) A written request for waiver is submitted to the Director; and

B) The facility requesting waiver was built and licensed prior to January 1, 2007.

2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.

3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.308 Dune Buggies and All-Terrain Vehicles

a) Vehicle Requirements

1) All vehicles shall be equipped with driver padding and passenger padding, if applicable, including, but not limited to, steering wheel pad, headrest pad, steering wheel support post and seat cushions.

2) All vehicles shall be guarded to prevent interlocking of wheels during operation.

3) All vehicles equipped with seat belts shall be equipped with a roll over protection system.

4) Vehicles shall be equipped with a guarding system that covers or encloses all rotating parts of the drive mechanism except the tires. The guarding system shall also cover the exhaust to protect the passenger when entering or exiting the vehicle.

5) Vehicles' fuel tanks shall be mounted and/or guarded in such manner that provides protection to the passenger during operation and if an accident should occur. Fuel tank caps shall conform to ANSI SAE ~~Recommended Practice~~ J-1241 ~~(1999)~~.

6) Wheels shall be retained by a castellated nut and cotter pin or other positive method recommended by the manufacturer. Nuts with inserts of nylon or other material shall not be re-used.

b) Track and Course Requirements

1) A minimum width of 10 feet shall be maintained throughout the entire course or track.

2) The track or course shall be marked with signs to indicate designated path and to prohibit pedestrian or other traffic.

3) A fence or railing system shall be installed at maintenance buildings, driveways, pit areas, and fuel storage pumping areas to keep patrons awaiting rides and spectators from entering these track areas without the permission of, or direction by, track personnel.

4) No intersecting configurations, including but not limited to a Figure 8 course or opposing traffic configuration, shall be permitted.

c) Operation

1) Fire extinguishers shall be charged and readily available to the track personnel at all times.

2) The refueling of the vehicles shall take place in the pit areas. All storage containers of gasoline and other flammables shall be in accordance with Section 6000.190 – Fire Prevention and Protection.

3) Beginning at twilight, track lighting is required and lighting is required for indoor tracks at all times during operations.

4) A separate and distinct maintenance log shall be kept for each vehicle. The maintenance logs shall be kept on a daily basis and kept available for inspector's review. All replacement of parts should be documented in the maintenance log for each vehicle. A comment section should be provided. On a daily basis, the track mechanic shall sign each log sheet indicating that the vehicle is ready to operate. This log shall include, but not be limited to, the following information:

A) Brake inspection;

B) Tire wear and pressure;

C) Steering inspection;

D) Body inspection;

E) Padding inspection;

F) Lubrication and engine oil check; and

G) Drive mechanism.

5) Only one patron per seat shall be permitted in each vehicle. No in-line riding shall be permitted.

6) Personal Safety Equipment

A) Head Gear – A full-face helmet with head sock complying with a Snell Foundation test specification ~~(1998)~~ is mandatory. A full-face shield is mandatory. The helmet must be secured by a chinstrap.

B) Neck Brace – The use of unaltered collar-type neck brace designed for racing is mandatory. Any driver losing his or her neck brace shall immediately precede to the pits and may, upon replacing the missing neck brace, return to the track.

d) Special Circumstances/Waiver of this Section

1) The Director may approve an operating permit for an existing facility that does not meet the requirements of this Section if the following apply:

A) A written request for waiver is submitted to the Director; and

B) The facility requesting waiver was built and licensed prior to January 1, 2007.

2) If, after January 1, 2007, any modifications are made to an existing track that would have otherwise been exempt under this Section, the existing track with the modifications shall not be eligible for a waiver and shall comply with this Section.

3) Tracks constructed on or after January 1, 2007 shall comply with this Section and are not eligible for a waiver under subsection (d)(1).

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.320 Dry Type Slides

a) Slide Design and Construction

1) Rigid supporting framework for slides shall be provided.

2) The means of access to the starting platform of the slide shall be designed, constructed and maintained so as not to present a hazard, such as cutting, pinching, puncturing, tripping or falling, to anyone using the slide.

3) The slide shall be banked or safety walls provided on curves to keep the slider's body on the slide.

4) The construction, dimensions, and the mechanical attachment of the slide components shall be such that the surfaces of the slide (slope, curves, turns and tunnels) are smooth and continuous for its entire length. All parts that might come in contact with the slider's body shall be arranged or finished so that they will not constitute a cutting, pinching, puncturing, or abrasion

hazard through either casual contact or intended use.

5) A means of cushioning the rider's landing and/or stopping shall be provided.

b) During the operating season the manager shall:

1) Make a daily inspection, checking for:

A) Loose hand rails or steps on ladder or stairway;

B) Loose guard rails on slide;

C) Unusual movement of slide;

D) Sharp edges or rough surfaces on slide and safety rails;

E) Check all electrical circuits and lights for cracks, abrasions, exposed wiring, burned out bulbs, etc.; and

F) Condition of landing or stopping area.

2) Not use any mat which is not pliable and in good condition.

c) On slides requiring mats, the attendants~~attendant(s)~~ shall:

1) Regulate the spacing of sliders so that there are no collisions at the bottom of the slide;

2) Make sure that all riders are sitting and positioned properly before sliding. All sliding should be done in an upright, sitting position. Absolutely no sliding should be done backwards or in a prone or standing position;

3) Regulate the traffic up the steps;

4) Instruct people to use handrails as they climb up the steps;

5) Assist people to get up after completing their ride; and

6) Collect the sliding mats.

d) On slides over 25' to the platform, a minimum of two attendants must be used.

1) The attendants~~attendant(s)~~ at the top of the slide shall:

A) Regulate the spacing of sliders so that there are no collisions at the bottom of the slide; and

B) Make sure that all riders are sitting and positioned properly before sliding. All sliding should be done in an upright, sitting position. Absolutely no sliding should be done backwards or in a prone or standing position.

2) The attendants~~attendant(s)~~ at the bottom of the slide shall:

A) Regulate the traffic up the steps;

B) Instruct people to use handrails as they climb up the steps;

C) Assist people to get up after completing their amusement ride; and

D) Collect the sliding mats if mats are used.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

Section 6000.340 Bungee Jumping

This rule specifies the site, site approval, design, testing of equipment, management of the operation, operating procedures, emergency provisions and procedures for Bungee Jumping from any mechanical operated platforms that carry jumpers to the top of the structure.

a) In addition to the definitions in Section 6000.10, the following shall apply:

"AIR BAG" – means an inflated device that~~which~~ cradles the body, with an air release breather system that dissipates the energy due to fall, thereby allowing the person to land without an abrupt stop or bounce.

"ANKLE-BINDING" – means a harness used to wrap and hold together the

jumper's ankles and attach the jumper to the bungee cord.

"BINDING OF CORD" – means a material used to hold the cord threads in place. May also protect the cord threads from damage.

"BUNGEE CORD" – means the elastic rope to which the jumper is attached. It lengthens and shortens and thus produces the bouncing action.

"BUNGEE JUMPING" – means that activity in which a person free falls from a height and the person's descent is limited by attachment of the person to the bungee cord.

"CARABINERS" – means shaped metal or alloy device used to connect sections of the jump rigging, equipment or safety gear.

"CATAPULTING" – means that the jumper is held on the ground while the bungee cord is stretched. On release, the jumper is propelled upwards.

"CORD" – See Bungee Cord.

"DOUBLE JUMPING" – See Tandem Jumping.

"DYNAMIC LOADING" – means the load placed on the rigging and attachments by the initial free fall of the jumper and the bouncing movements of the jumper.

"EQUIPMENT" – means the equipment, power or manually operated, used to raise, lower and hold loads.

"INCIDENT" – means an event that could or does result in harm to a person or damage or loss of process (jumping interrupted or stopped).

"JUMP DIRECTION" – means the direction (forward or backward) in which a jumper is designed to jump from the jump point.

"JUMP HEIGHT" – means the distance from the jump platform to the bottom of the jump zone.

"JUMP MASTER" – means a person who has responsibility for the bungee jumping operation and who takes a jumper through the final stages to the actual

jump.

"JUMP OPERATOR" – means a person who assists the jump master to prepare a jumper for jumping and operates the lowering system to lower the jumper to the landing pad.

"JUMP POINT" – means the position from which the jumper begins to fall or jump.

"JUMP SPACE" – means the jump zone plus a safety factor in all directions.

"JUMP ZONE" – means the space bounded by the maximum designed movements of the jumper or any part of the jumper.

"JUMPER" – means the person who falls or jumps from a height attached to a bungee cord.

"JUMPER SAFETY HARNESS" – means an assembly to be worn by a jumper and to be attached to a bungee cord. It is designed to prevent the patron becoming detached from the bungee cord.

"JUMPER WEIGHT" – means the weight of the jumper only.

"LANDING AREA" – means the surface area of air bag or water directly under the jump space.

"LANDING PAD" – means a padded area on which the jumper lands by means of the lowering appliance or equipment.

"LATERAL DIRECTION" – means movement of the jumper measured at 90 degrees to the designed jump direction.

"LAUNCHING" – See Catapulting.

"LICENSED PROFESSIONAL ENGINEER" – means an individual who holds a valid license as a licensed professional engineer from~~by~~ the Illinois Department of Financial and Professional Regulation or comparable authority in another state.

"LOADED LENGTH" – means the length of the bungee cord when extended to

its fullest designed length.

"MOUSED" – means a binding around the point and shank of a hook to prevent it from slipping off.

"OPERATING SYSTEM" – means the system of processing a jumper through the jump methods used on a particular site. This includes registration, preparation, getting to the jump point, methods of attachment, the rigging and lowering system and the landing recovery method.

"OPERATING MANUAL" – means a document containing the procedures and forms for the operation of the bungee jumping activity and equipment on the site.

"PLATFORM" – means the area attached to a lifting appliance from which the jumper falls or jumps.

"PREPARATION AREA" – means the area where the jumper is prepared for jumping. It is a separate area on the ground.

"RECOVERY AREA" – means an area beside the landing area where the jumper may recover from the jump before returning to the public area.

"REVERSE JUMPING" – See Catapulting.

"RIGGING SYSTEM" – means a combination of components that connects the jumper to the lifting point or hook of the appliance. The rigging system includes ropes, pulleys, carabiners, shackles and lowering equipment.

"SAFE WORKING LOAD" or "(SWL)" – means the maximum rated load which can be safely handled under specified conditions, by a machine, equipment or component of the rigging.

"SAFETY FACTOR" – means the ratio obtained by dividing the breaking load of any piece of equipment by its working load.

"SAFETY HARNESS" – means an assembly to be worn by an operator. It is designed to be attached to a safety line and to prevent the operator from falling.

"SAFETY LINE" – means a line used to connect safety harness or belt to an

anchorage point or rail.

"SAFETY SPACE" – means the space extending beyond the jump zone as a safety factor. That is, a space beyond the maximum designed movements of the jumper.

"SANDBAGGING" – is the practice of a jumper holding onto any object (including another person) while jumping off of a platform and during the initial descent, for the purpose of exerting more force on the bungee cord in order to stretch it further and then releasing the object at the bottom of the jump, causing the jumper to rebound with more force than could be created by the jumper's weight alone.

"STUNT JUMPING" – is the combining of any other activity with bungee jumping; or, bungee jumping with a disregard for clearances with the ground or other structures.

"TANDEM JUMPING" – means the practice of two people harnessed together while jumping simultaneously from the same jump platform.

"THREAD" – means a single strand of material used in a bungee cord. A bungee cord is constructed of a varying number of threads.

"UNLOADED LENGTH" – means the length of the bungee cord laid on a horizontal flat surface without load or stress applied.

b) SITE AND OPERATING APPROVAL

1) Site Plan and Equipment Design and Construction:

A) A licensed professional engineer's report that the design and construction of the structures, equipment, and operating areas meet the engineering requirements of ANSI B30.5~~ 1989~~, ~~ANSI B30.5-1991, Addenda to 1989,~~ 29 CFR 1910.180~~ July 1, 1991,~~ and 29 CFR 1926.550(g)~~ July 1, 1991~~. These standards are hereby incorporated by reference and do not include any later editions, amendments or corrections, and are considered suitable for a bungee jumping operation. The report shall contain site plans, safety zones, drawings and specifications of equipment, platform,

rigging system and safety equipment and be submitted to the Department prior to construction.

B) An engineering evaluation shall be conducted annually and each time a major component is modified.

C) The Department shall maintain the confidentiality of the engineer's report as authorized by Section 7(1)(g) of the Freedom of Information Act ~~(Ill. Rev. Stat. 1991, ch. 116, par. 207)~~ [5 ILCS 140/7(1)(g)].

2) Jumps shall be done only under the direct control of a jump master.

3) Owners shall maintain a bottom safety space of at least 60 inches above the air bag, safety net or water surface and a side safety space of at least 40 feet in all directions to any structure.

4) Prohibited Activities include: bungee catapulting, tandem jumping, stunt jumping, reverse jumping, launching and sandbagging.

c) PLATFORM

1) The platform and its lifting appliance shall meet the requirements for working platforms. All components shall have a safety factor of not less than 3~~three (3)~~. The safe working load shall be marked on the platform.

2) The jump rigging shall be attached directly to the lifting point or hook of the appliance.

3) The jump rigging shall pass through or around the platform in such a way as to prevent damage to the jump rigging.

4) The platform for jumping shall be a constant height above the ground or surface. That is, adjustments for the weight of each jumper shall be made by the jump master's selection of bungee cord in accordance with the manual and the manufacturer's specification for the cord.

5) The platform shall have a non-slip floor surface.

6) The platform shall have sufficient working space for the required number of persons.

7) There shall be a gate across the jump point until the platform reaches the jump height.

8) The platform shall have anchor points for safety harnesses or safety belts for all persons carried on the platform.

9) All persons on the platform shall wear a safety harness and safety line. The jumper shall use a safety line until ready to jump.

10) There shall be an alternative method of jumper recovery should the main lowering system fail to lower the jumper.

11) The design of the platform and support straps shall provide for maximum stability of the platform.

12) The position of the jump point in relation to the equipment or platform shall be controlled to enable the jump to be in the designed direction. This shall be at 90 degrees (±10) to the equipment or platform.

13) All hooks, shackles and pins shall be moused.

14) The maximum wind speed and direction for the operation of the bungee jump shall be stated in the operation manual. The decision to operate is the responsibility of the equipment operator and jump master.

15) The jump master shall check the following daily:

A) The equipment has a current certificate to operate;

B) The wire rope shall be given a visual inspection;

C) All hooks, shackles and pins are moused;

D) All outriggers are full extended;

E) There are established lines of communication between the jump

platform and the equipment operator, and between the equipment operator and the ground;

F) The hand signals required for visual communication between the person directing the equipment or lifting appliance and the equipment or lifting appliance operator are known by all parties; and

G) That the equipment operator knows who is directing the equipment.

d) BUNGEE CORD REQUIREMENT

1) The cord shall be designed and tested to perform within prescribed limits of stretch and load as stated in this Section.

2) The cord shall be made from natural or synthetic rubber or blends thereof that may be of various dimensions.

3) The materials used in the construction of the cord shall be such that the stretched length is consistent each time the same loading is applied.

4) Cord binding.

A) The binding shall hold the cord threads together in their designed positions.

B) The binding material shall have characteristics/specifications as approved by the manufacturer of the bungee cord.

C) The cord bindings shall be intact.

D) When bindings break during a day's operation, the cord shall be withdrawn from use until the bindings are replaced.

5) Shock load on the jumper. The following requirements apply:

A) The cord shall stretch in the jump to at least 2.5 times its unloaded length in its designed jumper weight range;

B) The unloaded length of the rigging system shall be less than half the designed extended length;

C) Maximum loaded length. The operating length of a bungee cord at its maximum designed dynamic load shall not exceed 4 times its unloaded length.

6) Testing of a new design of bungee cord.

A) Each manufacturer shall supply specifications for the cords being used.

B) Any change in specifications, including, but not limited to, changes that affect the performance of the bungee threads or cord, a change to the end attachments, a change in the material, source of supply or manufacturer, manufacturing methods, or equipment, shall constitute a new design and require review by a licensed professional engineer.

C) Bungee cord end attachment.

i) Each end of the cord shall have an end attachment to connect the cord to the rigging and the jumper.

ii) The end attachment shall be of sufficient size and shape to allow easy attachment to the jumper harness and to the rigging.

iii) The end attachment shall have a minimum breaking load of at least 4,400 pounds.

7) The maximum allowable life of the cord shall not exceed the manufacturer's specification.

8) A cord and its non-metallic connectors shall be withdrawn from use when the cord reaches its stated jump life.

9) Early withdrawal of the cord and its non-metallic connectors shall be

required when:

A) The exposure to daylight exceeds 250 hours. This criteria does not apply when the cord cover or sleeve fully protects all of the cord from visible and ultra-violet exposure;

B) The time since the cord was manufactured is greater than 6 months;

C) There is evidence of threads exhibiting wear, such as bunched threads or uneven tension between threads or thread bands;

D) Broken threads exceed 5% of the total number over the length of the cord;

E) As the bungee cord stretches over the course of its jump life, the dynamic load required to extend the bungee to four times its unloaded length will reduce. When this dynamic load reduces to less than the maximum designed dynamic load, the cord shall be destroyed;

F) It has been in contact with solvents, corrosive or abrasive substances;

G) An incident occurs that could result, immediately or in due course, in a substantial substandard performance of the cord or its attachments;

H) Any discolorations are found; or

I) Any other flaws are found.

10) A cord withdrawn from use shall be destroyed. A bungee cord is considered to be destroyed when it is cut into lengths of 5 feet or less.

11) Daily testing. Before starting and during the day's operations, the jump master shall:

A) Visually inspect the entire length and circumference of the bungee

cord for signs of wear. The inspection shall be repeated at least 4 times during daily operation and recorded;

B) Visually check the bungee cord if the extended dynamic or static length changes during jumping; and

C) When unexpected changes in bungee cord performance occur, remove the bungee cord from service immediately and destroy it.

e) JUMPER SAFETY HARNESS AND ANKLE BINDINGS

1) Jumper safety harness shall be either a full body harness, a sit harness with shoulder straps, or ankle bindings.

2) Jump safety harness shall be available to fit the range of patron sizes accepted for jumping.

3) The ankle binding shall have been designed as an ankle harness and securely bind the jumpers ankles and secure the patron to the cord. The ankle binding shall not cause bruising and must provide evidence of redundancy.

4) The jumper safety harness shall be designed for the type of stress expected during operation.

5) The jumper safety harness shall be approved by the licensed professional engineer who conducts the annual inspection.

f) ROPES
All ropes for holding and/or lowering the jumper shall have a breaking load of at least 4,400 pounds.

g) HARDWARE

1) Carabiners shall be of the screw gate type with a minimum breaking load of 4,400 pounds.

2) Pulleys and shackles shall have a minimum breaking load of 4,400 pounds.

3) All pulleys shall be compatible with the rope size.

4) Webbing shall be of flat tubular mountaineering webbing or equivalent with a minimum breaking load of 4,400 pounds.

h) LIFE LINES AND HARNESSES

1) A safety harness and life line shall be used by all persons on the platform.

2) Life lines shall have a minimum breaking load of 4,400 pounds.

3) A life line shall be worn by the jumper until ready to jump.

i) TESTING AND INSPECTION

1) All jump rigging shall be inspected and tested daily. Harnesses, lowering/braking system and safety gear shall be inspected daily as set out in the manual. Inspections, findings and action shall be recorded.

2) All jump rigging, harnesses, lowering/braking systems and safety gear shall be of a load rating at least equal to the standard stated in the regulation.

3) Hardware subject to abnormal loadings, being impacted against hard surfaces or having surface damage, shall be replaced.

4) Ropes subject to abnormal shock load shall be replaced.

5) All ropes, webbing and bindings shall be inspected visually and by feel for signs of wear, fraying, or damage by erosive substances. Criteria for planned inspection shall be included in the manual.

6) Criteria for the periodic replacement of ropes, webbing, harnesses and hardware shall be included in the manual.

j) REPLACEMENT OF RIGGING AND EQUIPMENT

1) At the beginning of each day's operation, replacements of at least the

following equipment shall be available on site:

A) Bungee cord or cords;

B) Rigging hardware;

C) Ankle binding for jumpers;

D) Body safety harness for jumpers and staff; and

E) Safety lines and clips.

2) Any items of equipment, rigging or personal protective equipment found to be sub-standard shall be replaced immediately.

3) Jumping shall cease immediately when a sub-standard item cannot be replaced.

k) IDENTIFICATION OF EQUIPMENT, RIGGING, BUNGEE CORD AND SAFETY EQUIPMENT

1) Each item shall have its own unique permanent identification number and/or tag.

2) The identification shall not harm the material of the item.

3) The identification shall be clearly visible to the operators during daily operations.

4) The identification of each item shall be recorded in the items log sheet.

5) The cords shall be color coded as described in the on site operations manual.

l) LANDING/RECOVERY AREA

1) Over Land:

A) The area shall be free of spectators at all times;

B) The area shall be free of staff and equipment except for air bag or safety net when a jumper is being prepared on the jump platform and until the bungee cord is at its static extended state;

C) The air bag or safety net shall be in position before jumper preparation commences on the platform;

D) The air bag or safety net shall be at least 18 feet by 25 feet and rated for the maximum free fall height possible from the platform during operation;

E) The jumper shall be lowered onto a clean, smooth, padded surface;

F) The jumper shall be allowed to recover before moving off the landing spot; and

G) A place to sit and recover should be provided close to, but outside, the landing area.

2) Over Water:

A) Where the jump space and/or landing area is over pond, lake, river or harbor waters, the following shall apply:

i) The jump space and/or landing area shall be free of other vessels except landing/recovery vessel, floating and submerged objects and the public, and, when in open waters shall be defined by the deployment of buoys. A sign of at least 1 foot by 3 feet in dimension which reads "BUNGEE JUMPING KEEP CLEAR" shall be fixed to the shore structure or land mass. When above moving water, a mesh or screen must be placed in an upstream position to keep floating debris from entering the landing area;

ii) The landing and recovery vessel shall be positioned accurately and remain in a constant position for the duration of the landing procedure;

iii) The landing vessel shall have a landing pad size of at least 5 feet by 5 feet;

iv) The landing pad shall be within and lower than the sides of the vessel;

v) A vessel shall be present that is able to be maneuvered in the range of water conditions expected and will enable staff to pick up a jumper or other person who has fallen into the water;

vi) One person may operate the landing vessel when the vessel is positioned without the use of power. A separate person shall pilot the vessel when power is required to maneuver into and/or hold the landing position;

vii) The vessel shall be equipped as required by the US Coast Guard.

B) If the landing area is part of a constructed swimming pool complex, other pool, or is specially constructed for bungee jumping, the following shall apply:

i) The pool size shall meet the requirements for jump space shown in the engineer's report;

ii) Rescue equipment shall be available;

iii) The jump space and side safety space shall be fenced to exclude the public; and

iv) Only the operators of the bungee jump shall be within the jump space and landing areas.

C) The minimum water depth shall be 8 feet.

m) FENCES

1) Fences shall be designed and constructed to retain people, animals and

objects outside the landing area.

2) All areas in which the jumper may land shall be fenced.

n) STORAGE
Adequate storage shall be provided both on site and off site to protect equipment from physical, chemical and ultra-violet ray damage. The storage shall be provided for current, replacement and emergency equipment organized for easy and orderly access. The storage shall be secure against unauthorized entry.

o) COMMUNICATION

1) The following shall apply within the site:

A) There shall be an electronic voice communication link between:

i) The equipment operator and the platform;

ii) The platform and the landing/recovery area or vessel;

B) All staff shall be easily identifiable by other operators and the public; and

C) Instructions to jumpers and the public shall be put in positive terms to avoid misinterpretation and mistakes.

2) Emergency service:

There shall be a telephone communication link to the emergency service within 200 feet of the operation.

p) SAFETY AND LOSS CONTROL MANAGEMENT

1) A jump master shall be designated Safety, Health and Loss Control Coordinator. He/she shall hold a current Red Cross first aid rating and CPR certificate or their equivalent.

2) Training shall be provided to all staff relative to their present or future duties as part of the operating staff. A record of training shall be kept

available on site for review by the Department.

3) Planned inspections shall be conducted of the site, equipment and procedures by the jump master. The information gathered and the reporting and investigation of incidents shall be analyzed and reviewed by management, on a regular basis. Procedures, equipment, rigging and structures shall be designed to reduce the likelihood of any incidents occurring, or being repeated. All findings shall be forwarded to the Department.

4) A comprehensive emergency plan shall be developed for inclusion in the operations manual. The plan shall include the following elements: the steps necessary to rescue a jumper in case of crane failure or accident, emergency first aid to be given, contacting of and directing emergency service personnel to the site, crowd control, and notification to the Department.

5) The manual shall contain the site rules concerning the health and safety of employees and the public.

q) STAFF AND DUTIES

1) The minimum age for the crane operator and jump master shall be 21 years and for other staff members 18 years.

2) The staff of a bungee jumping operation shall include the following persons:

A) Site controller:
When more than one jump master is on the site, one of the jump masters shall also be designated controller. The site controller shall coordinate and be responsible and accountable for all operations;

B) Jump master:

i) Has complete control when jumping is occurring;

ii) Is the only person who takes the jumper through the final stages to the jump take-off;

iii) Is responsible for the training of the other staff;

iv) Shall have a thorough knowledge of the site, its equipment, procedures and staff;

v) Selects the bungee cord and adjusts the rigging;

vi) Shall be located on the platform;

vii) Keeps a record of the number of times each cord has been used; and

viii) Shall ensure that the number of jumps undertaken in a period of time allows the tasks of each job to be carried out to meet the requirements of each job, as set out in the manual.

C) Jump operator's duties include:

i) Assisting the jump master to prepare the jumper;

ii) Attaching the jumper to ankle bindings or harness;

iii) Potentially attaching the jumper to rigging at the direction of the jump master;

iv) Carrying out check procedures;

v) Operating the lowering system; and

vi) Assisting in controlling the public.

D) Landing/recovery operator's duties include:

i) Assisting the jumper to land on the landing pad;

ii) Assisting the jumper to the recovery area;

iii) Overseeing the recovering of jumpers; and

iv) Assisting in controlling the public.

E) Registration clerk's duties include:

i) Registration of the jumper;

ii) Obtaining/deciding on medical clearance;

iii) Weighing and marking of weight of the jumper. The scale shall be certified annually and checked monthly by the operator for accuracy. The certification shall be done by a person recognized under the ~~Illinois~~ Weights and Measures Act [225 ILCS 470]~~,Ill. Rev. Stat. 1991, ch. 147, par. 108.1, to conform with Section 2.20 of the National Institute of Standards and Technology Handbook 44, 1991 edition. These standards are hereby incorporated by reference and do not include any later amendments or corrections. This handbook is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9325~~;

iv) Controlling movement of jumpers to preparation area;

v) Controlling or assisting in controlling the public; and

vi) The payment process.

F) Vessel operator's duties shall include operating the landing and/or emergency vessels.

G) Crane Operator

i) A person who is experienced in operating a crane used for hoisting material and/or personnel. Proof of experience shall be a statement on letterhead stationery from present employer or a journeyman's card in good standing from the International Union of Operating Engineers.

ii) Must be knowledgeable of the particular crane's controls and be physically capable of performing the duties.

iii) Shall respond to move signals only from the jump master, but shall obey a stop signal given by any employee at any time.

r) MINIMUM STAFF AND TRAINING

1) An operating team shall consist of no fewer than 4 people.

2) Training shall be conducted by, or under the direct supervision of, a jump master.

3) Staff who are operating in training mode shall be directly supervised at all times.

4) A training component of the operating manual covering the critical tasks in the operation shall be available on the site. The tasks shall include maintenance and testing as well as jump procedures. The training shall require achieving mastery of the specified skills and knowledge.

s) INJURY, DAMAGE AND INCIDENT EVENTS

1) Serious injury (as defined in Section 10 of this Part) shall be reported to the Department within one hour, and the operation shall be closed until the Department reopens it. All incidents shall be reported within 24 hours in accordance with Section 6000.160~~to the Chief Inspector of the Carnival and Amusement Ride Inspection Division~~.

2) Owners/operators shall record all injuries, damage or near miss events in the daily log.

t) WORK PERIODS
The staff shall take regular breaks to ensure that fatigue does not downgrade their ability to operate an incident free operation.

u) MEDICAL AND AGE RESTRICTIONS FOR JUMPERS

1) Jumpers shall be questioned on their medical condition.

2) Jumpers who declare medical conditions that may be affected by the jump shall not be allowed to jump. Medical conditions that disqualify a jumper include, at a minimum:

A) Pregnancy;

B) High blood pressure;

C) Heart conditions;

D) Neurological disorders;

E) Epilepsy; and

F) Neck, back or leg injuries or disabilities.

3) A sign shall be erected listing the medical and age restrictions for jumpers. The sign shall be clearly visible to intending jumpers.

4) Any jumpers who, in the opinion of the operations staff, represent a danger to themselves or others shall not be allowed into the preparation area nor allowed to jump.

5) Jumpers who appear to be in an intoxicated or drugged state shall not be allowed to jump.

6) The minimum age for jumping shall be 18 years and proof of age shall be provided at time of jump. Proof of age shall be a valid driver's license or other type of photo I.D. issued by an agency of government or employer.

v) SITE OPERATING MANUAL AND DOCUMENTATION

1) Each site shall have an operating manual, referred to as the manual, for the safe operation of bungee jumping on that site. The manual and all amendments shall be on site and be freely available to staff and governing bodies.

2) The manual shall include the ways and means of meeting the appropriate requirements of this Part.

3) The manual shall include, but not be limited to, the following:

A) A site plan;

B) A description of operating systems and equipment;

C) Job procedures, including training, for each task in the operating system;

D) Job descriptions;

E) Sample of staff qualifications;

F) Staff selection procedures;

G) Maintenance standards and procedures;

H) Testing procedures and recording;

I) Criteria for the periodic replacement of rigging;

J) Criteria for the regular planned inspections of ropes, webbings and bindings;

K) Emergency plan and procedures;

L) Reporting of injuries, damage and incidents;

M) Requirements for maintaining logs, including:

i) Site;

ii) Equipment and rigging;

iii) Personnel;

iv) Name of jumper;

v) Bungee cord used;

N) Records to be kept;

O) Requirements for analysis of records;

P) Inspection procedures, standards and follow up actions; and

Q) Examples of forms to be used.

4) Daily Pre-opening Operating Procedures shall include:

A) Preparation. Setting up the site equipment and public amenities. There shall be a written check list;

B) Inspection, testing and checking;

C) Personal protective equipment including gloves, life jackets, buoyancy aids, harnesses and life lines;

D) Items of equipment;

E) The communication systems~~system(s)~~;

F) The jump equipment and rigging;

G) The jump procedures;

H) Carry out test jumps;

I) Checking the bungee cord performance; and

J) Staff briefing for the day's operations. Includes appointment of the site controller when applicable.

5) Jump Procedures. The procedures shall at a minimum include the

following:

A) Ensuring the exclusion of the public from the operating areas;

B) Registration of jumpers, including:

i) Name, address, city, county, state, zip code and telephone number;

ii) Medical factors and exclusions;

iii) Age;

iv) Weight and marking; and

v) Payment;

C) Removal of loose object;

D) Jumper preparation, including:

i) Harness or binding attachment; and

ii) Briefing/instructions to the jumper;

E) Jump preparation, including:

i) Prepare bungee cord and adjust connections;

ii) Connect the jumper and check connections to the rigging; and

iii) Final inspection by jump master (a check list shall be used);

F) Landing/recovery procedures, including:

i) Lowering;

ii) Landing; and

iii) Disconnecting cord connections;

G) Return of jumper to the public area; and

H) Preparing the bungee cord for the next jumper.

6) Close Down Procedures. The manual shall include the following close down procedures:

A) Equipment – cleaning, inspection, testing and checking;

B) Completion of records, both site and personal;

C) The necessary daily maintenance of equipment, structures and facilities;

D) The storage of equipment;

E) The cleaning up and disposal of rubbish;

F) Security check and lock up;

G) De-briefing of staff on:

i) Incidents/events occurring during the day;

ii) Equipment, rigging and bungee cord changes required before the next day's operations start; and

iii) Maintenance work not completed but required before the next day's start.

w) EMERGENCY PROVISIONS AND PROCEDURES

1) Each site shall have an emergency plan.

2) A medium first aid kit and blankets shall be on site.

3) All jump masters shall be qualified in life saving techniques, first aid and cardiopulmonary resuscitation techniques through the American Red Cross or equivalent training, including "in water rescue of spinal injuries or unconscious patients".

4) Where the site includes moving water or swift water, the site operating manual shall specify the rescue training and/or qualification required for all operators and staff on the site.

5) Emergency lighting shall be provided at all jump sites that operate between ½ hour prior to sunset and ½ hour after sunrise. The emergency lighting system shall illuminate the jump platform, the jump space and the landing area. The emergency lighting system shall have its own power source.

x) The Department's approval shall specifically not be used in any advertisement, brochures, commercials, TV or radio show, newspaper, or in any other public manner.

(Source: Amended at 34 Ill. Reg. 763, effective December 29, 2009)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Extensions of Jurisdiction

2) Code Citation: 80 Ill. Adm. Code 305

3) Section Number: 305.270 — Adopted Action: New Section

4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b]

5) Effective Date of Amendment: December 30, 2009

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 13962; October 9, 2009

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: In subsection (b), a parenthetical reference to DCMS personnel rules was added.

12) Have all of 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 amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: This rulemaking is a result of positions being included into the American Federation of State, County and Municipal Employees (AFSCME) bargaining unit and the agreements with AFSCME Council 31 and Teamsters Local 916 to include certain positions under the Personnel Code. It also includes employees who are not currently covered by a bargaining unit but were legacy Illinois

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Century Network or Department of Transportation employees who were consolidated to Central Management Services' Bureau of Communications and Computer Services.

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

Jeff Shuck
Deputy General Counsel of Personnel
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706

217/782-5778

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 305
EXTENSIONS OF JURISDICTION

Section
305.50 Extends Jurisdiction A, B & C
305.60 Extends Jurisdiction A, B & C (July 1, 1970)
305.70 Extends Jurisdiction A, B & C (July 1, 1970)
305.80 Extends Jurisdiction A, B & C (August 1, 1970)
305.90 Extends Jurisdiction A, B & C (August 1, 1971)
305.100 Extends Jurisdiction A, B & C (November 16, 1971)
305.110 Extends Jurisdiction A, B & C (April 1, 1972)
305.120 Extends Jurisdiction A, B & C (May 1, 1972)
305.130 Extends Jurisdiction A & C (October 1, 1972)
305.140 Extends Jurisdiction A & C (October 1, 1972)
305.150 Extends Jurisdiction A, B and C (November 1, 1972)
305.160 Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170 Extension of Jurisdiction
305.180 Termination of Extension of Jurisdiction
305.190 Extension of Jurisdiction
305.200 Third Extension of Jurisdiction to Office of the Treasurer
305.210 Extends Jurisdiction A, B and C (December 1, 1998)
305.220 Extends Jurisdiction A, B and C (December 1, 1998)
305.230 Extends Jurisdiction A, B and C (July 16, 2002)
305.240 Extends Jurisdiction A, B and C (April 7, 2005)
305.250 Extends Jurisdiction A, B and C (January 16, 2006)
305.260 Extends Jurisdiction A, B and C (November 30, 2008)
305.270 Extends Jurisdiction A, B and C (December 30, 2009)

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986;

amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. 18931, effective November 30, 2008; amended at 34 Ill. Reg. 834, effective December 30, 2009.

Section 305.270 Extends Jurisdiction A, B and C (December 30, 2009)

a) Effective December 30, 2009, the Personnel Code Jurisdictions A, B and C will be extended to the Department of Central Management Service's Bureau of Communication and Computer Services positions performing work as network or systems engineers, managers and fiscal and support staff that were transferred into the Department from the Board of Higher Education's Illinois Century Network or information technology staff consolidated from the Illinois Department of Transportation.

b) With the exception of those employees who have already been determined qualified, the foregoing affected employees in the Bureau will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to December 30, 2009 will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective December 30, 2009.

(Source: Added at 34 Ill. Reg. 834, effective December 30, 2009)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Teachers' Retirement Insurance Program

2) Code Citation: 80 Ill. Adm. Code 2170

3)

Section Numbers:	Adopted Action:
2170.130	Amendment
2170.210	Amendment
2170.220	Amendment
2170.230	Amendment
2170.250	Amendment
2170.260	Amendment
2170.270	Amendment
2170.330	Amendment
2170.350	Amendment
2170.410	Amendment

4) Statutory Authority: Authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375/3, 6.5 and 6.6]

5) Effective Date of Amendments: December 31, 2009

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 33 Ill. Reg. 12904; September 25, 2009

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version. In Section 2170.410(b) and (c), the clarifying language "based on actual costs of the program" has been added.

12) Have all of 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 amendments currently in effect? No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These changes update the rules to enhance the standards under the Health Insurance Portability and Accountability Act (HIPAA), expand coverage under Public Act 95-958, further delineate the roles of the Department of Central Management Services and the Department of Healthcare and Family Services, and clarify enrollment and eligibility matters.

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

Janice Bonneville
Deputy Director of Benefits
Illinois Department of Central Management Services
201 East Madison Street, Box 19208
Springfield IL 62794

217/785-8675

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: EMPLOYEE BENEFITS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2170
TEACHERS' RETIREMENT INSURANCE PROGRAM

SUBPART A: PURPOSE AND DEFINITIONS

Section
2170.110 Name of Program
2170.120 Purpose
2170.130 Definitions

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section
2170.210 Determining Enrollment Policies
2170.220 Determining Insurance Rates and Premiums
2170.230 Determining Benefits
2170.240 Provision for Benefits
2170.250 Other Responsibilities
2170.260 Appeals Process Responsibilities
2170.270 Health Insurance Portability and Accountability Act (HIPAA)

SUBPART C: RESPONSIBILITY OF TEACHERS' RETIREMENT SYSTEM (TRS)

Section
2170.310 Eligibility
2170.320 Enrollments and Terminations
2170.330 Premium Collection and Payment
2170.340 Administering Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)
2170.350 Other Responsibilities
2170.360 Health Insurance Portability and Accountability Act (HIPAA)

SUBPART D: FUNDING

2170.410 Teacher Health Insurance Security Fund

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Authorized by the State Employees Group Insurance Act of 1971 [5 ILCS 375].

SOURCE: Adopted at 27 Ill. Reg. 9127, effective May 27, 2003; amended at 34 Ill. Reg. 838, effective December 31, 2009.

SUBPART A: PURPOSE AND DEFINITIONS

Section 2170.130 Definitions

Whenever used in this Part, the following terms shall have the meanings set forth in this Section unless otherwise expressly provided, and when the defined meaning is intended, the term is capitalized.

"Act" means the State Employees Group Insurance Act of 1971 [5 ILCS 375].

"Benefit Choice Period" means the annual benefit election period (usually May 1 through May 31 each year).

"Certificate of Creditable Coverage" means a document that indicates the length of time a person has been continuously covered under a qualifying previous healthcare plan~~containing a description of benefits provided by licensed insurance plans~~.

"COBRA" means the federal Consolidated Omnibus Budget Reconciliation Act of 1985.

"~~State~~ Department" means any department, institution, board, commission, officer, court or any agency of the State government receiving appropriations and having power to certify payrolls to the Comptroller authorizing payments of salary and wages against such appropriations as are made by the General Assembly from any State fund, or against trust funds held by the State Treasurer and includes boards of trustees of the retirement systems created by Articles 2, 14, 15, 16 and 18 of the Illinois Pension Code. "Department" also includes the Illinois Comprehensive Health Insurance Board, the Board of Examiners established under the Illinois Public Accounting Act, and the Illinois Finance Authority~~Rural Bond Bank~~.

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

"Director" means the Director of the Illinois Department of Central Management Services or of any successor agency designated to administer the Act~~(CMS)~~.

"Fiscal Year" means the State's fiscal year from July 1 through June 30.

"Fund" means the Teacher Health Insurance Security Fund.

"HFS" means the Illinois Department of Healthcare and Family Services.

"Participant" means a TRS Benefit Recipient and/or TRS Dependent Beneficiary enrolled in the Teachers' Retirement Insurance Program.

"Protected Health Information" or "PHI" means individually indentifiable health information as defined in 45 CFR 160.103 (2003) that is subject to the protections of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) (P.L. 104-191).

"Plan Administrator" means an organization, company or other entity contracted by the Department~~CMS~~ to review and approve benefit payments, pay claims~~,~~ and perform other duties related to the administration of a specific plan.

"Program" means the Teachers' Retirement Insurance Program, as authorized by the State Employees Group Insurance Act of 1971.

"TCHP" means the Teachers' Choice Health Plan, the major medical coverage program offered under the Teachers' Retirement Insurance Program~~(indemnity medical plan offered under TRIP)~~.

"TRIP" means the Teachers' Retirement Insurance Program, as authorized by the ~~State Employees Group Insurance~~ Act ~~of 1971~~.

"TRS" means the Teachers' Retirement System.

"TRS Benefit Recipient" means a person who is not a "member", as defined in the Act~~;~~ and is receiving a monthly benefit or retirement annuity under Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; and: ~~either~~

has at least 8 years of creditable service under Article 16 of the Illinois

Pension Code or was enrolled in the health insurance Program offered under that Article on January 1, 1996; or

is the survivor of a Benefit Recipient who had at least 8 years of creditable service under Article 16 of the Illinois Pension Code or was enrolled in the health insurance Program offered under that Article on June 21, 1995; or

is a recipient or survivor of a recipient of a disability benefit under Article 16 of the Illinois Pension Code.

"TRS Dependent Beneficiary" means a person who is not a "member" or "dependent" as defined in the Act, and is a:

TRS Benefit Recipient's spouse; or

dependent parent who is receiving at least half of his or her support from the TRS Benefit Recipient; or

unmarried natural, step, or adopted child who is under age 19; or

enrolled as a full-time student in an accredited school, financially dependent upon the TRS Benefit Recipient, eligible to be claimed as a dependent for income tax purposes, and either is under age 24 or was, on January 1, 1996, participating as a Dependent Beneficiary in the health insurance Program offered under Article 16 of the Illinois Pension Code; or

age 19 or over who is mentally or physically handicapped; or

eligible for coverage pursuant to Section 356z.11 or 356z.12 of the Illinois Insurance Code [215 ILCS 5].

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

SUBPART B: RESPONSIBILITIES OF THE DEPARTMENT

Section 2170.210 Determining Enrollment Policies

a) Initial enrollment periods. Initial enrollment in TRIP is limited to the following periods:

1) When a TRS Benefit Recipient applies for annuity benefits;

2) When a TRS Benefit Recipient or TRS Dependent Beneficiary turns age 65;

3) When a TRS Benefit Recipient or TRS Dependent Beneficiary becomes eligible for Medicare;

4~~3~~) When coverage of a TRS Benefit Recipient or TRS Dependent Beneficiary is involuntarily terminated by a former group plan;

5~~4~~) During the Benefit Choice Period, if never previously enrolled.

b) Re-enrollment periods. Re-enrollment into the Program is limited to the following periods:

1) When a TRS Benefit Recipient or TRS Dependent Beneficiary turns age 65;

2) When a TRS Benefit Recipient or TRS Dependent Beneficiary becomes eligible for Medicare; or

3~~2~~) When coverage of a TRS Benefit Recipient or TRS Dependent Beneficiary is involuntarily terminated by a former employer.

c) A TRS Benefit Recipient may change health plans only:

1) When the TRS Benefit Recipient has a permanent address change and the previously selected managed care plan is not available at the new address;

2) When the TRS Benefit Recipient's primary care physician leaves the managed care plan selected by the TRS Benefit Recipient; or

3) During the Benefit Choice Period.

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

Section 2170.220 Determining Insurance Rates and Premiums

The Director of HFS will determine the insurance rates and premiums for TRS Benefit Recipients and TRS Dependent Beneficiaries and present to TRS the rate-setting methodology used to determine the amount of the health care premiums by April 15 of each calendar year. Rates and premiums may be based in part on age and eligibility for federal Medicare coverage. Pursuant to the Act, premiums are based on the plan selected by the Benefit Recipient. The TRS Benefit Recipient shall pay the entire premium for any coverage for a TRS Dependent Beneficiary.

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

Section 2170.230 Determining Benefits

The Director~~CMS~~ will determine the benefits available to TRS Benefit Recipients and TRS Dependent Beneficiaries.

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

Section 2170.250 Other Responsibilities

a) CMS will offer an annual Benefit Choice Period for TRS Benefit Recipients to:

1) Initially enroll into the Program;

2) Add a Dependent Beneficiary, pursuant to enrollment policies;

3) Change health plans.

b) CMS will provide information regarding benefits and requirements of the Program in a TRIP Benefits Handbook and an annual Benefit Choice Options booklet.

1) The TRIP Benefits Handbook shall embrace the following topics:

A) Eligibility guidelines pursuant to the definitions of Benefit Recipient and Dependent Beneficiary in Section 2170.130.

B) Enrollment opportunities pursuant to Section 2170.210.

C) Termination guidelines.

i) Coverage for a Benefit Recipient terminates on the last day of the month when:

- eligibility requirements are no longer met;
- the TRIP program is terminated;
- a written request is received by TRS that coverage should be terminated; or
- the Benefit Recipient becomes eligible for and enrolls in the State of Illinois Employees Group Insurance Program.

ii) Coverage for a Benefit Recipient terminates on the date of death.

iii) Coverage for a Dependent Beneficiary terminates:

- on the last day of the month simultaneously with termination of a Benefit Recipient's coverage;
- at the end of the month in which the enrolled Dependent Beneficiary no longer meets eligibility requirements;
- on the date of death; or
- on the first day of the month following receipt of the written request to terminate Dependent Beneficiary coverage.

~~Coverage for a Benefit Recipient terminates at midnight on the last day of the month when eligibility requirements are no longer met, TRIP coverage terminates, a written request is received by TRS that coverage should be terminated, the Benefit Recipient becomes eligible for and enrolls in the State of Illinois Employees Group~~

~~Insurance Program, or upon death. Coverage for a Dependent Beneficiary terminates at midnight on the last day of the month simultaneously with termination of a Benefit Recipient's coverage; when coverage is terminated by the Benefit Recipient; when eligibility requirements are no longer met or upon death.~~

D) Covered Benefits under TCHP~~(e.g., chemotherapy, durable medical equipment, hospital services, infertility treatments, lab and x-ray, physician services, speech therapy, organ and tissue transplant, urgent care, preventive services, prescription drug, mental health/substance abuse and exclusions~~.

E) TCHP claims filing deadlines and procedures.

2) The Benefit Choice Options booklet shall detail information not provided in the Benefits Handbook (e.g., premium amounts, coverage changes, managed care plan availability and preferred provider information).

c) CMS will provide training seminars for TRS regarding benefits under TRIP.

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

Section 2170.260 Appeals Process Responsibilities

a) If a Participant believes that an error has been made in the benefit amount allowed or disallowed, the Participant should contact the claims processing office of the Plan Administrator, pursuant to the appeal process~~Appeal Process as~~ detailed in the Benefits Handbook. The Participant must utilize the Plan Administrator's review process to the fullest extent prior to contacting CMS. The Participant must contact~~contanct~~ the appropriate Plan Administrator within 180 days after the date of the initial claim determination.

b) If the Participant is not satisfied with the results of the review ~~process~~ by the Plan Administrator, the Participant may submit a written request for review to CMS, within 60 days after the date of the initial claim~~Initial Review~~ determination, for a final determination~~Final Determination~~.

c) If, after receiving the final determination, the Participant is still not satisfied, an appeal of the determination may be made to an appeal committee, created by the

Director, within 60 days after the final determination~~Final Review~~ by CMS. The findings of the appeal committee shall be final and binding on all parties.

d) The Participant~~Participants~~ will be notified in writing of every decision rendered during the appeal process~~Appeal Process~~.

e) The Participant retains all rights under Section 15(h) of the ~~Group Insurance~~ Act.

f) Appeal committee~~Committee~~ members are appointed by the Director of CMS.

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

Section 2170.270 Health Insurance Portability and Accountability Act (HIPAA)

CMS and HFS shall~~will~~ comply with the uses and disclosures of Protected Health Information (PHI), permitted by ~~the Health Insurance Portability and Accountability Act (~~HIPAA~~)~~, where applicable as referenced in the plan documents.

a) An annual notice of privacy practices shall be provided that outlines the legal duties and privacy practices concerning the PHI of Participants.

b) PHI may be disclosed:

1) to healthcare providers who take care of Participants;

2) to process claims and make payments for covered services;

3) for healthcare operations;

4) to remind Participants of an upcoming appointment; and

5) as required or authorized by law.

c) Participants have the right to:

1) request restrictions on how their PHI is used for purposes of treatment, payment and healthcare operations;

2) receive confidential communications about their PHI;

3) request to inspect information used to make decisions about them;

4) request an amendment to their PHI;

5) receive an accounting of disclosures that have been made of their PHI;

6) obtain a paper copy of the annual notice of privacy practices; and

7) file a complaint if they believe that their privacy rights have been violated.

d) PHI may not be disclosed:

1) for any purpose other than administration of the benefit plan;

2) for any fundraising activity; or

3) for the marketing of any products or services.

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

SUBPART C: RESPONSIBILITY OF TEACHERS' RETIREMENT SYSTEM (TRS)

Section 2170.330 Premium Collection and Payment

TRS shall be responsible for the collection and transmission of Participant~~TRS Benefit Recipient and TRS Dependent Beneficiary~~ premiums into the Teacher Health Insurance Security Fund.

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

Section 2170.350 Other Responsibilities

a) TRS shall provide enrollment, termination and change in status and/or address information to CMS.

b) TRS shall inform TRS Benefit Recipients that they must:

1) Notify TRS of coverage options chosen, and any changes that may affect eligibility or enrollment, including address changes;~~.~~

2) Notify TRS of the existence of, or change to, other group insurance coverage to ensure appropriate coordination of benefits; and

3~~2~~) Review the TRIP Benefits Handbook, annual Benefit Choice Options booklet and any other materials provided by TRS or CMS and abide by all policies outlined in those publications.

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

SUBPART D: FUNDING

Section 2170.410 Teacher Health Insurance Security Fund

a) The Director shall establish the Teacher Health Insurance Security Fund (Fund) (see 5 ILCS 375/6.6). This Fund shall be a continuing fund not subject to Fiscal Year limitations.

b) All active contributors to the Teachers' Retirement System who are not employees of a ~~State~~ Department shall make contributions toward the cost of annuitant and survivor health benefits. These contributions shall be at the following rates: until January 1, 2002, 0.5% of salary; beginning January 1, 2002, 0.65% of salary; beginning July 1, 2003, 0.75% of salary; beginning July 1, 2005, 0.80% of salary; and, beginning July 1, 2007 through June 30, 2010, 0.84% of salary. Future contributions shall be at a percentage of salary to be determined by the Director based on actual costs of the program, but in no Fiscal Year shall the salary required to be paid exceed 105% of the percentage of salary actually paid in the previous Fiscal Year. These contributions shall be paid to TRS as service agent for CMS.

c) Every employer of a teacher, other than an employer that is a ~~State~~ Department, shall pay an employer contribution toward the cost of annuitant and survivor health benefits. The contributions are computed as follows: January 1, 2002 through June 30, 2003, 0.4% of each teacher's salary; July 1, 2003, 0.5%; beginning July 1, 2005, 0.6% of each teacher's salary; and, beginning July 1, 2007 through June 30, 2010, 0.63% of each teacher's salary. Future contributions shall be at a percentage of salary to be determined by the Director based on actual costs of the program, but in no Fiscal Year shall the salary required to be paid exceed 105% of the percentage of salary actually paid in the previous Fiscal Year. These

contributions shall be paid to TRS as service agent for CMS.

d) TRS shall deposit all moneys collected pursuant to the terms of the Act and this Section into the ~~Teacher Health Insurance Security~~ Fund.

e) On or before November 15 of each year, the Board of Trustees of TRS shall certify to the Governor, the Directors~~Director~~ of CMS and HFS and the State Comptroller its estimate of the total amount of contributions to be paid for the next Fiscal Year~~fiscal year~~. The amount certified shall be increased or decreased each year by the amount that the actual active teacher contributions either fell short of or exceeded the estimate used by the Board in making the certification for the previous Fiscal Year~~fiscal year~~.

f) On the first day of each month, the State Treasurer and the State Comptroller shall transfer from the General Revenue Fund to the ~~Teacher Health Insurance~~ Fund 1/12 of the annual amount appropriated for that Fiscal Year~~fiscal year~~ to the State Comptroller for deposit into the ~~Teacher Health Insurance Security~~ Fund pursuant to 5 ILCS 375/6.6(c) and (d).

(Source: Amended at 34 Ill. Reg. 838, effective December 31, 2009)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Title Insurance Act

2) Code Citation: 50 Ill. Adm. Code 8100

3)

Section Numbers:	Adopted Action:
8100.100	Amendment
8100.105	Amendment
8100.114	Amendment
8100.121	Amendment
8100.125	Amendment
8100.145	Amendment
8100.150	Amendment
8100.155	Amendment
8100.190	Amendment
8100.200	Amendment
8100.400	Amendment
8100.401	Amendment
8100.905	Amendment
8100.1200	Amendment
8100.1505	Amendment
8100.1510	Amendment
8100.1515	Amendment
8100.1600	Amendment
8100.1700	Amendment
8100.1701	Amendment
8100.1705	Amendment
8100.2010	Amendment
8100.2100	Amendment
8100.2104	Amendment
8100.2106	Amendment
8100.2108	Amendment
8100.2110	Amendment
8100.2112	Amendment
8100.2114	Amendment
8100.2118	Amendment
8100.2120	Amendment
8100.2124	Amendment
8100.2126	Amendment
8100.2130	Amendment

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

8100.2132	Amendment
8100.2134	Amendment
8100.2136	Amendment
8100.2142	Amendment
8100.2144	Amendment
8100.2146	Amendment
8100.2148	Amendment
8100.2160	Amendment
8100.2400	Repealed
8100.2406	New Section
8100.3000	Amendment

4) Statutory Authority: Implementing and authorized by Sections 18.1 and 20 of the Illinois Title Insurance Act [215 ILCS 155/18.1 and 20]; Section 401 of the Illinois Insurance Code [215 ILCS 5/401]; Sections 1-70, 1-90, 5-35, and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/1-70, 1-90, 5-35 and 5-40]

5) Effective Date of Amendments: December 29, 2009

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposal Published in Illinois Register: June 19, 2009; 33 Ill. Reg. 7971

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: Section 8100.2400 has been repealed in the final version as it was determined to be unnecessary. Also, Section 8100.2406 references Section 18.1 of the Act.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The new Section carries out the consumer protections provided by the federal Real Estate Settlement Procedures Act (RESPA) (912 USCA 2601, et seq.) by affording consumers the ability to shop for the lowest costs and best quality for services that the consumer is obligated to pay for after consulting with counsel and without the duress imposed by providers of title business, such as lenders and brokers, who often impose pecuniary penalties for cancellation of title orders placed through their affiliates. Such an objective is specifically provided for by RESPA in §2601 of 12 USCA, and the Secretary is specifically authorized to implement it in 215 ILCS 155/20.

The Division has also made a number of housekeeping changes throughout this Part to accurately reflect the consolidation of our agency under IDFPR, and we have added a definition Section that identifies terms that were not previously described.

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:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER V: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION~~INSTITUTIONS~~

PART 8100
TITLE INSURANCE ACT

SUBPART A: RULES OF GENERAL APPLICATION

Section
8100.100 Notice of Suspension or Revocation
8100.105 Notification of Noncompliance or Material Change
8100.110 Display of Certificates or Registrations
8100.114 Certification
8100.115 Prohibition on Filing Application
8100.120 Computation of Time
8100.121 Requirements as to Proper Form
8100.125 Place of Filing
8100.130 Additional Information
8100.135 Additional Exhibits
8100.140 Information Unknown or Not Reasonably Available
8100.145 Requirements as to Paper, Printing and Language
8100.150 Number of Copies--Signatures
8100.155 Examination Fees
8100.170 Extension of Date for Filing
8100.190 Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section
8100.200 Definition of terms Used in this Part
8100.205 Definition of the term "Domestic Title Insurance Company" as Used in the Act
8100.210 Definition of the term "Application" as Used in Sections 4.(d) and 8.(b) of the Act
8100.215 Definition of the term "Audit" as Used in Section 12.(b) of the Act
8100.220 Definition of the term "Bonds of the United States" as Used in Section 4.(a) of the Act
8100.225 Definition of the term "Bonds ... of Any Body Politic of This State" as Used in Section 4.(a) of the Act
8100.230 Definition of the term "Bonds ... of This State" as Used in Section 4.(a) of the Act

8100.235 Definition of the term "Qualified to Do Business in This State" as Used in Section 4.(a) of the Act
8100.240 Definition of the term "Title Plant" as Used in Section 7.(b) of the Act
8100.245 Definition of the term "Net Retained Liability" as Used in Sections 8.(a) and 11.(c)(2) of the Act
8100.250 Definition of the term "Capital" as Used in Section 9.(a) of the Act
8100.255 Definition of the term "Notice" as Used in Section 9.(b) of the Act
8100.260 Definition of the term "Alien Title Insurance Company" as Used in Section 11.(b) of the Act
8100.265 Definition of the term "Foreign Title Insurance Company" as Used in Section 11.(b) and 15 of the Act
8100.270 Definition of the term "Like Purposes" as Used in Section 15 of the Act
8100.275 Definition of the term "Party" as Used in Section 23 of the Act
8100.280 Definition of the term "Person" as Used in Section 24 of the Act

SUBPART C: TITLE INSURANCE COMPANIES

Section
8100.400 Bonds and Securities Acceptable for Deposit
8100.401 Place of Deposit
8100.402 Computation of Amount on Deposit
8100.403 Exchange of Bonds on Deposit
8100.900 Impairment
8100.905 Definition of the Term~~term~~ "Statutory Liabilities" as Used in This Subpart
8100.1000 Date of Redetermination of Required Reserves
8100.1005 Records of Required Reserves
8100.1100 Records of Statutory Premium Reserve
8100.1200 Consumer Complaints
8100.1300 Report of Condition
8100.1500 Due Date for Filing Report
8100.1505 Due Date for Deposits and Payments
8100.1510 Review of Reports
8100.1515 Due Date for Delinquency Assessment

SUBPART D: TITLE INSURANCE AGENTS

Section
8100.1600 Registration of Title Insurance Agents

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: INDEPENDENT ESCROWEES

Section
8100.1700 Bonds and Securities Acceptable for Deposit
8100.1701 Place of Deposit
8100.1702 Computation of Amount on Deposit
8100.1703 Exchange of Bonds on Deposit
8100.1704 Starker Exchange
8100.1705 Independent Accountant
8100.1706 Notice of Judgments
8100.1708 Maintenance of Books
8100.1710 Annual Report
8100.1712 Due Date for Filing of Annual Report
8100.1714 Confirmation of Escrow Fund and Liability
8100.1716 Basis of Books
8100.1718 Posting Dates
8100.1720 Escrow Books
8100.1722 General Books
8100.1724 Special Accounts
8100.1726 Records to be Preserved
8100.1728 Withdrawals From Special Accounts
8100.1730 Debit Balances Prohibited
8100.1732 Delivery of Documents or Property
8100.1734 Dated Instructions
8100.1738 Printed Instructions
8100.1740 Withdrawal of Escrow Fees
8100.1742 Notice of Interest
8100.1744 Transfers Between Escrows
8100.1746 Escrow Receipts
8100.1748 Drawing of Checks
8100.1750 Statement of Account

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
8100.2010 Request for Non-Binding Statements

SUBPART H: PROCEDURES FOR ADMINISTRATIVE HEARINGS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section
8100.2100 Preamble
8100.2102 Qualifications and Duties of the Hearing Officer
8100.2104 Notice of Hearing
8100.2106 Institution of a Contested Case by the Division~~Department~~
8100.2108 Requirement to File an Answer
8100.2110 Amendment or Withdrawal of the Notice of Hearing
8100.2112 Representation
8100.2114 Special Appearance
8100.2116 Substitution of Parties
8100.2118 Failure to Appear
8100.2120 Motions
8100.2122 Requirements Relating to Continuances
8100.2124 Rules of Evidence
8100.2126 Form of Papers
8100.2128 Bill of Particulars
8100.2130 Discovery
8100.2132 Examination of Witnesses
8100.2134 Subpoenas
8100.2136 Pre-Hearing Conferences
8100.2138 Record of a Pre-Hearing Conference
8100.2140 Hearings
8100.2142 Record of Proceedings
8100.2144 Record of Hearing
8100.2146 Orders
8100.2148 Stipulations
8100.2150 Open Hearings
8100.2152 Corrections to the Transcript
8100.2160 Disputes Between Parties Certified or Registered by the Division~~Department~~

SUBPART I: CONSUMER PROTECTION

Section
8100.2400 Preamble (Repealed)
8100.2402 Standards of Conduct
8100.2405 Definition of the term "Thing of Value" as Used in This Subpart
8100.2406 Borrower's Right to Cancel

SUBPART J: PUBLIC INFORMATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section
8100.3000 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Title Insurance Act [215 ILCS 155].

SOURCE: Emergency rules adopted at 14 Ill. Reg. 305, effective January 1, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 8600, effective May 21, 1990; amended at 26 Ill. Reg. 14265, effective October 1, 2002; amended at 34 Ill. Reg. 852, effective December 29, 2009.

SUBPART A: RULES OF GENERAL APPLICATION

Section 8100.100 Notice of Suspension or Revocation

The suspension or revocation of any certificate or registration issued under the~~this~~ Title Insurance Act ("Act") is effective upon completion of service pursuant to the provisions of Section 21~~.~~(b) of the Act. When~~Where~~ service is made by registered or certified mail, the Department of Financial and Professional Regulation-Division of Financial Institutions ("Division~~Department~~") will, if possible, notify by telephone or by facsimile transmission the affected person or party of the suspension or revocation.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.105 Notification of Noncompliance or Material Change

All holders of or applicants for any certificate of authority or registration issued pursuant to the Act shall submit written notification to this Division~~Department~~ within a maximum of ~~ten (~~10~~)~~ business days after~~of~~ becoming aware of any noncompliance with the provisions of the~~this~~ Act and any material change in condition that~~which~~ places or tends to place any policyholder in jeopardy.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.114 Certification

a) Any applicant requesting certification as a title insurance company or as an independent escrowee, prior to certification, shall provide, as a minimum, the following information to the Division~~Department~~:

1) A certified copy of the Certificate of Authority from the Illinois Secretary of State authorizing it to do business in the State of Illinois, if any;

2) A Certificate issued by the State/domicile setting forth that it is in good standing and further setting forth the date upon which the Articles of Incorporation were issued, if any;

3) A certified copy of the assumed name filing, if any;

4) A brief narrative history of the company, if any;

5) A listing of the officers, directors and owners of the company, if any;

6) A listing of the company shareholders, if any, except when~~where~~ the shares of the company are publicly traded;

7) A certified copy of the company's charter and by-laws and any amendments thereto, if any;

8) A Certificate of Compliance from the state~~State~~ of domicile, if any;

9) A copy of the most recent audited financial statements, including a letter of opinion, if any;

10) The last published Annual Report of the company, if any;

11) A copy of the most recent examination, if applicable, by the state~~State~~ of domicile;

12) A copy of the Certificate of Deposit from the state~~State~~ of domicile and other states in which the company does business, if any;

13) A listing of the counties in Illinois in which the company proposes~~you propose~~ to conduct ~~your~~ business;

14) The nature and amount of the proposed deposit, as provided for in the Act;

15) A listing of all the company's~~its~~ locations or proposed locations in the

State of Illinois by name, address and phone number;

16) The name, address and phone number of a member of the company, or person to whom to direct questions regarding the application; and

17) The names and addresses of any proposed agents.

b) The Director of the Division of Financial Institutions (Director), with authority delegated by the Secretary of the Department of Financial and Professional Regulation (Secretary) or the Director's authorized representative, after review of information submitted as required by subsection (a), shall require the filing of thatsuch additional information with the DivisionDepartment as necessary to assure that the business repute and qualification of the applicant requesting certification, is set forth in detail, to allow a decision to be made upon the request for certification.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.121 Requirements as to Proper Form

Any document filed with the DivisionDepartment pursuant to the Act shall be prepared in accordance with the form, if any, prescribed therefor by the Director. Any such document shall, after review by the DivisionDepartment, be deemed to be filed on the proper form, unless objection to the form is made in writing by the DivisionDepartment.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.125 Place of Filing

All applications and other papers filed with the Title Insurance Section of the Consumer Credit Division of the Department of Financial Institutions shall be filed at Springfield, Illinois. ThisSuch material may be filed by delivery to the DivisionDepartment, through the mails or otherwise.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.145 Requirements as to Paper, Printing and Language

a) Application shall be filed on good quality, unglazed, white paper, 8½ by 11

inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper, if folded to that size, and the prospectus may be on smaller paper, if the registrant so desires, but not less than 7½ by 9 inches in size.

b) The application and, insofar as practicable, all papers and documents filed as a part of the application~~thereof~~, shall be printed~~, lithographed, mimeographed~~ or typewritten. However, the application or any portion ~~thereof~~ may be prepared by any similar process that,~~which~~ in the opinion of the Division,~~Department~~ produces copies suitable for permanent record. Irrespective of the process used, all copies of the material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

c) The application shall be in the English language. If any exhibit or other paper or document filed with the application is in a foreign language, it shall be accompanied by a translation into the English language.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.150 Number of Copies − Signatures

a) One copy of the completed application, manually signed by the applicant, including exhibits and all other papers and documents filed as a part of the application, shall be filed with the Division~~Department~~.

b) If any name is signed to the application pursuant to a power of attorney, copies of the power of attorney shall be filed with the application for registration. In addition, if the name of any officer signing on behalf of the applicant, or attesting the applicant's seal, is signed pursuant to a power of attorney, certified copies of a resolution of the applicant's board of directors authorizing the signature shall be filed with the application for registration.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.155 Examination Fees

Examination fees for services-under the Act are as follows:

a) Section 4~~.~~(d)

1)	Each examiner day or part thereof	$500
2)	Transportation, lodging, per diem and miscellaneous expense	ACTUAL COST computed in accordance with 80 Ill. Adm. Code 3000

b) Section 12

1)	Each examiner day or part thereof	$400
2)	Transportation, lodging, per diem and miscellaneous expense	ACTUAL COST computed in accordance with 80 Ill. Adm. Code 3000
3)	Verification Examination~~.~~ The Division~~Department~~ may conduct an examination for the purpose of verifying that the licensee has taken necessary actions to correct violation of the Act and/or related rules and regulations, when the Director determines the verification examination must be performed on site at any facility of the licensee.	
A~~1~~)	Each examiner day or part thereof	$550
B~~2~~)	Transportation, lodging, per diem and miscellaneous expense	ACTUAL COST computed in accordance with 80 Ill. Adm. Code 3000

c) Section 17~~.~~(f)

1)	Each examiner day or part thereof	$400

2)	Transportation, lodging, per diem and miscellaneous expense	ACTUAL COST computed in accordance with 80 Ill. Adm. Code 3000
3)	Verification Examination~~.~~ The Division~~Department~~ may conduct an examination for the purpose of verifying that the licensee has taken necessary actions to correct violations to the Act and/or related rules and regulations, when the Director determines the verification examination must be performed on site at any facility of the licensee.	
	A~~1~~) Each examiner day or part thereof	$550
	B~~2~~) Transportation, lodging, per diem and miscellaneous expense	ACTUAL COST computed in accordance with 80 Ill. Adm. Code 3000

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.190 Provisions for Granting of Variance from Rules

The Director or the Director's authorized representative may grant variances from this Part~~these Rules~~ in individual cases when~~where~~ it is determined that:

a) the provision from which the variance is granted is not statutorily mandated;

b) no party will be injured by granting the variance; and

c) the rule~~Rule~~ from which the variance is granted would, in the particular case, be unnecessarily burdensome.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

SUBPART B: DEFINITIONS

Section 8100.200 Definitions of terms Used in this Part

a) As used in this Part~~ prescribed by the Director, pursuant to the Title Insurance Act~~, unless the context otherwise requires, the term:

"Act" means the Title Insurance Act [215 ILCS 155]~~(P.A. 86-239, effective January 1, 1990) and the Rules in this Part~~.

"Delinquency assessment~~Assessment~~" means any amount, as determined by the Division~~Department~~, payable under Section 15 of the Act and not submitted with the report of each foreign title company as required under Section 8100.1500 of this Part.

"Surplus as regards policyholders" means the total of capital paid-up, gross paid-in and contributed surplus, special surplus funds, unassigned funds less treasury stock at cost, all as shown on the company's balance sheet.

"Consideration" means, but is not limited to, monies, things, salaries, fees, duplicate payments of a charge, stocks, dividends, distributions of partnership profits, credits representing monies that may be paid at a future date, special bank deposits or accounts, banking terms, special loan or loan guarantee terms, services of all types at special or free rates, and sales or rentals at special prices or rates.

"Director's authorized representative" means any person employed by or on behalf of the Division~~Department of Financial Institutions~~ to whom the Director has delegated verbally or in writing authority to act on the Director's behalf.

b) A Section in this Part that~~which~~ defines a term without express reference to the Act or to this Part or to a portion thereof ~~or hereof~~ defines that~~such~~ term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

SUBPART C: TITLE INSURANCE COMPANIES

Section 8100.400 Bonds and Securities Acceptable for Deposit

Each Title Insurance Company ("company~~Company~~") prior to becoming certified by the Director to transact the business of insuring and guaranteeing titles to real estate in this State shall deposit with the Division~~Department~~ bonds of the United States, this State or any body politic of this State in the amount specified by Section 4~~.~~(b) of the Act ("bonds~~Bonds~~"). No other bonds or securities are acceptable for deposit.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.401 Place of Deposit

Each company~~Company~~ shall:

a) instead of physical delivery of the bonds~~Bonds~~ to the Division~~Department~~, place the required deposit in the custody of any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act [205 ILCS 620] ("Depository Institution");

b) execute and deliver to the Division~~Department~~ a Pledgor/Pledgee Authorization form for filing with the Depository Institution; and

c) file with the Division~~Department~~ a true and correct copy of an acknowledgement issued by the Depository Institution setting forth the amount of and description of the bonds~~Bonds~~ on deposit.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.900 Impairment

Impairment occurs:

a) when~~When~~ an insurer does not possess assets equal to at least its total statutory liabilities;~~,~~ or

b) when~~When~~ its surplus as regards policyholders is 75% or less of the paid-up capital as shown in the most recent annual statement of the company on file with the Division~~Department~~.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.905 Definition of the Term~~term~~ "Statutory Liabilities" as Used in This Subpart

The term "statutory liabilities" as used in this Subpart shall mean the total liabilities of the company as shown in its most recent annual statement on file with the Division~~Department~~.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.1200 Consumer Complaints

Each company~~Company~~ shall maintain for review by the Division~~Department~~:

a) A file or consumer complaint register containing each written complaint received from any person or party regarding property located in this State other than matters for which a separate claim file has been opened, together with the response to or resolution of the complaint.

b) The files must be maintained during each audit period and will be reviewed by and released by the Division's~~Department's~~ examiner at the time of annual audit. The completion of the audit without limitation to the contrary shall constitute ~~such~~ release and permit the company~~Company~~ to dispose of complaints responded to or otherwise resolved.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.1505 Due Date for Deposits and Payments

All amounts due pursuant to Section 15 of the Act shall be paid to and received by the~~this~~ Division~~Department~~ not later than May 15~~15th~~ of each year.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.1510 Review of Reports

Each report filed with the Division~~Department~~ will be reviewed. A report of the review, including any delinquency assessment, will be submitted to the filing company.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.1515 Due Date for Delinquency Assessment

Amounts due pursuant to the delinquency assessment shall be paid to and received by the Division~~this Department~~ within ~~thirty (~~30~~)~~ days after~~of~~ the date of issuance of the delinquency assessment.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

SUBPART D: TITLE INSURANCE AGENTS

Section 8100.1600 Registration of Title Insurance Agents

a) Each company~~Company~~ shall make the annual filing of the required registration form for title insurance agents on or before February 1~~1st~~ of each year. Included with the filing shall be the annual fee computed in accordance with Section 14~~.~~(b) of the Act.

b) Each company~~Company~~ shall file supplemental registrations for new title insurance agents. Each new title insurance agent shall be registered with the Division~~Department~~ within ~~thirty (~~30~~)~~ days after~~of~~ the signing of the agency agreement.

c) No title insurance agent shall conduct business before:

1) having obtained errors and omissions insurance, if required by the terms of the agency agreement, in an amount acceptable to the title insurance company appointing the agent; and

2) being registered with the Division~~this Department~~.

d) A company~~Company~~ may voluntarily withdraw the registration of a title insurance agent or limit the duties of a title insurance agent. Within ~~five (~~5~~)~~ business days after~~of~~ the withdrawal or limitation, the company~~Company~~ shall notify the Division~~this Department~~ of the action taken.

e) Withdrawal of the registration of a title insurance agent or limitation of the duties

of a title insurance agent shall not be deemed to prevent the Division~~this Department~~ from taking action under Section 21~~.~~(a) of the Act.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

SUBPART E: INDEPENDENT ESCROWEES

Section 8100.1700 Bonds and Securities Acceptable for Deposit

Each independent escrowee, prior to becoming certified by the Director to transact business in this State, shall~~will~~ deposit with the Division~~Department~~ bonds of the United States, this State or any body politic of this State in the amount specified by Section 4~~.~~(b) of the Act ("bonds~~Bonds~~"). No other bonds or securities are acceptable for deposit.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.1701 Place of Deposit

Each independent escrowee shall:

a) instead of physical delivery of the bonds~~Bonds~~ to the Division~~Department~~, place the required deposit in the custody of any trust company or bank located in this State and qualified to do business under the Corporate Fiduciary Act, ~~(Ill. Rev. Stat. 1987, ch. 17, par. 1551-1 et seq.) as now and hereafter amended~~ ("Depository Institution");

b) execute and deliver to the Division~~Department~~, a Pledgor/Pledgee Authorization form for filing with the Depository Institution; and

c) file with the Division~~Department~~ a true and correct copy of the safekeeping certificate issued by the Depository Institution setting forth the amount of and description of the bonds~~Bonds~~ on deposit.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.1705 Independent Accountant

The Annual Report and all financial statements provided to the Division~~Department~~ by an independent escrowee shall be prepared by an independent certified public accountant.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section 8100.2010 Request for Non-Binding Statements

a) Required information and format:

1) All requests for non-binding statements shall be in writing. The request shall be filed with the Division~~Department~~ and shall contain the following:

A) a brief summary of the Sections of the Act and of the Sections of this Part to which the request pertains;

B) a detailed factual representation concerning every relevant aspect of the proposed transaction, event or circumstance. Requests should be limited to the particular situation, and should not attempt to include every possible type of situation that~~which~~ may arise in the future;

C) a discussion of current statutes, rules and legal principles relevant to the facts set forth;

D) a statement by the person requesting the non-binding statement that~~which~~ states the person's own opinion in the matter and the basis for that~~such~~ opinion; and

E) a representation that the transaction in question has not been commenced or, if it has commenced, the present status of the transaction.

2) The Division~~Department~~ will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act.

3) The Division~~Department~~ will not respond to requests for non-binding statements with respect to transactions that~~which~~ have already taken place.

4) The Division~~Department~~ will not respond to requests based upon

hypothetical facts or involving unnamed parties.

b) Review procedure under the Act:

1) The Division's~~Department's~~ review of requests for non-binding statements require an in-depth examination of the information presented and the applicable law. Therefore, a considerable time period may elapse before the statement is issued.

2) After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Division~~Department~~ shall either decline to issue any findings or issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement, stating that it will or will not recommend that enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented will require different conclusions and persons other than those requesting the statement should not rely on the statement. Non-binding statements do not have precedent value.

c) Availability of non-binding statements issued by the Division~~Department~~:

1) The Division~~Department~~ will maintain an index by statutory Section~~Section(s)~~ involved and chronologically of all non-binding statements issued.

2) Copies of ~~such~~ statements can be reviewed in the Division's~~Department's~~ Springfield office and copies may be~~thereof~~ obtained upon payment of the cost of duplication as set forth in 2 Ill. Adm. Code 901.80.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

SUBPART H: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section 8100.2100 Preamble

This~~The Sections contained in this~~ Subpart shall govern every hearing under the Title Insurance Act before the Division~~Department~~. The purpose of this Subpart is to assist all parties subject to the Act by providing a forum for the orderly determination of rights, duties and privileges of

parties appearing before the Director or the Director's authorized representative under procedures assuring the~~such~~ parties due process of law without unnecessary postponements or extended delays.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2104 Notice of Hearing

a) Unless otherwise required, each respondent shall be given a Notice of Hearing at least ~~forty-five (~~45~~)~~ days prior to the first date set for any hearing under this Subpart~~thereunder~~. Once ~~such~~ notice is given, it will ~~thereafter~~ be the responsibility of the respondent to become acquainted with subsequent hearing dates.

b) The Notice of Hearing shall include:

1) a statement of the time, place and nature of the hearing;

2) a statement of the legal authority~~,~~ and jurisdiction under which the hearing is held;

3) a short and plain statement of the matters alleged;

4) a statement of financial sanction or relief sought; and

5) a concise statement to each respondent that:

A) the respondent may be represented by legal counsel, may present evidence, may cross-examine witnesses and otherwise participate;

B) failure by any respondent to appear shall constitute default by the~~such~~ respondent unless the~~such~~ respondent has filed an answer or, upon due notice, moved for and obtained a continuance; and

C) delivery of notice to the designated representative of any respondent constitutes service upon the~~such~~ respondent.

c) Nothing in this Part shall prevent the Division~~Department~~ from scheduling a hearing within ~~ten (~~10~~)~~ days after~~of~~ the date on which the Director temporarily

suspends any registration or license under the Act or issues a temporary order.

d) When a respondent timely requests a hearing on an order~~Order~~ under Section 21 of the Act issued by the Director, the Division~~Department~~ shall issue a Notice of Hearing in the form prescribed in subsection (b)~~herein~~.

e) Any contention that improper notice was given shall be deemed waived unless it is raised by the respondent prior to argument on any other motion, or commencement of opening statements at the hearing.

f) Proper notice is given by depositing a Notice of Hearing with the United States Postal Service, either by certified or registered mail, return receipt requested, to the last known address of the respondent, or by personal service upon the respondent.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2106 Institution of a Contested Case by the Division~~Department~~

A contested case is instituted by the Division~~Department~~ when a Notice of Hearing is deposited with the United States Postal Service, either by certified or registered mail, return receipt requested, to the last known address of the respondent, or by personal service upon the respondent.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2108 Requirement to File an Answer

a) In each contested case instituted by the Division~~Department~~, each respondent shall file with the Division~~Department~~ an Answer within ~~thirty (~~30~~)~~ days after~~of~~ the service of the Notice of Hearing or within ~~ten (~~10~~)~~ days after~~of~~ each amended Notice of Hearing that~~which~~ materially alters the Notice of Hearing or within ~~ten (~~10~~)~~ days after~~of~~ service of a Notice of Hearing issued pursuant to Section 8100.2104(c) of this Part. Each Answer shall be in writing, signed by each respondent or the respondent's representative, and shall contain a specific response to each allegation in the Notice of Hearing or each new allegation contained in a materially altered Notice of Hearing and set forth affirmative defenses, if any. The response shall either admit or deny each allegation, or shall state that the respondent has insufficient information to admit or deny the

allegation.

b) Any Answer that~~which~~ states that the respondent has insufficient information to admit or deny any allegation shall be accompanied by an affidavit attesting to the truth of this assertion.

c) If, within ~~thirty (~~30~~)~~ days after service of a~~such~~ Notice of Hearing, the respondent does not answer or otherwise file a responsive pleading, the respondent shall be held in default.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2110 Amendment or Withdrawal of the Notice of Hearing

a) The Notice of Hearing may be amended at any time to correct pleading or notice deficiencies. An Amended Notice of Hearing shall be filed in the same manner as a Notice of Hearing, or be presented to the hearing officer and each respondent during the course of the hearing. A continuance shall be granted by the hearing officer whenever the amendment materially alters the Notice of Hearing, and when~~where~~ a respondent demonstrates that any respondent would otherwise be unable to properly prepare an Answer to the Amended Notice of Hearing or prepare any respondent's case.

b) A Notice of Hearing may be withdrawn without prejudice by the Division~~Department~~ at any time prior to the hearing. After a hearing has begun, a Notice of Hearing may be withdrawn only upon written notice to, and concurrence by, the hearing officer.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2112 Representation

a) Any individual may appear personally on his or her own behalf.

b) A party may be represented by an attorney. The attorney shall be licensed in Illinois. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth:

1) the name, business address and telephone number of the attorney;

2) the name and address of the party represented; and

3) an affirmative statement indicating that the attorney is licensed in Illinois.

c) A corporation may be represented by an officer, upon presentation to the Division~~Department~~ of a duly executed resolution of the Board of Directors, authorizing the officer to act in a representative capacity and setting forth the powers ~~which~~ the officer is authorized to exercise.

d) A partnership may be represented by any general partner.

e) Attorneys appearing before the Division~~Department~~ shall conform their conduct to the Illinois Code of Professional Responsibility, effective July 1, 1980~~ and~~, after July 31, 1990 to~~by~~ the Illinois Code of Professional Responsibility, effective August 1, 1990, and after January 1, 2010 to the Illinois Rules of Professional Conduct of 2010, effective January 1, 2010.~~.~~ Any failure to behave in a manner that~~which~~ permits the efficient functioning of the hearing process shall authorize the hearing officer to take the following actions:

1) substitution of written argument in place of oral argument; or

2) exclusion of an attorney from the proceeding for conduct that impedes an orderly determination of the rights of the parties.

f) If any of the ~~above~~ actions stated in subsection (e)(1) or (e)(2) are taken by the hearing officer, it shall be done as a matter of record, and the hearing officer shall state for the record the specific reasons for the action~~therefor~~.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2114 Special Appearance

Prior to filing any other pleading or motion, a special appearance may be made either in person or by attorney for the limited purpose of objecting to the jurisdiction of the Division~~Department~~. Every appearance not expressly designated a special appearance shall be deemed to be a general appearance. If the reasons for objecting to jurisdiction are not apparent from the papers on file in the proceeding, the special appearance shall be supported by affidavit setting forth the reasons. In ruling upon any objection at any hearing, the hearing officer may consider all matters apparent

from the papers on file, affidavits submitted by any party, and any other evidence adduced upon disputed issue of fact. No determination of any issue of fact in connection with the objection is a determination of the merits of the case or any aspect thereof. A ruling adverse to the objector does not preclude him or her from making any motion or defense that~~which~~ he or she might otherwise have made. If the hearing officer sustains the objection, an appropriate order shall be entered of record after review by a designated representative of the Director. Error in ruling against the objection is not waived by the objector's taking part in further proceedings in the matter.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2118 Failure to Appear

Failure to appear at the time and place set for hearing shall be deemed a waiver of the right to present evidence or otherwise participate at the hearing. After presentation by the Division~~Department~~ of proof that the respondent was given proper notice, the hearing officer shall make a recommendation to the Director. If~~Where~~ the Division~~Department~~ fails to appear, the Notice of Hearing will be dismissed.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2120 Motions

a) Motions shall be made in writing, unless otherwise allowed by the hearing officer during the course of a hearing. Written motions shall be limited to the following:

1) to request dismissal of a Notice of Hearing for failure to state facts that~~which~~, if true, would form a sufficient basis for the issuance of an order~~Order~~ or other sanctions;

2) to request sanctions in accordance with Section 8100.2112 of this Part;

3) to request sanctions in accordance with Section 8100.2130 of this Part;

4) to request dismissal of Notice of Hearing when~~where~~ the Division's~~Department's~~ case has been concluded without sufficient evidence having been presented to form a basis for the issuance of an order~~Order~~ or other sanction;

5) to request a continuance, or extension of time, upon good cause shown in accordance with Section 8100.2122 of this Part;

6) to request an order~~Order~~ granting a rehearing~~,~~ or additional hearings;

7) to request that a hearing officer deem a failure to file an Answer to be an admission of the truth of the allegations contained in the Notice of Hearing;

8) to request that a hearing officer be disqualified from the hearing, for prejudice;

9) to request that an order~~Order~~ be vacated or modified;

10) to request separation of cases joined by the Division~~Department~~;

11) to request that any party be held in default;

12) to request consolidation of cases or parties;

13) to request an order~~Order~~ limiting a response to a demand for bill of particulars or a request for discovery; and

14) to request an order~~Order~~, consistent with the expedited nature of administrative hearings, extending the time to complete discovery when~~where~~ it cannot be completed within the time limit set forth in Section 8100.2130 of this Part.

b) When any motion is filed, the hearing officer may allow oral argument if ~~this is~~ deemed necessary for~~to~~ a fuller understanding of the issues presented. When~~Where~~ facts are alleged as a basis for the request that~~, which~~ are not a part of the record in the case, an affidavit shall be attached to the motion setting forth the~~such~~ facts.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2124 Rules of Evidence

a) The hearing officer shall have authority to conduct the hearing, to administer

oaths, to examine witnesses, ~~and~~ to rule upon the admissibility of evidence, and to subpoena witnesses or documents at the request of any party.

b) The technical rules of evidence shall not apply. Any relevant or material evidence may be admitted if it is the sort of evidence relied upon by reasonably prudent men in the conduct of their affairs, regardless of the existence of any common law or statutory rule that~~which~~ excludes the admission of that~~such~~ evidence over objection in civil cases in the Circuit Courts of Illinois. The rules of privilege shall be followed to the same extent that they are recognized in civil or criminal cases in the Circuit Courts of Illinois. Irrelevant, immaterial and unduly repetitious evidence may be excluded. Objections to evidentiary offers must be timely made and noted in the record. When a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct the cross-examination required for a full and fair disclosure of the facts.

c) Official notice may be taken of matters of which the Circuit Courts of Illinois may take judicial notice. In addition, notice may be taken of the Division's~~Department's~~ specialized knowledge in the Act. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, and they shall be afforded an opportunity to contest the material so noticed.

d) Subsections (a), (b) and (c) do not relieve any party from its respective burden of proof or requirement to go forward with the presentation of evidence.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2126 Form of Papers

All papers filed with or submitted to the Division~~Department~~ in a contested case shall be typewritten on 8½ by 11 inch white paper. The first page of each document shall set forth the name of each of the respondents and the file number assigned to the case by the Division~~Department~~. All pleadings must be signed by the party filing them~~the same~~ or that party's authorized representative or attorney, and shall contain the party's business address and telephone number. A copy of any pleading shall be filed with the hearing officer, with~~and~~ the original served upon the attorney of record of the Division~~Department~~.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2130 Discovery

a) Discovery shall not be the subject of motions presented to the hearing officer, except as provided in Section 8100.2120 of this Part.

b) Upon written request served on the opposing party, any party shall be entitled to:

1) the name, business and home addresses and telephone number, if available, of each witness who may be called to testify;

2) copies of each document that~~which~~ may be offered as evidence; and

3) a description of any other evidence that~~which~~ may be offered.

c) The ~~above~~ information in subsection (b) will be provided within ~~ten (~~10~~)~~ days after~~of~~ service of a written request.

d) Whether or not a request is made, during discovery a respondent shall be entitled to:

1) any exculpatory evidence in the Division's~~Department's~~ possession. Exculpatory evidence is any evidence that~~which~~ tends to support the respondent's position or to call into question the credibility of a Division~~Department~~ witness; and

2) copies of any investigative report that~~which~~ purports to be a memorandum of interview of the respondent.

e) Upon a written request served on the respondent at any time after a Notice of Hearing is filed, or at any stage of the hearing, the respondent will be required to produce within ~~ten (~~10~~)~~ days after~~of~~ service of a written request non-privileged documents, books, records or other evidence that relates~~which relate~~ to the issues set forth in the Notice of Hearing.

f) No file of a Division~~Department~~ examiner, investigator or attorney shall be subject to discovery, except as stated in subsection (d) ~~above~~ relating to exculpatory evidence and memoranda of interviews of a respondent.

g) In accordance with Section 8100.2136~~ of this Part~~, in large or complex cases, at the discretion of the hearing officer, a pre-hearing conference with the parties and the hearing officer may be scheduled in appropriate cases. Consistent with the expedited nature of administrative hearings, the hearing officer may, at the pre-hearing conference, establish the extent of and schedule for the production of relevant documents and other information, including the deposition of witnesses.

h) Subject to constitutional privileges and to grants of confidentiality under the Act and the Illinois Freedom of Information Act [5 ILCS 140],~~(Ill. Rev. Stat., ch. 116, par. 201 et seq.)~~ a party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. The failure of a party to respond to a request within ~~ten (~~10~~)~~ days after~~of~~ service shall be deemed to be an admission thereof.

i) These provisions shall be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.

j) The hearing officer, upon application of any party to a proceeding in which~~where~~ there has been a failure to abide by the discovery provisions of this Section~~herein~~, is authorized to take the following actions:

1) limitation of evidence;

2) substitution of written argument in place of oral argument; and/or

3) exclusion of an attorney from the proceeding for conduct that impeded an orderly determination of the rights of the parties.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2132 Examination of Witnesses

a) A party shall conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination does not descend to sheer abuse or harassment of a witness and the examination or cross-examination can be shown to be necessary to a full and fair disclosure of

facts bearing upon matters in issue.

b) If the hearing officer determines that a witness is hostile or unresponsive, the hearing officer shall authorize the examination by the party calling him or her as if under cross-examination.

c) The Division~~Department~~ may call any adverse party as a witness without vouching for his or her credibility and proceed to examine the~~such~~ adverse party as if under cross-examination. Any party calling a witness, upon a showing that he or she called the witness in good faith and is surprised by his or her testimony, may impeach that witness by evidence of prior inconsistent statements.

d) Oral evidence shall be taken only on oath or affirmation.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2134 Subpoenas

a) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of books, papers, accounts or documents at a hearing in a pending proceeding, shall be issued by the Division~~Department~~ upon its own motion, and shall be issued upon application in writing by a party incorporating a showing that any such subpoena is reasonably required.

b) Applications for subpoenas to compel the production of books, papers, accounts or documents desired shall be verified, and shall specify the books, papers, accounts or documents desired and the material or relevant facts anticipated to be proved by them.

c) The costs for the preparation and service of each subpoena and the payment of witness fees shall be borne by the requesting party.

d) The cost to prepare each Division~~Department~~ subpoena shall be $10.00 and shall be payable to the Division~~Department~~ prior to the issuance of the subpoena. The cost to serve each subpoena shall be the same as provided to Sheriffs in 55 ILCS 5/4-12001 and 4-12001.1~~Ill. Rev. Stat. ch., 53, par. 71~~. Notwithstanding, if the Division~~Department~~ elects to mail a subpoena, the cost shall be $5.00 plus the actual cost of certified or registered mail, return receipt requested, payable to the Division~~Department of Financial Institutions~~ prior to the issuance of the

subpoena. Witness fees shall be the same as provided for in 705 ILCS 35/4.3~~Ill. Rev. Stat., ch., 53, par. 65~~ relating to witnesses attending trial in the Circuit Courts of Illinois.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2136 Pre-Hearing Conferences

Upon written request to the hearing officer by the Division~~Department~~ or any respondent, the parties may be directed by the hearing officer to appear at a specified date, time and place for a pre-hearing conference, prior to the date set for hearing in the particular proceeding or, without notice, on the date and at the place set for the~~such~~ hearing and prior to ~~the commencement thereof~~ or during the ~~course of such~~ hearing~~ and prior to the commencement thereof or during the course of such hearing~~, for the purpose of formulating issues and considering:

a) the simplification of issues;

b) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with respect to matters alleged in any Notice of Hearing;

c) the possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;

d) the limitation of the number of witnesses;

e) the propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and

f) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2142 Record of Proceedings

a) At each hearing, except as otherwise provided in this Section~~herein~~, a permanent and complete record of the proceedings shall be taken at the Division's~~Department's~~ expense by electronic means or by a "shorthand reporter"

as that~~such~~ term is defined in the Illinois Certified Shorthand Reporters Act of 1984 [225 ILCS 415]~~(Ill. Rev. Stat., ch., 111, par. 6204)~~.

b) The Division,~~Department~~ upon request of a party, shall arrange for the shorthand reporter to provide for ~~such~~ copies of the transcript ~~as~~ any other party may require, when the other party requires the copy ~~and at such time as it may require same~~, provided that the~~such~~ other party shall pay directly to the shorthand reporter the payment for the cost of the transcript, including one copy ~~thereof~~ to be furnished the Division~~Department~~ for its use in any proceeding for Administrative Review ~~as hereinafter provided,~~ or otherwise.

c) The requirement set forth in subsection (a) ~~of this Section~~ is not applicable in any case in which~~where~~ all respondents have either defaulted, or submitted documents only, and the Division~~Department~~ presents no evidence through witness testimony.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2144 Record of Hearing

a) The record in a contested case shall include:

1) all pleadings (which shall include all orders or notices of hearing and responses thereto, admissions, stipulations of facts, motions and rulings thereon and, in the case of an agreed settlement, stipulation and consent and a consent order);

2) all documentary evidence, if any;

3) a statement of matters officially noticed, if any;

4) a transcript of the proceedings, if required;

5) any opinion, report or recommendation of the hearing officer to the Director;

6) the findings of fact, conclusions of law and recommendations of the hearing officer;

7) any objections or exceptions to the findings of fact, conclusions of law and recommendations of the hearing officer~~ or portions of the findings of fact, conclusions of law and recommendations of the hearing officer~~; and

8) the findings of fact, conclusion of law and order~~Order~~ of the Director~~,~~ shall constitute a final administrative decision within the provisions of the Administrative Review Law [735 ILCS 5/Art. III]~~(Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.)~~.

b) The record shall be certified by the Division~~Department~~ upon any complaint for administrative review. An index of the record, with each page of the record numbered in sequence, shall be prepared by the Division~~Department~~.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2146 Orders

a) The hearing officer shall prepare findings of fact, conclusions of law, and recommendations to the Director. The findings of fact and conclusions of law shall be stated separately.

b) Any order~~Order~~ of the Director issued without a hearing pursuant to a temporary order as provided under Section 21 of the Act shall advise the respondent that any action for judicial review of the final order must be commenced within ~~thirty-five (~~35~~)~~ days from the date a copy of the order~~Order~~ is served upon the party seeking review, pursuant to the provisions of the Administrative Review Law~~ (Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.)~~.

c) The order~~Order~~ of the Director shall be the decision of the Division~~Department~~ upon issues contested or stipulated to at the hearing, or presented at a hearing in which respondent defaults, or upon issues ~~which are~~ resolved without a hearing pursuant to Section 10-25(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-25(c)]~~(Ill. Rev. Stat. 1991, ch. 127, par. 1010-25(c))~~.

d) The Director, after reviewing the hearing record, shall, in writing:

1) accept or reject in whole or in part the findings of fact, conclusions of law or ~~the~~ recommendations of the hearing officer; or

2) require the submission of additional information or documentation; or

3) order the hearing officer to conduct a rehearing or an additional hearing.

e) Default orders shall be entered against the respondent, when~~where~~ the respondent fails to appear for the hearing at the scheduled time and date~~,~~ and has failed to request or to be~~been~~ granted a continuance in accordance with Section 8100.2122 ~~of this Part~~.

f) A final order~~Order~~ of the Director shall be in writing. A copy of the final order shall be delivered or mailed by registered or certified mail, return receipt requested, to each party or representative or attorney at that~~such~~ person's last known address.

g) The final order~~Order~~ of the Director shall constitute a final administrative decision within the provisions of the Administrative Review Law ~~(Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.)~~.

h) Final orders~~Orders~~ of the Director shall be made available as follows:

1) The Division~~Department~~ will maintain an index by statutory Section~~section(s)~~ involved, in chronological order, of all final orders~~Orders~~ of the Director.

2) The orders~~Copies of said Orders~~ may be reviewed at the Division's~~Department's~~ Springfield office and copies ~~thereof~~ may be obtained upon payment of the cost of duplication, as set forth in 2 Ill. Adm. Code 901.80.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2148 Stipulations

Parties may, by stipulation, agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding, provided that the hearing officer may require proof of any fact by evidence when~~where~~ matters of public interest are involved. At any stage of the hearing, or after all parties have completed the presentation of their evidence, the hearing officer may call upon any party or the Division~~Department~~ for further material or relevant evidence upon any issue.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2160 Disputes Between Parties Certified or Registered by the DivisionDepartment

a) The DivisionDepartment considers that the consuming public is best served by a viable, competitive and respected title insurance industry. To meet this objective it is in the best interest of the consumer and the title insurance industry that disputes between certified or registered parties be resolved in a manner that precludes undeserved damage to reputation, and limits the monetary cost to the participants.

b) WhenWhere the DivisionDepartment receives a complaint from any certified or registered party (the "complainant") alleging conduct or practice by any other certified or registered party (the "respondent") thatwhich could result in any denial, suspension or revocation of any certificate of authority or registration issued or issuable pursuant to the Act ("adverse action"), the Director or the Director's authorized representative may, if where the facts are within the control of the complainant, or if a DivisionDepartment investigation would substantially delay a resolution of the allegations, or if no party is unduly prejudiced by this expedited procedure:

1) direct the complainant to prepare and submit to the DivisionDepartment specific allegations thatwhich would result in adverse action for incorporation by the DivisionDepartment into a Notice of Hearing;

2) direct the complainant and the respondent to appear and present evidence, if any, on the administrative complaint before a hearing officer at a time and place designated by the Division,Department as provided in Section 8100.2104 of this Part; and

3) subsequent to receipt of the findings of fact, conclusions of law and recommendation of the hearing officer, enter an order as provided in Section 8100.2146 of this Part.

c) The DivisionDepartment, the complainant and respondent may, with the consent of the hearing officer and in the interests of justice, enter into a stipulation establishing an expedited procedure for resolving the allegations contained in the

Notice of Hearing.

d) Anytime it appears to the Director or the Director's authorized representative that a complaint made under subsection (a) is for the purpose of harassment, embarrassment or intimidation, the Director or the Director's representative shall terminate the proceeding and may initiate action against the complainant if authorized under the Act.

e) This Section does not delegate,~~and should not be construed as delegating~~ any authority, responsibility or control by the Director or the Director's authorized representative to any party to an administrative proceeding brought pursuant to the Act and ~~the Sections of~~ this Part.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

SUBPART I: CONSUMER PROTECTION

Section 8100.2400 Preamble (Repealed)

~~The Act provides that the Director shall rely upon federal law, regulations and opinion letters, including the Real Estate Settlement Procedures Act of 1974 (RESPA) (12 USC 2601 et seq.), the regulations promulgated thereunder and issued opinion letters. The Sections of this Part are promulgated in order to form a basis to determine if there has been a violation of Section 24 of the Act, and to illustrate acts and practices as applied to transactions in the Illinois marketplace which can result in the initiation of administrative or civil action. Recognizing that changes in acts and practices occur, it is the intention of the Department, by amendment or other authorized procedure (e.g., legislation), to assure that the Sections of this Part accurately reflect the conduct sought to be prohibited by Section 24 of the Act.~~

(Source: Repealed at 34 Ill. Reg. 852, effective December 29, 2009)

Section 8100.2406 Borrower's Right to Cancel

A borrower in a transaction for the purchase or refinance of residential real property, as defined in Section 3(14) of the Act, has the right to cancel or alter the placement of an order for the mortgage title insurance commitment and policy at any time prior to the closing of the transaction without cost or penalty to the borrower. This Section shall not be construed or applied in such a way as to alter the rights and obligations of any party to a contract for the sale and purchase of residential property, pursuant to Section 18.1 of the Act.

(Source: Added at 34 Ill. Reg. 852, effective December 29, 2009)

SUBPART J: PUBLIC INFORMATION

Section 8100.3000 Non-Public Distribution of Information

Information or documents obtained by employees of the Division~~Department~~ in the course of any examination, audit, visit, registration, certification, review, licensing or investigation pursuant to the Act~~,~~ shall, unless made a matter of public record, be deemed confidential. Employees are ~~hereby~~ prohibited from making disclosure of ~~such~~ confidential information or production of documents or any other non-public records of the Division~~Department~~ or other governmental agency, unless the Director or the Director's authorized representative authorizes the disclosure of that~~such~~ information or the production of the~~such~~ documents as not being contrary to the public interest.

(Source: Amended at 34 Ill. Reg. 852, effective December 29, 2009)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: 120.310 — Adopted Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendment: December 30, 2009

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any materials 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: April 24, 2009; 33 Ill. Reg. 5994

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences Between Proposal and Final Version: In Section 120.310(b)(2), added "8 USC 1101(a)(27))" after "INA".

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 rulemakings currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendment: Through recent lawmaking, Congress established that Iraqi and Afghan special immigrants, under Section 101(a)(27) of the Immigration and Nationality Act (INA), meet immigration requirements for Medicaid benefits for a limited time period, currently 8 months. If determined ineligible for Medicaid, the immigrants may receive Refugee Medical Assistance for the specified time periods. The limited eligibility period begins with either the date the person entered the U.S. as a special immigrant or the date their status was adjusted with the U.S. Iraqi and Afghan

special immigrants are legal permanent residents and subject to the 5-year bar after the limited eligibility period.

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

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 FamilyCare Assist
120.34 FamilyCare Share and FamilyCare Premium Level 1
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community – Integrated Living Arrangements

SUBPART D: MEDICARE PREMIUMS

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

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

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

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

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.328	Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329	Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

SUBPART I: SPECIAL PROGRAMS

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

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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg.

10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, l983; amended at 7 Ill. Reg. 8264, effective July 5, l983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929,

effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000;

emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; peremptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; peremptory amendment suspended at 32 Ill. Reg. 8450, effective May 21, 2008; peremptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; peremptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; peremptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150

days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009.

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.310 Citizenship

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

a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parents.

b) Non-citizens

1) The following categories of non-citizens may receive assistance, if otherwise eligible:

A) A U.S. veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of that~~such a~~ person;

B) Refugees under section~~Section~~ 207 of the Immigration and Nationality Act (INA);

C) Asylees under section~~Section~~ 208 of ~~the~~ INA;

D) Persons for whom deportation has been withheld under section~~Section~~ 243(h) of ~~the~~ INA;

E) Persons granted conditional entry under section~~Section~~ 203(a)(7) of ~~the~~ INA as in effect prior to April 1, 1980;

F) Persons lawfully admitted for permanent residence under ~~the~~ INA;

G) Parolees, for at least one year, under section~~Section~~ 212(d)(5) of ~~the~~ INA;

H) Nationals of Cuba or Haiti;

I) Persons identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking;

J) Amerasians from Vietnam;

K) Members of the Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era;

L) American Indians born in Canada; and

M) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month of assistance and whose need for assistance is due, at least in part, to the abuse.

2) Those persons who are in the category~~categories~~ set forth in subsection~~subsections~~ (b)(1)(F) ~~and (b)(1)(G)~~ of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States, with the exception of Iraqi and Afghan special immigrants under section 101(a)(27) of INA (8 USC 1101(a)(27)). Iraqi and Afghan special immigrants are eligible for a limited period of time established by the federal government. The limited time period begins with either the date the person entered the United States as a special immigrant or the date his or her status was adjusted within the United States.

3) Those persons who are in the category set forth in subsection (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall

not be eligible for five years beginning on the date the person entered the United States.

4)~~3)~~ Notwithstanding the provisions of subsections (b)(1) and (2) of this Section, any non-citizen is eligible for medical assistance if the non-citizen otherwise meets the income, asset and categorical requirements of the medical assistance program and is in need of emergency services required after the sudden onset of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in:

A) placing the non-citizen's health in serious jeopardy;

B) serious impairments to bodily functions; or

C) serious dysfunction of any organ or part (42 USC 1396(b)(v)).

(Source: Amended at 34 Ill. Reg. 889, effective December 30, 2009)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3)

Section Numbers:	Adopted Action:
140.3	Amendment
140.403	New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Amendments: January 29, 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 materials 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: January 30, 2009; 33 Ill. Reg. 1617

10) Has JCAR issued a Statement of Objection to these rulemakings? No

11) Differences Between Proposal and Final Version: The following changes have been made:

In Section 140.403(a)(3) added a new #3 definition to read as follows: ""Encounter Clinic" means a Federally Qualified Health Center, Rural Health Clinic or Encounter Rate Clinic, as defined in 89 Ill. Adm. Code 140.461."

In Section 140.403(a)(3)-(a)(9) renumbered the definitions starting with definition "Facility Fee" as #4.

In Section 140.403(b)(1)(B) added "physician assistant" and "podiatrist".

In Section 140.403(b)(1)(E) deleted "~~physician~~" and added "distant site provider".

In Section 140.403(b)(2)(A) added "mental health professional (MHP), or qualified mental health professional (QMHP)".

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In Section 140.403(b)(2)(B) deleted, " ~~. When treating patients age 15 and younger, the physician must have completed~~".

In Section 140.403(c)(3)(A) added "as defined in Section 140.462" after the words "medical encounter".

In Section 140.403(d)(1)(B) deleted the word "~~physician~~" and changed "Licensed Clinician" to "licensed clinician".

In Section 140.403(d)(1)(C) deleted "for patients age 15 and younger".

In Section 140.403(d)(2) deleted "~~Federally Qualified Health Center, Rural Health Center or~~"

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 rulemakings currently in effect? No

14) Are there any other amendments pending on this Part? Yes

Sections:	Proposed Action:	Illinois Register Citation:
140.400	Amendment	33 Ill. Reg. 4468; March 27, 2009
140.526	Amendment	33 Ill. Reg. 14269; October 16, 2009
140.530	Amendment	33 Ill. Reg. 14269; October 16, 2009
140.860	New Section	33 Ill. Reg. 14269; October 16, 2009

15) Summary and Purpose of Amendments: This rulemaking provides that medical providers who provide mental health and medical services through "telepsychiatry" and "telemedicine" be reimbursed. The rulemaking establishes guidelines for telehealth services, which are those provided via a telecommunication system. The new Section provides definitions; participation requirements, including those for telepsychiatry and telemedicine services; reimbursement policy, and recordkeeping and maintenance procedures. These amendments also add telehealth services to those covered by the Department's medical assistance programs.

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

Jeanette Badrov

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

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

Suspension or Barring
140.20 Submittal of Claims
140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Sanctioned Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.44 Withholding of Payments Due to Fraud or Misrepresentation
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services

(Recodified)
140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners
140.402 Copayments for Noninstitutional Medical Services
140.403 Telehealth Services
140.405 SeniorCare Pharmaceutical Benefit (Repealed)
140.410 Physicians' Services
140.411 Covered Services By Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
140.416 Optometric Services and Materials
140.417 Limitations on Optometric Services
140.418 Department of Corrections Laboratory
140.420 Dental Services
140.421 Limitations on Dental Services
140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
140.425 Podiatry Services
140.426 Limitations on Podiatry Services
140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
140.428 Chiropractic Services
140.429 Limitations on Chiropractic Services (Repealed)
140.430 Independent Clinical Laboratory Services
140.431 Services Not Covered by Independent Clinical Laboratories
140.432 Limitations on Independent Clinical Laboratory Services
140.433 Payment for Clinical Laboratory Services
140.434 Record Requirements for Independent Clinical Laboratories
140.435 Advanced Practice Nurse Services
140.436 Limitations on Advanced Practice Nurse Services
140.438 Imaging Centers
140.440 Pharmacy Services
140.441 Pharmacy Services Not Covered
140.442 Prior Approval of Prescriptions

140.443 Filling of Prescriptions
140.444 Compounded Prescriptions
140.445 Legend Prescription Items (Not Compounded)
140.446 Over-the-Counter Items
140.447 Reimbursement
140.448 Returned Pharmacy Items
140.449 Payment of Pharmacy Items
140.450 Record Requirements for Pharmacies
140.451 Prospective Drug Review and Patient Counseling
140.452 Mental Health Services
140.453 Definitions
140.454 Types of Mental Health Services
140.455 Payment for Mental Health Services
140.456 Hearings
140.457 Therapy Services
140.458 Prior Approval for Therapy Services
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

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8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg.

11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg.7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections

140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg.

17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455,

effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957,

effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency

amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010.

SUBPART A: GENERAL PROVISIONS

Section 140.3 Covered Services Under Medical Assistance Programs

a) As described in this Section, medical services shall be covered for:

1) recipients of financial assistance under the AABD (Aid to the Aged, Blind or Disabled), TANF (Temporary Assistance to Needy Families), or Refugee/Entrant/Repatriate programs;

2) recipients of medical assistance only under the AABD program (AABD-MANG);

3) recipients of medical assistance only under the TANF program (TANF-MANG);

4) individuals under age 18 not eligible for TANF (see Section 140.7), pregnant women who would be eligible if the child were born and pregnant women and children under age eight who do not qualify as mandatory categorically needy (see Section 140.9);

5) disabled persons under age 21 who may qualify for Medicaid or in-home care under the Illinois Home and Community-Based Services Waiver for Medically Fragile Technology Dependent Children;

6) recipients eligible under the State Transitional Assistance Program who are determined by the Department to be disabled; and

7) Individuals 19 years of age or older eligible under the KidCare Parent

Coverage Waiver as described at 89 Ill. Adm. Code 120.32 except for:

A) Services provided only through a waiver approved under section 1915(c) of the Social Security Act; and

B) Termination of pregnancy.

b) The following medical services shall be covered for recipients under age 21 who are included under subsection (a):

1) Inpatient hospital services;

2) Hospital outpatient and clinic services;

3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;

4) Encounter rate clinic visits;

5) Physician services;

6) Pharmacy services;

7) Home health agency visits;

8) Laboratory and x-ray services;

9) Group care services;

10) Family planning services and supplies;

11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;

12) Transportation to secure medical services;

13) EPSDT services pursuant to Section 140.485;

14) Dental services;

15) Chiropractic services;

16) Podiatric services;

17) Optical services and supplies;

18) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396;

19) Hospice services;

20) Nursing care pursuant to Section 140.472; ~~and~~

21) Nursing care for the purpose of transitioning children from a hospital to home placement or other appropriate setting pursuant to 89 Ill. Adm. Code 146, Subpart D; and~~.~~

22) Telehealth services pursuant to Section 140.403.

c) The following medical services shall be covered for recipients age 21 or over who are included under subsection (a):

1) Inpatient hospital services;

2) Hospital outpatient and clinic services;

3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;

4) Encounter rate clinic visits;

5) Physician services;

6) Pharmacy services;

7) Home health agency visits;

8) Laboratory and x-ray services;

9) Group care services;

10) Family planning services and supplies;

11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;

12) Transportation to secure medical services;

13) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396;

14) Hospice services;

15) Dental services;

16) Chiropractic services;

17) Podiatric services; ~~and~~

18) Optical services and supplies; and~~.~~

19) Telehealth services pursuant to Section 140.403.

(Source: Amended at 34 Ill. Reg. 903, effective January 29, 2010)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.403 Telehealth Services

a) Definitions

1) "Asynchronous Store and Forward Technology" means the transmission of a patient's medical information from an originating site to the provider at the distant site. The provider at the distant site can review the medical case without the patient being present. An asynchronous telecommunication system in single media format does not include telephone calls, images transmitted via facsimile machines and text messages without visualization of the patient (electronic mail). Photographs visualized by a telecommunication system must be specific to the patient' s medical condition and adequate for furnishing or confirming a diagnosis and/or treatment plan. Dermatological photographs (for example, a photograph of a skin lesion) may be considered to meet the requirement of a single media format under this provision.

2) "Distant Site" means the location at which the provider rendering the service is located.

3) "Encounter Clinic" means a Federally Qualified Health Center, Rural Health Clinic or Encounter Rate Clinic, as defined in 89 Ill. Adm. Code 140.461.

4) "Facility Fee" means the reimbursement made to the following originating sites for the telehealth service: physician's office, podiatrist's office, local health departments, community mental health centers, licensed hospital outpatient departments as defined in 89 Ill. Adm. Code 148.25(d) and substance abuse treatment centers licensed by the Department of Human Services-Division of Alcoholism and Substance Abuse (DASA).

5) "Interactive Telecommunication System" means multimedia communications equipment that includes, at a minimum, audio and video equipment permitting two-way, real-time interactive communication between the patient and the distant site provider. Telephones, facsimile machines, and electronic mail systems do not meet the definition of an interactive telecommunication system.

6) "Originating Site" means the location at which the participant receiving the service is located.

7) "Telecommunication System" means an asynchronous store and forward technology and/or an interactive telecommunication system that is used to transmit data between the originating and distant sites.

8) "Telehealth" means services provided via a telecommunication system.

9) "Telemedicine" means the use of a telecommunication system to provide medical services for the purpose of evaluation and treatment when the patient is at one medical provider location and the rendering provider is at another location.

10) "Telepsychiatry" means the use of a telecommunication system to provide psychiatric services for the purpose of evaluation and treatment when the patient is at one medical provider location and the rendering provider is at another location.

b) Requirements for Telehealth Services

1) Telemedicine

A) A physician or other licensed health care professional must be present at all times with the patient at the originating site.

B) The distant site provider must be a physician, physician assistant, podiatrist or advanced practice nurse who is licensed by the State of Illinois or by the state where the patient is located.

C) The originating and distant site provider must not be terminated, suspended or barred from the Department's medical programs.

D) Medical data may be exchanged through a telecommunication system.

E) The interactive telecommunication system must, at a minimum, have the capability of allowing the consulting distant site provider to examine the patient sufficiently to allow proper diagnosis of the involved body system. The system must also be capable of transmitting clearly audible heart tones and lung sounds, as well as clear video images of the patient and any diagnostic tools, such as radiographs.

2) Telepsychiatry

A) A physician, licensed health care professional or other licensed clinician, mental health professional (MHP), or qualified mental health professional (QMHP), as defined in 59 Ill. Adm. Code 132.25, must be present at all times with the patient at the originating site.

B) The distant site provider must be a physician licensed by the State of Illinois or by the state where the patient is located and must have completed an accredited general psychiatry residency program or an accredited child and adolescent psychiatry residency program.

C) The originating and distant site provider must not be terminated, suspended or barred from the Department's medical programs.

D) The distant site provider must personally render the telepsychiatry service.

E) Telepsychiatry services must be rendered using an interactive telecommunication system.

F) Group psychotherapy is not a covered telepsychiatry service.

c) Reimbursement for Telehealth Services

1) Originating Site Reimbursement

A) A facility fee shall be paid to providers as defined in subsection (a)(4) of this Section.

B) Local education agencies may submit telehealth services as a certified expenditure.

C) Providers who receive reimbursement for a patient's room and board are not eligible for reimbursement as an originating site.

D) Clinics reimbursed under the prospective payment system shall be eligible for a medical encounter as set forth in subsection (c)(3) of this Section.

2) Reimbursement for Rendering Provider at the Distant Site

A) Participating providers shall be reimbursed for the appropriate AMA Current Procedural Terminology (CPT) code for the telehealth service rendered.

B) Nonparticipating providers may be reimbursed by the originating site provider, but will not be eligible for reimbursement from the Department.

3) Clinic Reimbursement

A) An encounter clinic serving as the originating site shall be reimbursed for its medical encounter as defined in Section 140.462. The clinic is responsible for reimbursement to the distant site provider.

B) An encounter clinic serving as the distant site shall be reimbursed as follows:

i) If the originating site is another encounter clinic, the distant site encounter clinic shall receive no reimbursement from the Department. The originating site encounter clinic is responsible for reimbursement to the distant site encounter clinic; and

ii) If the originating site is not an encounter clinic, the distant site encounter clinic shall be reimbursed for its medical encounter. The originating site provider will receive a facility fee as defined in subsection (a)(4) of this Section.

d) Record Requirements for Telehealth Services

1) Medical records documenting the telehealth services provided must be maintained by the originating and distant sites and shall include, but not be limited to, the following:

A) The records required in Section 140.28;

B) The name and license number of the licensed health care professional or other licensed clinician present with the patient at the originating site;

C) The name and license number of the provider at the distant site and, if the service involves telepsychiatry, documentation that the physician has completed an approved general psychiatry residency program or an approved child and adolescent psychiatry residency program;

D) The locations of the originating and distant sites;

E) The date and the beginning and ending times of the telehealth service; and

F) The medical necessity for the telehealth service.

2) When the originating site is an encounter clinic, records from the distant site must also be maintained.

3) Appropriate steps must be taken by the originating and distant site staff to assure patient confidentiality, based on technical advances in compliance with all federal and state privacy and confidentiality laws.

4) The type of interactive telecommunication system utilized at the originating and distant sites shall be documented.

5) The billing records related to the use of the telecommunication system shall be maintained as provided in Section 140.28.

(Source: Added at 34 Ill. Reg. 903, effective January 29, 2010)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Procedures Applicable to All Agencies

2) Code Citation: 44 Ill. Adm. Code 750

3) Section Number: 750.210 — Adopted Action: Amendment

4) Statutory Authority: Implementing Sections 2-105(A), 7-101(A), and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105(A)]

5) Effective Date of Amendment: December 29, 2009

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: September 25, 2009; 33 Ill. Reg. 13237

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were suggested by JCAR.

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: The amendment provides the circumstances and procedures for when a person filing a DHR Employer Report Form must pay a $75 filing fee.

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENT

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

312/814-6257 or 217/785-5125 (TTY)

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER X: DEPARTMENT OF HUMAN RIGHTS

PART 750
PROCEDURES APPLICABLE TO ALL AGENCIES

SUBPART A: DEFINITIONS

Section
750.5 Definitions

SUBPART B: EQUAL OPPORTUNITY CLAUSE

Section
750.10 Clause to be Included in All Contracts
750.20 Incorporation by Operation of the Regulation
750.30 Subcontracts
750.40 Contracts or Subcontracts with Religious Entities

SUBPART C: DUTIES OF PUBLIC CONTRACTORS AND SUBCONTRACTORS

Section
750.110 General
750.120 Identification of Underutilization
750.130 Affirmative Action Plans
750.140 Information and Reports
750.150 Recruitment of Employees
750.160 Segregated Facilities
750.170 Subcontracts

SUBPART D: BIDDING AND COMPLIANCE

Section
750.210 Eligibility for Public Contracts
750.220 Construction Employee Utilization Projection
750.230 Compliance Review; Enforcement

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENT

750.APPENDIX A Equal Employment Opportunity Clause

AUTHORITY: Implementing Sections 2-105(A), 7-101(A), and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; codified at 8 Ill. Reg. 17889; amended at 22 Ill. Reg. 11774, effective July 1, 1998; amended at 30 Ill. Reg. 18709, effective November 20, 2006; amended at 32 Ill. Reg. 16484, effective September 23, 2008; amended at 34 Ill. Reg. 933, effective December 29, 2009.

SUBPART D: BIDDING AND COMPLIANCE

Section 750.210 Eligibility for Public Contracts

a) DHR Filing Requirement

1) The requirements of this Section shall apply to all persons employing 15~~fifteen~~ or more individuals at any time during the 365 day period immediately preceding the date of filing. No such employer~~person~~ shall be eligible to be awarded a contract by a State agency, as defined in the Illinois Procurement Code [30 ILCS 500/1-15.100], unless that employer~~such person~~ has filed with the Department a properly completed DHR~~and sworn~~ Employer Report Form (Form PC-1~~, also known as IL 442-0010~~) or holds a valid Number. This~~Such~~ filing with the Department must take place prior to bid opening, if a bidding or competitive selection procedure is required under the Illinois Procurement Code ~~[30 ILCS 500/1-1],~~ or, in all other cases, contract award.

2) Persons covered under this Section may obtain DHR Employer Report Forms by writing to the Public Contracts Unit, Department of Human Rights, 100 W. Randolph Street, Suite 10-100, Chicago IL 60601, by accessing the Department's website at www.state.il.us/dhr, or by TTY at (217)785-5125. An DHR Employer Report Form shall be deemed filed when it is received~~,~~ in the Department's Chicago office, properly completed and signed.

3) After January 1, 2010, an DHR Employer Report Form, whether it is a renewal or an initial filing, will not be deemed complete unless it is accompanied by a filing fee of $75 in the form of a certified check, money order or cashier's check payable to "Department of Human Rights" and mailed to the Department of Human Rights, ATTN: Fiscal Unit, 100 West Randolph Street, Suite 10-100, Chicago, Illinois 60601. Each DHR Employer Report Form containing a separate Federal Employer Identification Number (FEIN) shall be accompanied by a separate $75 fee. The Number or FEIN of the covered person filing the DHR Employer Report Form shall appear on the certified check, money order or cashier's check. The $75 fee is non-refundable.

b) Each person who files the~~such a~~ form required by subsection (a)~~in compliance with this Section~~ shall be issued a Number as evidence of its eligibility to bid on, or be awarded, public contracts. Each Number~~Such~~ shall expire five years from the date of issue, without further notice to the employer~~person~~. A list of Numbers due to expire within a certain month will be published on the Department's website. At any time prior to the expiration date, the Department may suspend or revoke the Number in accordance with the Act or this Part. The~~Such~~ Number shall also expire upon dissolution, sale~~,~~ or merger of the public contractor or eligible bidder.

c) If the Department finds that a public contractor or eligible bidder is underutilizing minorities and/or women in any job classification, as defined in Section 750.120 ~~of this Part~~, it shall require the submission of an acceptable affirmative action plan.

1) After submitting an acceptable plan, the contractor or eligible bidder shall file such reports as the Department may require to document the contractor's ~~or s;~~ progress under the plan. The Department may require that such reports contain information that includes, but is not limited to, the contractor's or eligible bidder's:

A) identification of underutilization (as required in Section 750.120 ~~of this Part~~);

B) hiring and promotional goals and timetables;

C) personnel policies and procedures;

D) personnel outreach and recruitment efforts;

E) personnel transactions (including hires, promotions, discharges, layoffs~~,~~ and disciplinary actions);

F) employee compensation and benefits;

G) sexual harassment prevention policies and procedures;

H) allegations of unlawful discrimination (as defined in Section 750.110(a)~~ of this Part~~); and

I) compliance with any specific commitments made by the contractor or eligible bidder in its plan.

2) The Department may require a contractor or eligible bidder to file these~~such~~ reports until such time as the underutilization has been eliminated, but no more than quarterly.

d) A public contractor or eligible bidder may voluntarily relinquish its Number by so notifying the Department in writing addressed to the Department's Chicago office. Each public contractor or eligible bidder must notify the Department in writing of any change of address or other information ~~which may be~~ necessary for the Department to readily contact it.

e) A public contractor or eligible bidder that~~which~~ cannot be located by the Department, ~~or which~~ does not respond to a written inquiry sent to its last known address, or ~~which~~ does not respond to a notice published in the Illinois Procurement Bulletin (see 30 ILCS 500/15-1)~~,~~ and/or in other publications of general circulation~~,~~ may be deemed to have relinquished its Number.

f) A~~Upon the~~ written request of a contracting agency for an exemption~~, which request~~ shall state the specific reasons for the exemption. The~~therefor, the~~ Department may exempt any person from the requirements of subsection (a)~~ of this Section~~ when it deems that exceptional circumstances and the public interest so require. An~~Such~~ exemption shall be granted for a specified purpose and duration but may be withdrawn by the Department at any time; provided,

however, that the~~such~~ withdrawal shall not apply to contracts awarded prior to the withdrawal.

g) The requirements of subsection (a)~~ of this Section~~ shall not apply to:

1) State agencies, boards~~,~~ and commissions required to file affirmative action plans with the Department pursuant to 56 Ill. Adm. Code 2520.710;

2) persons located wholly outside the territorial boundaries of the United States~~State~~ and who have no employees in the United States and will not hire employees in the United States to perform any part of any public contract;

3) procurements~~Procurements~~ designated as small purchases pursuant to 30 ILCS 500/20-20;

4) procurements~~Procurements~~ designated as sole-source pursuant to 30 ILCS 500/20-25; and

5) procurements~~Procurements~~ designated as emergency pursuant to 30 ILCS 500/20-30.

~~h) Beginning July 1, 1998, persons covered under this Section may obtain forms required to apply for Numbers by writing to the Public Contracts Unit, Department of Human Rights, 100 W. Randolph Street, Suite 10-100 Chicago IL, 60601 or by accessing the Department's website at www.state.il.us/dhr. Persons who are hearing-impared may also contact the Department by TDD at 312-263-1579.~~

~~i) All Numbers issued by the Department or the Illinois Fair Employment Practices Commission between February 1, 1973, and June 30, 1998, shall expire on August 31, 1999.~~

(Source: Amended at 34 Ill. Reg. 933, effective December 29, 2009)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Newborn Metabolic Screening and Treatment Code

2) Code Citation: 77 Ill. Adm. Code 661

3)

Section Numbers:	Adopted Action:
661.10	Amended
661.15	Amended
661.30	Amended
661.35	Amended
661.40	Amended
661.50	Amended
661.70	Amended

4) Statutory Authority: Newborn Metabolic Screening Act [410 ILCS 240]

5) Effective Date of Rulemaking: December 31, 2009

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposed Amendments Published in Illinois Register: June 12, 2009; 33 Ill. Reg. 7553

10) Has JCAR issued a Statement of Objection to these amendments? 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:

1. In Section 661.10 (a), the third sentence was modified by striking "will be determined by the Director" and adding "shall be reviewed by the Genetic and Metabolic Diseases Advisory Committee", and two new sentences were added as follows: "The Director shall consider the recommendations of the Genetic and Metabolic Diseases Advisory Committee in making his recommendation to

include an additional disorder in the screening panel. Implementation of the Director's recommendation shall be subject to that recommendation's adoption by rule.".

2. In Section 661.35(a), "Chairman of the" was added before "Advisory Committee".

3. In Section 661.35(b), "at Chicago" was stricken.

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

1. In the language added in the first change in response to public comments, "Director" was changed to "Department"; "making his recommendation" was changed to "determining"; "Director's recommendation" was changed to "Department's determination" and "recommendation's" was changed to "determination's".

2. In Section 661.50(i), "are the standard treatments" was changed to "have demonstrated benefits for patients with these disorders".

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

15) Summary and Purpose of Rulemaking: These amendments include provisions to describe the mandate for testing of all infants born in Illinois for five lysosomal storage disorders (LSDs), which are inherited metabolic disorders caused by lysosomal dysfunction. This testing is required by Public Act 95-695, which was signed November 5, 2007. The legislation provided a phase-in period of three years to allow the Department to acquire and install the equipment necessary to implement the expanded screening tests. The rulemaking defines qualification for the physician specialists who will be providing follow-up for these infants. The fee collected for newborn screening will increase to cover the laboratory and follow-up costs for LSD testing. In addition, the rules are being amended to reflect the change in the name of the Phenylketonuria Testing Act to the Newborn Metabolic Screening Act.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 661
NEWBORN METABOLIC SCREENING AND TREATMENT CODE

Section
661.10 Responsibility
661.15 Definitions
661.20 Collection of Blood and Submission of Specimens
661.30 Interpretation of Results
661.35 Designation of Medical Specialists~~Consultants~~
661.40 Reports
661.50 Diagnosis and Treatment
661.60 Exemption
661.70 Fee Assessment and Payment

AUTHORITY: Implementing and authorized by the Newborn Metabolic Screening Act [410 ILCS 240].

SOURCE: Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13292, effective August 15, 1990; amended at 17 Ill. Reg. 13609, effective August 1, 1993; amended at 19 Ill. Reg. 15720, effective November 1, 1995; expedited correction at 20 Ill. Reg. 3590, effective November 1, 1995; amended at 22 Ill. Reg. 20639, effective November 10, 1998; amended at 26 Ill. Reg. 10676, effective July 1, 2002; amended at 26 Ill. Reg. 18412, effective January 1, 2003; amended at 31 Ill. Reg. 13203, effective August 28, 2007; amended at 34 Ill. Reg. 940, effective December 31, 2009.

Section 661.10 Responsibility

a) The physician in attendance at or immediately after the birth of the newborn infant shall have primary responsibility for seeing that a specimen of the infant's blood is screened in accordance with this Part. Newborn screening includes tests for the following disorders: classical phenylketonuria (PKU) and certain other

amino acid, organic acid, and fatty acid oxidation disorders; primary hypothyroidism; classical galactosemia; congenital adrenal hyperplasia due to 21-hydroxylase deficiency; biotinidase deficiency; sickle cell disease/trait; ~~and~~ cystic fibrosis; and lysosomal storage disorders. Specific diseases in the categories of amino acid, organic acid, and fatty acid oxidation and lysosomal storage disorders shall be reviewed by the Genetic and Metabolic Diseases Advisory Committee ~~will be determined by the Director~~. The Department shall consider the recommendations of the Genetic and Metabolic Diseases Advisory Committee in determining to include an additional disorder in the screening panel. Implementation of the Department's determination shall be subject to that determination's adoption by rule. For a current list of disorders, refer to the Illinois Department of Public Health Newborn Screening Practitioner's Manual. A blood specimen meeting the requirements for testing shall suffice for all tests (see Section 661.20). The physician may delegate this responsibility to the hospital administrator or to the administrator's designated representative, such as a member of the pediatrics staff, the laboratory director, the obstetrical supervisor, or other hospital official.

b) If the infant is not born in or admitted to a hospital or when there is no physician in attendance at or immediately after the birth, the physician caring for the infant during the first month of life shall be the individual responsible for seeing that a blood specimen for newborn screening is submitted. When there is no physician caring for such an infant during this period, the parents or guardian is responsible. Local health authorities or the Department shall assist the parents or guardian in having a blood specimen submitted for testing.

c) All specimens collected pursuant to this Part shall be submitted for testing to the Newborn Screening Section, Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612 (see Section 661.20).

d) When a retest is determined to be necessary pursuant to Section 661.30 of this Part, the Illinois Department of Public Health shall notify the physician or his or her designee who is responsible for obtaining another specimen and having the specimen tested.

(Source: Amended at 34 Ill. Reg. 940, effective December 31, 2009)

Section 661.15 Definitions

"Act" means the Newborn Metabolic Screening~~Phenylketonuria Testing~~ Act [410 ILCS 240].

"Advisory Committee" means the Genetic and Metabolic Diseases Advisory Committee appointed by the Director.

"CF" means cystic fibrosis.

"CLSI" means Clinical and Laboratory Standards Institute.

"Department" or "DPH" means the Department of Public Health.

"Director" means the Director of the Department of Public Health.

"Formula" means a medically prescribed treatment substance that has been designed to treat a specific metabolic disorder.

"LSD" means lysosomal storage disorders, including the following: Krabbe, Pompe, Gaucher, Fabry, and Niemann-Pick, which are inherited metabolic disorders caused by lysosomal dysfunction, usually as a consequence of deficiency of a single enzyme required for the metabolism of lipids, glycoproteins or mucopolysaccharides.

"Newborn screening" or "testing" means the testing of a blood sample for classical phenylketonuria (PKU) and certain other amino acid, organic acid, and fatty acid oxidation disorders, primary hypothyroidism, classical galactosemia, congenital adrenal hyperplasia due to 21-hydroxylase deficiency, biotinidase deficiency, sickle cell disease/trait, ~~and~~ cystic fibrosis and lysosomal storage disorders. At times, variant forms of some disorders, or related conditions, may also be identified.

"PKU" means classical phenylketonuria.

"Tandem mass spectrometry" means use of a tandem mass spectrometer and associated software to test a newborn screening sample.

"MS/MS" means Tandem Mass Spectrometry.

"Using accepted statistical techniques" means using techniques that have been published in peer reviewed scientific literature.

(Source: Amended at 34 Ill. Reg. 940, effective December 31, 2009)

Section 661.30 Interpretation of Results

Although the majority of infants affected by disorders included in the newborn screening panel will be identified by this screening, due to genetic variabilities and variations in health status, specimen quality, and timing of specimen collection, not all infants affected by such a disorder may be identified. As with any laboratory test, false positive and false negative results are possible. Newborn screening test results are insufficient information on which to base diagnosis or treatment.

a) Phenylketonuria

1) Normal phenylalanine levels shall be established using accepted statistical techniques.

2) When the blood phenylalanine level is deemed to be abnormal, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated medical specialist~~consultant~~ for a quantitative phenylalanine determination and other diagnostic studies as determined by the medical specialist~~consultant~~.

b) Primary Hypothyroidism

1) Neonatal levels for thyroid stimulating hormone (TSH) vary with gestational age, birthweight, time of collection and in response to concurrent medical problems. Normal TSH and normal thyroxine (T4) levels shall be established using accepted statistical techniques.

2) When the TSH level or the T4 level is deemed to be abnormal, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated pediatric endocrinologist for further evaluation for primary hypothyroidism and additional serum testing for thyroid function.

c) Galactosemia

1) Laboratory tests for galactosemia may be performed by testing for total galactose (galactose and galactose-1-phosphate) or a deficiency of the galactose-l-phosphate uridyl transferase enzyme. Normal test results indicate a normal level of total galactose or the presence of the enzyme. Test results are abnormal when the level of total galactose is above the normal range or the presence of the enzyme is not detected. Normal ranges shall be established using accepted statistical techniques.

2) When the galactose or enzyme levels are deemed abnormal, recommendations may be given to change the diet of the infant to a galactose free diet. The Department shall recommend a repeat newborn screening test or referral of the infant to a designated medical specialist~~consultant~~ for further diagnostic studies.

d) Congenital Adrenal Hyperplasia (secondary to 21-hydroxylase deficiency)

1) Neonatal levels for 17-hydroxyprogesterone vary with gestational age, birthweight, time of collection and in response to concurrent medical problems. Normal 17-hydroxyprogesterone levels shall be established using accepted statistical techniques.

2) When the 17-hydroxyprogesterone level is deemed to be abnormal, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated pediatric endocrinologist for further evaluation for congenital adrenal hyperplasia.

e) Biotinidase Deficiency

1) Laboratory tests for biotinidase deficiency are designed to detect a deficiency of the biotinidase enzyme. Normal test results indicate the presence of the enzyme. Test results are abnormal when the presence of the enzyme is not detected.

2) When the determination of the enzyme is deemed abnormal, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated medical specialist~~consultant~~ for a quantitative determination of the biotinidase enzyme and further diagnostic studies.

f) Sickle Cell Disease/Trait and Other Hemoglobinopathies
Qualitative testing will determine the presence of A, F, S, C and other hemoglobins.

1) When F and S hemoglobins, but no A hemogolobin, are detected on the same specimen, the Department shall recommend referral to a designated medical specialist~~consultant~~ for follow-up and genetic counseling.

2) When F, S and C hemoglobins, but no A hemogolobin, are detected on the same specimen, the Department shall recommend referral to a designated medical specialist~~consultant~~ for follow-up and genetic counseling.

3) When F, A and C hemoglobins or F, A and S hemoglobins are detected on the same specimen, the Department shall recommend parental testing and genetic counseling by the attending physician or another qualified counselor.

4) When A hemoglobin is detected as the predominant hemoglobin, and the specimen was collected at less than 2 months of age, it will be assumed that the infant received a blood transfusion, and a report indicating such will be made. A repeat newborn screening specimen should be drawn from all such infants 3 months post-transfusion.

g) Phenylketonuria (PKU) and other amino acid, organic acid, and fatty acid oxidation disorders
(Note: PKU testing is described in Section 661.30(a)).

1) Analysis shall be performed by MS/MS. The patient metabolite distribution patterns shall be compared to normal populations. Pattern analysis, and internal metabolite ratios relative to normal populations, shall be calculated using accepted statistical techniques.

2) When blood levels or ratios are found to be abnormal, indicating the possibility of a metabolic condition harmful to the infant, the Department shall recommend a repeat newborn screening test or referral of the infant to a designated medical specialist~~consultant~~ for appropriate definitive testing and diagnostic studies.

h) Cystic Fibrosis (CF)

1) CF is indicated by elevated neonatal levels of immunoreactive trypsinogen (IRT) that can be detected in dried blood spots by immunoassay or other techniques. The normal IRT range shall be established using accepted statistical techniques.

2) When elevated levels of IRT are detected, testing by genetic mutation analysis shall be performed in order to decrease false positive results. Because there are over 1,000 mutations in the CF transmembrane conductance regulator (CFTR) gene, testing will yield only 90 to 95 percent sensitivity.

3) When IRT levels and/or mutation analysis are found to be abnormal, thus indicating the possibility of CF, the Department shall recommend referral of the infant to a designated medical specialist~~consultant~~ for appropriate definitive testing and diagnostic studies.

~~4) To establish normal IRT range and validate the mutation analysis, the Department shall conduct, through February 2008, a phase-in project requiring CF screening of all babies born at the following Illinois birthing hospitals: Advocate Lutheran General Children's Hospital, Advocate Hope Children's Hospital, Prentice Women's Hospital, Carle Hospital Foundation, Evanston Hospital, St. Alexius Hospital, Loyola University Medical Center/Foster McGaw Hospital, Rush University Medical Center, University of Chicago Hospitals, St. Francis Medical Center (Peoria), Methodist Medical Center, Proctor Hospital, St. John's Hospital, and Memorial Medical Center (Springfield). At the conclusion of the phase-in project, all specimens submitted to the DPH Newborn Screening Laboratory will be tested for CF.~~

i) Lysosomal Storage Disorders (LSDs)

1) An LSD can be detected in dried blood spots by using tandem mass spectrometry or other methods. Normal testing parameters shall be established using accepted statistical techniques.

2) When testing parameters are found to be abnormal, thus indicating the possibility of an LSD, the Department will recommend referral of the infant to a designated medical specialist for appropriate definitive testing

and diagnostic studies.

3) To establish normal testing parameters and validate the screening technique, a phase-in project will be conducted from November 1, 2010 through May 31, 2011 requiring LSD screening of all babies born at the University of Chicago Hospitals and Northwestern Memorial Hospital. At the conclusion of the phase-in project, all specimens submitted to the Illinois Department of Public Health Newborn Screening Laboratory will be tested for LSDs.

(Source: Amended at 34 Ill. Reg. 940, effective December 31, 2009)

Section 661.35 Designation of Medical Specialists~~Consultants~~

a) The Newborn Screening Program Manager~~Chief of the Division of Health Assessment and Screening~~, with the advice of the Director of the University of Illinois ~~at Chicago,~~ Division of Specialized Care for Children, and the Chairman of the Advisory Committee, shall designate qualified professionals to serve as medical specialists in~~Consultants to~~ specified disease categories~~subprograms~~ within the Newborn Screening Program. These medical specialists should provide care to children identified through newborn screening in collaboration with the primary care provider.

b) Equivalency in all qualifications specified in this Section shall be determined by the Newborn Screening Program Manager~~Chief of the Division of Health Assessment and Screening~~, with the advice of the Director of the University of Illinois ~~at Chicago,~~ Division of Specialized Care for Children, and the Chairman of the Advisory Committee.

c) The minimum qualifications required for designation as a medical specialist~~consultant~~ are a license to practice medicine in all its branches in Illinois, or licensure in the state of practice, certification by the American Board of Pediatrics or equivalent board from another country. In addition, to be designated to serve in specified disease categories~~subprograms~~, medical specialists~~Consultants~~ shall also have the following qualifications:

1) Phenylketonuria (PKU) and all other disorders of amino acid and organic acid metabolism: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics ~~with at least one year~~

~~experience post-training in diagnosis and treatment of amino acid and organic acid disorders;~~ or certification by the American Board of Medical Genetics in Clinical Genetics~~,~~ with at least one year~~extensive~~ experience post-training in the diagnosis and treatment of amino acid and organic acid disorders. The medical specialist~~consultant~~ shall have the capacity to provide a multidisciplinary approach to care, including the availability on-site of specially trained metabolic dieticians and a biochemical genetics laboratory; for citrullinemia and argininosuccinic aciduria, should have on-site availability of required medical therapies, such as hemodialysis, that are necessary for the treatment of patients with these disorders.

2) Primary Hypothyroidism: training in Pediatric Endocrinology with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics~~ with at least one year experience post-training in diagnosis and treatment of endocrine disorders~~.

3) Galactosemia: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics ~~with at least one year of experience post-training in diagnosis and treatment of children with galactosemia and inborn errors of metabolism~~ or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year~~extensive~~ experience post-training in the diagnosis and treatment of galactosemia and inborn errors of metabolism. Medical specialists~~Consultants~~ should have the capacity to provide a mulitidisciplinary approach to care, including the availability on-site of specially trained metabolic dieticians.

4) Congenital Adrenal Hyperplasia: training in Pediatric Endocrinology with membership in the Lawson Wilkins Pediatric Endocrinology Society or certification of special competence in Pediatric Endocrinology by the American Board of Pediatrics~~ with at least one year experience post-training, in diagnosis and treatment of endocrine disorders~~.

5) Biotinidase Deficiency: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics ~~with at least one year of experience post-training in the diagnosis and treatment of children with biotinidase deficiency and inborn errors of metabolism~~ or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year~~extensive~~ experience post-training in the diagnosis and treatment

of biotinidase deficiency and inborn errors of metabolism. Medical specialists~~Consultants~~ should have the capacity to provide a multidisciplinary approach to care, including the availability on-site of specially trained metabolic dieticians.

6) Sickle Cell Disease: training in Pediatric Hematology and certification of special competence in Pediatric Hematology-Oncology by the American Board of Pediatrics~~ with at least one year experience post-training in diagnosis and treatment of hematological disorders~~.

7) Fatty Acid Oxidation Disorders: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics ~~with at least one year of experience post-training in the diagnosis and treatment of fatty acid oxidation disorders~~ or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year~~extensive~~ experience post-training in the diagnosis and treatment of fatty acid oxidation disorders. Medical specialists~~Consultants~~ should have the capacity to provide a multidisciplinary approach to care, including the availability on-site of specially trained metabolic dieticians.

8) Cystic Fibrosis: certification by the American Board of Pediatrics in Pediatric Pulmonology or Pediatric Gastroenterology~~ with at least one year post-training experience in diagnosis and treatment of children with CF~~. Medical specialists~~Consultants~~ should provide prompt access to quantitative pilocarpine iontophoresis sweat chloride testing in a laboratory that meets all CLSI standards. Medical specialists~~Consultants~~ should provide a multidisciplinary approach to care, including the availability of on-site genetic counselors, dieticians, respiratory therapists and social workers. Medical specialists~~Consultants~~ should provide access to microbiology laboratories that use CF-specific protocols for detection of respiratory tract infection.

9) Lysosomal Storage Disorders: certification by the American Board of Medical Genetics in Clinical Biochemical Genetics or certification by the American Board of Medical Genetics in Clinical Genetics with at least one year experience post-training in the diagnosis and treatment of LSDs. Medical specialists should have the capacity to provide enzyme replacement infusion therapies and to provide a multidisciplinary approach to care, including the availability of pediatric specialists in neurology,

cardiology and pulmonology. In addition to the above requirements, for Krabbe disease, medical specialists should be affiliated with a facility that has experience in performing stem cell transplantation.

(Source: Amended at 34 Ill. Reg. 940, effective December 31, 2009)

Section 661.40 Reports

a) Only collection forms with attached filter paper blood collectors supplied by the Division of Laboratories, Illinois Department of Public Health, 2121 West Taylor Street, Chicago, Illinois 60612 are to be used in submitting blood specimens for newborn screening.

b) Any hospital performing the required newborn screening tests in addition to submitting specimens to the Illinois Department of Public Health Laboratory shall comply with all requirements of this Part, and shall notify the Department immediately by telephone whenever testing on an infant indicates that:

1) phenylalanine levels are abnormal;

2) T4 determinations are abnormal or TSH determinations are abnormal;

3) total galactose or galactose-1-phosphate uridyl transferase determinations are abnormal;

4) 17-hydroxyprogesterone determinations are abnormal;

5) biotinidase enzyme determinations are abnormal;

6) abnormal hemoglobin patterns are detected;

7) abnormal amino acid or acylcarnitine patterns have been identified;

8) abnormal determinations that may indicate cystic fibrosis have been identified;~~.~~

9) abnormal determinations that may indicate a lysosomal storage disorder have been identified.

(Source: Amended at 34 Ill. Reg. 940, effective December 31, 2009)

Section 661.50 Diagnosis and Treatment

The Department shall also maintain a registry to record the results of diagnosis and treatment for all diagnosed cases identified. It is imperative to perform ongoing evaluation of the newborn screening program. This process includes outcome evaluation of children diagnosed through newborn screening. The Department shall request, from the medical specialist~~consultant~~ or primary care provider, updated information annually, concerning developmental milestones, for each child diagnosed with a disorder for which the Department screens. The Department at all times shall maintain confidentiality with regard to patient information.

a) Phenylketonuria and Hyperphenylalaninemia. The necessary medically prescribed treatment formulas will be supplied by the Department for diagnosed cases as long as medically indicated. Long-term follow-up of children with phenylketonuria or hyperphenylalaninemia is necessary to adjust diet and to assess growth and development. Medical management by a designated medical specialist~~consultant~~ is required in order for a patient to receive treatment formulas from DPH~~IDPH~~. The administration of treatment formulas shall not be instituted until a complete amino acid analysis to corroborate the positive screening test has been performed, under the direction of a designated medical specialist~~consultant~~, to establish the diagnosis of phenylketonuria.

b) Primary Hypothyroidism. Medical management by a designated pediatric endocrinologist is highly recommended. Replacement therapy with thyroid hormone is currently the standard treatment. Long-term follow-up of children with primary hypothyroidism is necessary in order to adjust medication and to assess growth and development.

c) Galactosemia. Medical management by a designated medical specialist~~consultant~~ is highly recommended. Therapy with a galactose free diet is currently the standard treatment. Long-term follow-up of children with galactosemia is necessary in order to ensure proper growth and development.

d) Congenital Adrenal Hyperplasia. Medical management by a designated pediatric endocrinologist is highly recommended. Replacement therapy with glucocorticoids and, in some cases, mineralocorticoids is currently the standard treatment. Long-term follow-up of children with congenital adrenal hyperplasia is necessary in order to adjust medications and to assess growth and development.

e) Biotinidase Deficiency. Medical management by a designated medical specialist~~consultant~~ is highly recommended. Therapy with pharmacological doses of biotin is required. Long-term follow-up of children with biotinidase deficiency is necessary in order to ensure proper growth and development.

f) Sickle Cell Disease~~/Trait~~. Medical management by a designated pediatric hematologist-oncologist is highly recommended. Antibiotic prophylaxis and immunization to prevent pneumococcal infections are currently the standard treatment after a definitive diagnosis has been made of a sickling disease by a designated medical specialist~~consultant~~. Long-term follow-up of children with sickle cell disease is necessary in order to assess growth and development. ~~For families of infants with sickle cell trait every effort shall be made to assure referral for parental testing and genetic counseling is available.~~

g) Other Amino Acid, Organic Acid and Fatty Acid Oxidation Disorders. The necessary medically prescribed treatment formulas will be supplied by the Department for diagnosed cases as long as medically indicated. Long-term follow-up of children with these metabolic disorders is necessary to adjust diet and to assess growth and development. Medical management by a designated medical specialist~~consultant~~ is required in order for a patient to receive treatment formulas from DPH~~IDPH~~. Many of these disorders can be properly and supportively managed by dietary therapy. Ongoing care of these children will require long-term follow-up by the medical specialist~~consultant~~ to ensure proper development.

h) Cystic Fibrosis. Medical management by a designated medical specialist~~consultant~~ is highly recommended. Prompt evaluation of exocrine pancreatic status coupled with nutritional counseling is recommended after diagnostic confirmation. Close follow-up by a medical specialist~~consultant~~ is recommended to monitor and treat changes in nutrition and respiratory infection status.

i) Lysosomal storage disorders. Medical management by a designated medical specialist is highly recommended. Enzyme replacement therapy or stem cell transplant have demonstrated benefits for patients with these disorders. Long-term follow-up of children with lysosomal storage disorders is necessary to monitor treatment and to assess growth and development.

(Source: Amended at 34 Ill. Reg. 940, effective December 31, 2009)

Section 661.70 Fee Assessment and Payment

a) Each institution or person submitting to the Department any sample for newborn screening shall be assessed a fee of $78 ~~$47 through August 31, 2007, after which time this fee shall be increased to $59~~. When the Director makes a determination to add screening for any additional disorders in the LSD category, pursuant to Section 661.10, this fee shall be increased by $2 for each disorder added.

b) Statements of fee assessment shall be mailed on a monthly basis to facilities submitting specimens for analysis.

c) Payment shall be rendered to the Department upon receipt of the monthly statement of fee assessment.

(Source: Amended at 34 Ill. Reg. 940, effective December 31, 2009)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Pay Plan

2) Code Citation: 80 Ill. Adm. Code 310

3)

Section Numbers:	Emergency Action:
310.80	Amendment
310.100	Amendment
310.460	Amendment
310.470	Amendment
310.490	Amendment
310.495	Amendment

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a]

5) Effective Date of Amendments: January 1, 2010

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment is not to expire prior to the end of the 150-day period unless the accompanying, but not identical, proposed amendments are adopted prior to the end of the 150-day period.

7) Date filed with the Index Department: December 30, 2009

8) This and other Pay Plan amendments are on file and available in the Division of Technical Services and Agency Training and Development of the Bureau of Personnel.

9) Reasons for Emergency: The reason for the emergency amendments is the worldwide recession exacerbated reduced State revenues forcing fiscal cuts throughout State government in order to balance the budget. The fiscal cuts include reduction of the percentage salary increase to not more than five percent for certain promotion, reallocation, entrance base salary, temporary assignment pay, interim assignment pay, reinstatement, and substantial additional duties and responsibilities effective January 1, 2010.

10) A Complete Description of the Subjects and Issues Involved: In Section 310.80 subsection (d)(1) and (2), clarity is provided indicating that any deviation from the standard procedures for the salary increase for a promotion or reallocation is an adjustment. In subsection (d)(4), clarity is provided that separation and subsequent

appointment receives the same increase as a promotion. In subsection (e), the supporting documentation and approval process for an adjustment at the time of entrance into State government is provided without change.

In Section 310.100 subsection (b)(2), the employing agency's offer to a candidate with qualifications above minimum requirements in the classification specification is limited to not more than 5% above the candidate's current base salary and any deviation from the 5% maximum is an adjustment. In subsection (d)(4)(A), temporary assignment pay when assigned to a higher-level position classification receives the same increase as a promotion. In subsection (e)(2), the increase for an interim assignment when assigned to the merit compensation position is limited to not more than 5% above the candidate's current base salary and any deviation from the 5% maximum is an adjustment. In subsection (l), an increase for a reinstatement is limited to not more than 5% above the current base salary and any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the pay grade, is an adjustment.

In Section 310.460(a), the employing agency provides a salary increase for a promotion limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is an adjustment.

In Section 310.470, the supporting documentation for and approval of an adjustment at the time a candidate enters State government is provided without change.

In Section 310.490(b)(2), the employing agency provides a salary increase for an entrance salary when the candidate possesses qualifications above the minimum requirements of the classification specification limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum is an adjustment. In subsection (m), the employing agency provides a salary increase for a reinstatement limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is an adjustment. In subsection (p)(1), the employing agency provides a salary increase for an interim assignment to a merit compensation position limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is an adjustment.

In Section 310.495(b)(3), the employing agency provides a salary increase for an entrance salary when the candidate possesses qualifications above the minimum

requirements of the classification specification limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum is an adjustment. In subsection (c), the employing agency provides a salary increase for substantial additional duties and responsibilities within the same position or for transfer to another position with substantial additional duties and responsibilities in the same title limited to not more than 5% above the employee's current base salary and any deviation from the 5% maximum is an adjustment.

11) Are there any proposed amendments to this Part pending? Yes

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
310.410	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.495	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.Appendix A Table X	Amendment	33 Ill. Reg. 14874; November 6, 2009
310.Appendix B	Repealed	33 Ill. Reg. 14874; November 6, 2009
310.Appendix D	Amendment	33 Ill. Reg. 14874; November 6, 2009

12) Statement of Statewide Policy Objective: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

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

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

Telephone: (217) 782-7964
Fax: (217) 524-4570
CMS.PayPlan@Illinois.gov

14) 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240 Daily or Hourly Rate Conversion

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

SUBPART C: MERIT COMPENSATION SYSTEM

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

310.APPENDIX A Negotiated Rates of Pay

310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)

310.APPENDIX B Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C Medical Administrator Rates (Repealed)
310.APPENDIX D Merit Compensation System Salary Schedule

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

310.APPENDIX E Teaching Salary Schedule (Repealed)
310.APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule

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

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

for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment

at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150

days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill.

Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill.

Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory

amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART A: NARRATIVE

Section 310.80 Increases in Pay
EMERGENCY

Except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Negotiated Rates (Appendix A) and the Schedule of Salary Grade Pay Grades − Monthly Rates of Pay (Appendix B), increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

a) Satisfactory Performance Increase –

1) Each employee who has not attained Step 8 of the relevant pay grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the pay grade after one year of creditable service in the same class. Step increases are suspended for non-union positions and employees.

2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached.

3) No satisfactory performance increase may be given after the effective date of separation.

b) Withholding Satisfactory Performance Increase – As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:

1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.

2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services – It shall be reported upon completion of action required by subsection (b)(1), but not later than the submission of the payroll reflecting the denial of the increase.

c) Redetermination – A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.

d) Other Pay Increases –

1) Promotion −

A) Standard Procedures –

i) From Other Than Step 8 – Normally, upon promotion, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.

ii) From Step 8 – The employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least the dollar difference between Step 7 and Step 8 in the former pay grade. To compute this, add the dollar difference between Step 7 and Step 8 in the former pay grade to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. Otherwise, when an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate

based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount.

B) Exception – Any deviation is a special salary adjustment (see subsection (e)).~~requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing agency, the Director of Central Management Services shall consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.~~

2) Reallocation –

A) Standard Procedures −

i) From Other Than Step 8 − Normally, upon reallocation, an employee shall be advanced to the lowest step in the targeted pay grade that represents at least a full step increase in the former pay grade.

ii) From Step 8 − When an employee is promoted from Step 8, the employee shall be paid at the lowest step rate in the targeted pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the targeted pay grade that is at least equivalent to that amount. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.

B) Exception − Any deviation is a special salary adjustment (see subsection (e)).~~requires prior written approval of the Director of Central Management Services. In determining the appropriateness~~

~~of a request for a special salary treatment by an employing agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The reallocation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.~~

3) Reevaluation – If a higher pay grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade that represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately. The reevaluation shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.

4) Separation and Subsequent Appointment – Upon separation from a position of a given class and appointment within four calendar days to a position in a higher pay grade, an increase shall be given under the conditions and requirements applicable to promotions (see subsection (d)(1)).

5) Reclassification – If the class to which the position is being moved has a higher pay grade, the employee's base salary is advanced to the salary in the new pay grade that represents the least increase in pay. If this new salary is less than the difference between Step 7 and Step 8 in the new pay grade and the employee has been paid the base salary in Step 8 of the previous pay grade for longer than one year, the new salary is advanced one step from the salary in the new pay grade representing the least increase.

e) Adjustment – An employee may receive an upward adjustment in the employee's base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments shall~~must~~ have the prior approval of the Director of Central Management Services. An adjustment at the time of entrance into state government shall have

supporting documentation in the candidate's CMS employment application (CMS-100). In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services shall~~will~~ consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The Director of Central Management Services' approval of an adjustment at the time of entrance into state government shall be based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position. The adjustment shall not change the creditable service date for non-bargaining-unit employees or if the increase is less than one step for the bargaining unit employees.

(Source: Emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days)

Section 310.100 Other Pay Provisions
EMERGENCY

a) Transfer – Upon the assignment of an employee to a vacant position in a class with the same pay grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position in a given class and subsequent appointment to a position in the same pay grade, no increase in salary will be given.

b) Entrance Base Salary –

1) Qualifications Only Meet Minimum Requirements – When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the pay grade.

2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5%~~10%~~ above the candidate's current base salary. Any deviation from the 5% maximum

is a special salary adjustment (see Section 310.80(e)).~~An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.~~

3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

d) Differential and Overtime Pay – An eligible employee may have an amount added to his/her base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay – An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay –

A) Eligibility − The Director of Central Management Services will maintain a list of titles and their overtime eligibility as determined by labor contracts, Federal Fair Labor Standards Act, or State law or regulations. Overtime shall be paid in accordance with the labor contracts, Federal Fair Labor Standards Act, and State law or regulations.

B) Compensatory Time − Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

3) Incentive Pay – An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

4) Temporary Assignment Pay –

A) When Assigned to a Higher-Level Position Classification – A bargaining unit employee may be temporarily assigned to a

bargaining unit position in a position classification having a higher pay grade and shall be eligible for temporary assignment pay. To be eligible for temporary assignment pay, the employee must be directed to perform the duties that distinguish the higher-level position classification and be held accountable for the responsibility of the higher classification. Employees shall not receive temporary assignment pay for paid days off except if the employee is given the assignment for 30 continuous days or more, the days off fall within the period of time and the employee works 75% of the time of the temporary assignment. Temporary assignment pay shall be calculated as if the employee received a promotion (see Section 310.80(d)(1)) into the higher pay grade. In no event is the temporary assignment pay to be lower than the minimum rate of the higher pay grade or greater than the maximum rate of the higher pay grade.

B) When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

e) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a salary grade position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (salary grade or merit compensation (including broad-band and medical administrator)) position. On the effective date of the certified non-bargaining unit employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher pay grade or range.

1) When Assigned to the Salary Grade Position − When assigned to the salary grade position, the employee's base salary shall be advanced to the lowest step in the higher pay grade that represents at least a full step increase in the lower pay grade. When the employee's current rate is Step

8 in the lower pay grade, the employee shall be paid at the lowest step rate in the higher pay grade that results in an increase equal to at least 3%. To compute this, add 3% to the employee's current rate at Step 8 (then include longevity if the employee is receiving an increased rate based on longevity). Then place the employee on the lowest step in the higher pay grade that is at least equivalent to that amount. Upon interim assignment, the employee's creditable service date shall not change.

2) When Assigned to the Merit Compensation Position − When assigned to the merit compensation position, the employee's base salary shall receive an adjustment, which is an amount not more than 5%~~equivalent to between 8% and 15%~~ of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.80(e)).

f) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

g) Equivalent Earned Time –

1) Eligibility − Employees who are non-union or represented by the VR-704 bargaining unit, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee.

2) Accrual −

A) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week

indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours at any time.

B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.

3) Compensation − Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. The equivalent earned time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

4) Employees in Positions Represented by an American Federation of State, County and Municipal Employees Bargaining Unit − Employees shall retain their equivalent earned time upon their positions' representation by an American Federation of State, County and Municipal Employees bargaining unit. Employees whose positions were certified as represented effective July 1, 2007 or after shall have previously unused equivalent earned time restored no later than July 1, 2009. The use of the equivalent earned time is approved by supervisors, prior to other benefit time excluding sick and personal business leave, in increments of fifteen minutes after the initial use of one-half hour, and granted under the same criteria as vacation time. Employees may substitute equivalent earned time for sick leave in accordance to sick leave policies and procedures.

h) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis computed by dividing the annual rate of salary by the total number of work days in the year.

i) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not

separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a).

AGENCY NOTE – The method to be used in computing the lump sum payment for accrued vacation, sick leave and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

j) Salary Treatment Upon Return From Leave –

1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will be placed on the step that reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained.

2) An employee returning to his/her former pay grade from any other leave (not mentioned in subsection (j)(1)) of over 14 days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

k) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same pay grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower pay grade that provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

l) Reinstatement – The salary upon reinstatement should not provide more than a 5%~~10%~~ increase over the candidate's current base salary or exceed the current value of the salary step held in the position where previously certified without prior approval by the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the pay grade. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the pay grade, is a special salary adjustment (see Section 310.80(e)).

m) Extended Service Payment –

1) The Step 8 rate shall be increased by $25 per month for those employees who have attained 10 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.

2) The Step 8 rate shall be increased by $50 per month for those employees who have attained 15 years of service and have three years of creditable service on Step 8 in the same pay grade. This increase is suspended for non-union positions and employees.

n) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

(Source: Emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.460 Other Pay Increases
EMERGENCY

a) Promotion − Normally upon promotion an employee shall be advanced in salary by an amount not more than 5%~~equivalent to between 8 and 15 percent~~ of the current base salary. In no event is the resulting salary to be lower than the minimum rate of the salary range to which the employee is being promoted or greater than the maximum of the new salary range. Upon promotion the employee shall receive a new creditable service date. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is a special salary adjustment (see Section 310.470).

b) Reallocation − Upon reallocation, an employee shall be advanced in salary to a rate of pay that is the equivalent of 5 percent above the current base salary. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the new salary range. A reallocation will not affect the creditable service date of the employee, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new title. The reallocation shall not change the creditable service date.

c) Reevaluation − If a higher salary range is assigned to a class, the employee occupying a position in the class normally shall be advanced the equivalent of 5 percent of the current base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed due to the reevaluation of the class the employee occupies, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new range. The reevaluation shall not change the creditable service date.

d) Separation and Subsequent Appointment − Upon separation from a position of a given class and appointment within four calendar days to a position in a higher salary range, an increase shall be given under the conditions and requirements applicable to promotions (see subsection (a)).

e) Reclassification – If the class to which the position is being moved has a higher salary range, the employee occupying the position shall be advanced the equivalent of 5 percent of the current base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of the employee will not be

changed due to the reclassification of the position the employee occupies, unless an increase of 10% or greater is provided to move the employee to the minimum salary of the new range.

(Source: Emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days)

Section 310.470 Adjustment
EMERGENCY

An employee may receive an upward adjustment in base salary for the purpose of correcting a previous error or oversight or, when the best interests of the agency and the State of Illinois will be served. Adjustments shall~~Such adjustments must~~ have the prior approval of the Director of Central Management Services. An adjustment at the time of entrance into state government requires supporting documentation in the candidate's CMS employment application (CMS-100). An adjustment at the time of the substantial additional duties and responsibilities to a position allocated to a broad-band title requires that the substantial additional duties and responsibilities are documented on an updated position description (CMS-104) and are reflected on the organization chart. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request. The approval of an adjustment at the time of entrance into state government is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position. The adjustment shall not change the creditable service date.

(Source: Emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days)

Section 310.490 Other Pay Provisions
EMERGENCY

a) Transfer – Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.

b) Entrance Base Salary –

1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.

2) Qualifications Above Minimum Requirements – If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5%~~10%~~ above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.470).~~An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.~~

3) Area Differential – For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which the positions are established, a higher entrance salary may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.

c) Geographical Transfer – Upon geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

d) Differential and Overtime Pay – An eligible employee may have an amount added to the base salary for a given pay period for work performed in excess of the normal requirements for the position and work schedule, as follows:

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1) Shift Differential Pay – An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay −

A) Eligibility − The Director of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System that are eligible for overtime compensation. Classes in salary ranges MC-06 and below and, effective January 1, 2008, classes in salary ranges MS-23 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services or federal guidelines. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. Classes in MC-07 and above and, effective January 1, 2008, classes in MS-24 and above are not eligible for overtime unless required by federal regulation or approved by the Director of Central Management Services. Exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

B) Compensatory Time − Employees who are eligible for compensatory time may request such time, which may be granted by the agency at its discretion, considering, among other things, its operating needs. Compensatory time shall be taken within the

fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Compensatory time shall be accrued at the rate in which it is earned (straight time or time and a half), but shall not exceed 120 hours in any fiscal year. Compensatory time approved for non-union employees will be earned after 40 actual work hours in a workweek. Compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned. Time spent in travel outside the normal work schedule shall not be accrued as compensatory time except as provided by labor contracts and the Federal Fair Labor Standards Act. At no time are overtime hours or compensatory time to be transferred from one agency to another agency.

e) Equivalent Earned Time –

1) Eligibility – Employees who are non-union or represented by the VR-704 bargaining unit, exempt under the Federal Fair Labor Standards Act, and in positions not eligible for overtime compensation may receive equivalent earned time for hours worked in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee.

2) Accrual –

A) Employees who are eligible for equivalent earned time shall request that time before working in excess of the hours per week indicated in the approved work schedule (80 Ill. Adm. Code 303.300) assigned to the employee. Requests for equivalent earned time may be granted by the agency at its discretion, considering its operating needs. Equivalent earned time shall be accrued at straight time only to a maximum of 160 hours at any time.

B) Equivalent earned time will accrue in no less than one-half hour increments. Time spent in travel outside the normal work schedule shall not be counted toward accrual of equivalent earned time.

3) Compensation – Any approved equivalent earned time shall be taken at a time convenient to the employee and consistent with the operating needs of the agency. The equivalent earned time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned. At no time is equivalent earned time to be converted into cash payment or transferred from one agency to another agency.

4) Employees in Positions Represented by an American Federation of State, County and Municipal Employees Bargaining Unit − Employees shall retain their equivalent earned time upon their positions' representation by an American Federation of State, County and Municipal Employees bargaining unit. Employees whose positions were certified as represented effective July 1, 2007 or after shall have previously unused equivalent earned time restored no later than July 1, 2009. The use of the equivalent earned time is approved by supervisors, prior to other benefit time excluding sick and personal business leave, in increments of fifteen minutes after the initial use of one-half hour, and granted under the same criteria as vacation time. Employees may substitute equivalent earned time for sick leave in accordance to sick leave policies and procedures.

f) Part-Time Work – Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis computed by dividing the annual rate of salary by the total number of work days in the year.

g) Out-of-State Assignment – Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

h) Lump Sum Payment – Lump sum payment shall be provided for accrued vacation, sick leave and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a).

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AGENCY NOTE: The method to be used in computing lump sum payment for accrued vacation, sick leave and unused compensatory overtime for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay. Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of compensable sick days.

i) Salary Treatment upon Return from Leave –

1) An employee returning from Military Leave (80 Ill. Adm. Code 302.220 and 303.170), Peace Corps Leave (80 Ill. Adm. Code 302.230), Service-Connected Disability Leave (80 Ill. Adm. Code 303.135), Educational Leave (80 Ill. Adm. Code 302.215), Disaster Service Leave with Pay (80 Ill. Adm. Code 303.175), Family Responsibility Leave (80 Ill. Adm. Code 303.148), Leave to accept a temporary, emergency, provisional, exempt (80 Ill. Adm. Code 303.155) or trainee position, Leave to serve in domestic peace or job corps (80 Ill. Adm. Code 302.230) or leave to serve in an interim assignment will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained.

2) An employee returning to his/her former salary range from any other leave (not mentioned in subsection (i)(1)) of over 14 days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.

j) Employees in classes that are made subject to the Merit Compensation System will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.

k) Temporary Assignment Pay When Required to Use Second Language Ability – Employees who are bilingual or have the ability to use sign language, Braille, or another second language (e.g., Spanish) and whose job descriptions do not require

that they do so shall be paid temporary assignment pay when required to perform duties requiring the ability. The temporary assignment pay received is prorated based on 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

l) Salary Treatment Upon Reemployment –

1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

m) Reinstatement – The salary upon reinstatement should not provide more than a 5%~~10%~~ increase over the candidate's current base salary or exceed the salary rate held in the position where previously certified without prior approval of the Director of Central Management Services. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is a special salary adjustment (see Section 310.470).

n) Bilingual Pay – Individual positions whose job descriptions require the use of sign language, Braille, or another second language (e.g., Spanish) shall receive 5% or $100 per month, whichever is greater, in addition to the employee's base rate.

o) Clothing or Equipment Allowance – An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment that is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of Central Management Services. The Director of Central Management Services

will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

p) Interim Assignment Pay – This subsection of the Pay Plan explains interim assignment pay as applied to certified non-bargaining unit employees in a merit compensation (including broad-band and medical administrator) position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of the non-bargaining unit (salary grade or merit compensation (including broad-band and medical administrator)) position. On the effective date of the employee's interim assignment (80 Ill. Adm. Code 302.150(j)), the employee shall receive an adjustment as if the employee received a promotion into the higher pay grade or range.

1) When Assigned to the Merit Compensation Position − When assigned to the merit compensation position, the adjustment is an amount not more than 5%~~equivalent to between 8% and 15%~~ of the employee's current base salary. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the salary range to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change. Any deviation from the 5% maximum, except when the resulting salary is the minimum rate of the salary range, is a special salary adjustment (see Section 310.470).

2) When Assigned to the Salary Grade Position − When assigned to the salary grade position, the adjustment is determined by taking the difference between the salary on the step equivalent to or greater than the employee's current base salary and the salary one step above that step and adding that difference to the employee's current base salary. Then place the employee on the lowest step in the higher pay grade that is at least equivalent to that amount. In no event is the resulting salary to be lower than the minimum rate or greater than the maximum rate of the pay grade to which the employee is being assigned. Upon interim assignment, the employee's creditable service date shall not change.

q) International Differential Pay − For positions with a headquarters outside of the United States, a differential shall be made once a month to the base salary of the employee residing outside the United States to compensate for a change in the currency exchange rate.

(Source: Emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days)

Section 310.495 Broad-Band Pay Range Classes
EMERGENCY

Broad-band pay range classes shall be covered by all provisions of the Merit Compensation System except for the provisions identified in the following subsections:

a) Salary Range − The salary range for broad-band classes shall be as set out in Appendix G.

b) Entrance Base Salary –

1) When a candidate only meets the minimum requirements of the class specification upon entry to State service, an employee's entrance base salary is the in-hiring rate or the minimum base salary of the salary range.

2) The salary assigned an employee shall take into account the duties, education, training and experience of the employee to assure reasonable pay equity among employees in the same class.

3) If a candidate possesses directly-related education and experience in excess of the minimum requirements of the class specification, the employing agency may offer the candidate an entrance base salary that is not more than 5%~~10%~~ above the candidate's current base salary. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.470).~~An entrance base salary offer more than 10% above the candidate's current base salary requires documentation in the candidate's CMS employment application (CMS-100) to support the higher entrance base salary offer and prior approval from the Director of Central Management Services. The approval is based on the candidate's documented directly-related education and experience exceeding the minimum requirements in the class specification, prior base salary history, staffing needs and requirements of the employing agency, and labor market influences on the recruitment for the position classification or position.~~

c) Salary Adjustment for Substantial Additional Duties and Responsibilities within the Same Position or for Transfer to Another Position with Substantial Additional Duties and Responsibilities in the Same Title – An upward salary adjustment that is not more than 5%~~10%~~ above the employee's current base salary in a broad-band position classification may be made by the employing agency where the employee's position has been given substantial additional duties and responsibilities but will remain in the same classification or where the employee transfers to another position with substantial additional duties and responsibilities in the same broad-band class. Any deviation from the 5% maximum is a special salary adjustment (see Section 310.470).~~An upward salary adjustment for substantial additional duties and responsibilities that is more than 10% above the employee's current base salary may be given where the substantial additional duties and responsibilities are documented on an updated position description (CMS-104) and are reflected on the organization chart, and where the employing agency received the required prior approval from the Director of Central Management Services.~~ The salary adjustment shall not change the creditable service date.

d) Movement between Salary Systems − Salary treatment on movement of an employee between one position in the broad-band class series and another position outside of the broad-band class series will be as recommended by the employing agency and approved by the Director of Central Management Services.

e) Salary Treatment upon Initial Placement of Positions in Other Occupational Broad-Band Classes − For the purpose of establishing salary treatment upon initial placement of positions, it is necessary to determine the "lowest corresponding Merit Compensation grade." The Merit Compensation range with a minimum salary closest to, but not lower than, that of the broad-band range minimum is known as the "lowest corresponding Merit Compensation grade."

1) The incumbent of a position with a current salary range maximum equal to or greater than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with no change in salary.

2) The incumbent of a position with a current salary range maximum less than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with a 5% increase in current base salary. However, in no event shall the resulting salary be

lower than the minimum or higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed unless an increase of 10% or greater is provided to move the employee to the minimum of the new range.

f) Out-of-State Adjustment for Positions allocated to Broad-banded Titles, Not Represented by a Bargaining Unit −

1) Requirements – The out-of-state rate is the base salary for an employee appointed to a position not subject to Section 310.220 but subject to broad-banded Merit Compensation classification titles listed in subsection (f)(4) that require payment in accordance with the economic conditions of another state. The employee shall reside in the state where the position is assigned.

2) Approval – The Director of Central Management Services shall, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

3) Calculation – Ranges assigned to states other than Illinois, California and New Jersey are 15% above the ranges assigned to in-state positions and are listed in subsection (f)(4). Ranges assigned to California and New Jersey are 30% above the ranges assigned to in-state positions and are listed in subsection (f)(4).

4) Minimum and Maximum Out-of-State Rates in Ranges by Classification Title –

Title	Out-Of State Ranges Minimum	Maximum
Public Service Administrator, Option 1		
(States Other Than CA and NJ)	3583	9176
(CA, NJ)	4051	10373
Senior Public Service Administrator		
(States Other Than CA and NJ)	4939	11607

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

(CA, NJ)	5584	13121

(Source: Emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Health Care Personnel Vaccination Code

2) Code Citation: 77 Ill. Adm. Code 956

3)

Section Numbers:	Emergency Action:
956.10	New
956.20	New
956.30	New
956.APPENDIX A	New

4) Statutory Authority: Section 2310-195, Section 2310-610, and Section 2310-650 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/ 2310-195, 2310/2310-610, and 2310/2310-650]

5) Effective Date of Rules: December 29, 2009

6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rulemaking will expire at the end of 150 days or upon adoption of permanent rules, whichever comes first.

7) Date filed with the Index Department: December 29, 2009

8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency rules are part of the Illinois Department of Public Health's efforts to combat influenza. The emergency rules implement Public Act 96-823, which amended the Department of Public Health Powers and Duties Law to authorize the Department to require any facility licensed by the Department to implement an influenza vaccination program that ensures that health care personnel are offered the opportunity to be vaccinated against seasonal influenza and other novel/pandemic influenza viruses as vaccines become available. The emergency rules will provide health care settings with as much time as possible to implement vaccination programs for the influenza season. The 2009-2010 influenza season presents the potential for the simultaneous circulation of both seasonal influenza viruses and the pandemic H1N1 strain. Seasonal and pandemic influenza places a great demand on the health care delivery system by making many people ill over a short period of time, so that every available health care worker may be necessary to provide care. Health care personnel who do not provide direct care must also be protected from influenza, because their work

is essential to the efficient and effective delivery of health care. In addition, exposed personnel themselves can transmit the disease. Many professional organizations, such as the Centers for Disease Control and Prevention (CDC), the Joint Commission for the Accreditation of Health Care Organizations (JCAHO), and the National Foundation for Infectious Diseases, endorse the universal, annual vaccination of health care personnel. The purpose of these emergency rules is to increase vaccination rates, to reduce the incidence of illness among health care personnel, and to reduce transmission rates in the population of the State.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." In addition, the emergency must require adoption of a rule upon fewer days than is required by the regular rulemaking process. The situation that the Department faces in regard to influenza vaccination of health care personnel meets these criteria. The prospect of thousands of health care personnel becoming infected with influenza poses a threat to the public interest, safety, and welfare, in regard to both their own health and the health of the population of the State whose care is entrusted to them. In addition, health care personnel who have been exposed to influenza in a work environment can expose others outside of that environment with whom they come in contact. Voluntary vaccination of health care personnel is an important step in controlling the spread of influenza and protecting the health of the population. Using the regular rulemaking process to adopt these rules would preclude their effectiveness at the time when they are most needed, which is during the influenza season. Health care personnel need to be vaccinated before they are called upon to care for individuals who have influenza. Adoption of these emergency rules will help to fulfill the Department's goal of taking proactive steps to prevent the spread of disease. The Department is also publishing identical proposed rules, which were approved by the State Board of Health on December 10, 2009.

10) A Complete Description of the Subjects and Issues Involved: Part 956 requires all of the health care facilities and programs that the Department licenses, including hospitals and long-term care facilities, to offer the opportunity for influenza vaccination to their health care personnel. Health care personnel will have the option of declining the vaccination, in accordance with policies set forth in the rules. The rules also include documentation requirements, definitions and a sample declination form.

11) Are there any proposed amendments to this Part pending? Yes, identical proposed rules are published in this issue of the Illinois Register.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

12) Statement of Statewide Policy Objectives: These rules do not impose or expand a State mandate.

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

Susan Meister
Administrative Rules Coordinator
Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761

217/782-2043
dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 956
HEALTH CARE PERSONNEL VACCINATION CODE

Section
956.10 Definitions
EMERGENCY
956.20 Referenced Materials
EMERGENCY
956.30 Influenza Vaccination
EMERGENCY
956.APPENDIX A Sample Declination Form
EMERGENCY

AUTHORITY: Sections 2310-195, 2310-610 and 2310-650 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-195, 2310-610 and 2310-650].

SOURCE: Emergency rule adopted at 34 Ill. Reg. 996, effective December 29, 2009, for a maximum of 150 days.

Section 956.10 Definitions
EMERGENCY

The following terms shall have the meaning ascribed to them whenever the term is used in this Part:

> Health care personnel − All paid and unpaid persons working in health care settings who have the potential for exposure to infectious materials, including body substances, contaminated medical supplies and equipment, contaminated environmental surfaces, or contaminated air. Health care personnel include, but are not limited to, physicians, nurses, nursing assistants, therapists, technicians, emergency medical services personnel, pharmacists, laboratory personnel, contractual staff not employed by the health care setting, and persons not directly involved in patient care (e.g., clerical, dietary, housekeeping, maintenance and

volunteers) but potentially exposed to infectious agents that can be transmitted to and from health care personnel.

Health care setting –

A facility licensed under the Alternative Health Care Delivery Act;

An ambulatory surgical treatment center, as defined in the Ambulatory Surgical Treatment Center Act;

An assisted living facility, a shared housing establishment, or a board and care home, as defined in the Assisted Living and Shared Housing Act;

A community living facility, as defined in the Community Living Facilities Licensing Act;

A life care facility, as defined in the Life Care Facilities Act;

A long-term care facility, as defined in the Nursing Home Care Act;

An EMS System, as defined in the Emergency Medical Services (EMS) Systems Act.

A freestanding emergency center, licensed under the Emergency Medical Services (EMS) Systems Act;

A home health agency, home services agency or home nursing agency, as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;

A hospice care program or voluntary hospice program, as defined in the Hospice Program Licensing Act;

An end stage renal disease facility, as defined in the End Stage Renal Disease Facility Act;

A supportive residence, as defined in the Supportive Residences Licensing Act;

A hospital, as defined in the Hospital Licensing Act;

The University of Illinois Hospital, Chicago, as defined in the University of Illinois Hospital Act.

Influenza − An acute infectious respiratory disease, caused by influenza viruses.

Vaccination − The act or practice of vaccinating; inoculation with vaccine.

Section 956.20 Referenced Materials
EMERGENCY

The following Illinois statutes are referenced in this Part:

a) Alternative Health Care Delivery Act [210 ILCS 3]

b) Ambulatory Surgical Treatment Center Act [210 ILCS 5]

c) Assisted Living and Shared Housing Act [210 ILCS 9]

d) Community Living Facilities Licensing Act [210 ILCS 35]

e) Life Care Facilities Act [210 ILCS 40]

f) Nursing Home Care Act [210 ILCS 45]

g) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

h) Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]

i) Hospice Program Licensing Act [210 ILCS 60]

j) End Stage Renal Disease Facility Act [210 ILCS 62]

k) Supportive Residences Licensing Act [210 ILCS 65]

l) Hospital Licensing Act [210 ILCS 85]

m) University of Illinois Hospital Act [110 ILCS 330]

Section 956.30 Influenza Vaccination
EMERGENCY

Beginning with the 2010 to 2011 influenza season, each health care setting shall ensure that all health care personnel are provided education on influenza and are offered the opportunity to receive seasonal, novel and pandemic influenza vaccine, in accordance with this Section, during the influenza season (between September 1 and March 1 of each year), unless the vaccine is unavailable (see subsection (e)).

a) Each health care setting shall notify all health care personnel of the influenza vaccination provisions of this Part and shall provide or arrange for vaccination of all health care personnel who accept the offer of vaccination. Each health care setting shall provide all health care personnel with education about the benefits of influenza vaccine and potential consequences of influenza illness. Information provided shall include the epidemiology, modes of transmission, diagnosis, treatment and non-vaccine infection control strategies.

b) Each health care setting shall develop and implement a policy that includes the following:

1) The specific influenza vaccine to be administered;

2) The dates by which health care personnel should be vaccinated; and

3) Any required documentation relating to the health care personnel vaccination requirement of this Part.

c) Declination of Vaccine

1) Health care personnel may decline to accept the offer of vaccination for reasons including the following:

A) The vaccine is medically contraindicated, which means that administration of influenza vaccine to that person would likely be detrimental to the person's health;

B) Vaccination is against the person's religious beliefs;

C) The person has already been vaccinated; or

D) For any other reasons documented by the person as the basis of the refusal.

2) Health care personnel who decline vaccination for any reason indicated in subsection (c)(1) shall sign a statement declining vaccination and certifying that he or she received education about the benefits of influenza vaccine.

d) Unavailability of Vaccine. A health care setting shall not be required to offer influenza vaccination when the vaccine is unavailable for purchase, shipment or administration by a third party, or when complying with an order of the Department that restricts the use of the vaccine. A health care setting shall offer to provide or arrange for influenza vaccination for health care personnel as soon as the vaccine becomes available.

e) Documentation

1) Each health care setting shall maintain a system to track the offer of vaccination to health care personnel. The system shall include documentation that each person either accepted the offer or declined the offer by signing a declination statement pursuant to subsection (c)(2).

2) If a health care setting is unable to provide or arrange for influenza vaccination for health care personnel who wish to be vaccinated, the reasons why the vaccination could not be provided or arranged for shall be documented.

3) Individual declination statements should be handled in a manner that ensures individual confidentiality.

f) Health care settings may choose to develop and implement more stringent influenza vaccination policies, strategies or programs designed to improve health care personnel vaccination rates than those required by this Part and that are consistent with existing law and regulation.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

Section 956.APPENDIX A Sample Declination Form
EMERGENCY

1. I decline the vaccine today because I have already had an influenza vaccination this year.

Location where vaccinated _____ Date vaccinated _____

Signature _____ Date signed _____

2. I acknowledge that I am aware of the following facts:

- Influenza is a serious respiratory disease that kills, on average, 36,000 Americans every year.
- Influenza virus may be shed for up to 48 hours before symptoms begin, allowing transmission to others.
- Up to 30% of people with influenza have no symptoms, allowing transmission to others.
- Influenza virus changes often, making annual vaccination necessary. Immunity following vaccination is strongest for 2 to 6 months.
- I understand that influenza vaccine cannot transmit influenza. It does not, however, prevent all disease.
- I have declined to receive the influenza vaccine for the _____ season. I acknowledge that influenza vaccination is recommended by the Centers for Disease Control and Prevention (CDC) for all health care personnel to prevent infection from and transmission of influenza and its complications, including death, to patients/residents/clients, my co-workers, my family and my community.

3. I decline the offer of vaccination for the following reasons (please initial all that apply):

_____ My philosophical or religious beliefs prohibit vaccination.
_____ I have a medical contraindication to receiving the vaccine.

_____

_____ Other reason _____

_____ I do not wish to say why I decline.

4. **Knowing the facts set forth above, I choose to decline vaccination at this time.** I may change my mind and accept vaccination later, if vaccine is available. I have read and fully understand the information on this declination form.

Print name _____ Department _____

Signature _____ Date _____

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Motor Fuel and Petroleum Standards Act, 8 Ill. Adm. Code 850

1) Rulemaking:

A) Description: Update the reference to the ethanol blend regulations contained in NIST Handbook 130.

B) Statutory Authority: Motor Fuel and Petroleum Standards Act [815 ILCS 370]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: April 2010

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations.

F) Agency contact person for information:

Jonelle Brent
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281

217/785-8301
FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Livestock Waste Regulations, 35 Ill. Adm. Code 506

1) Rulemaking:

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

A) Description: The current regulations require the owner or operator of a livestock waste handling facility constructed with concrete to provide a storage volume of at least 150 days and facilities holding solid livestock waste to provide a storage volume of at least 6 months. The proposed rulemaking, as required by recent amendments to the Act, would allow for a reduction in the required storage volumes for facilities with animal unit capacities of 300 or less if the owner or operator can demonstrate to the Department that adequate land area is available for the agronomic application of the manure or another manure disposal method is proposed that would allow for the reduced storage design capacity.

B) Statutory Authority: Livestock Management Facilities Act [510 ILCS 77]

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: April 2010

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have a positive effect on small livestock businesses because of the possible reduction in manure storage design volumes. The rulemaking should have no impact on small municipalities or not-for-profit corporations.

F) Agency contact person for information:

Warren D. Goetsch, P.E.
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281

217/785-2427
FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

c) Part(s) (Heading and Code Citation): Livestock Management Facility Regulations, 8 Ill. Adm. Code 900

1) Rulemaking:

A) Description: The current regulations require owners of livestock facilities with an animal unit capacity of 1,000 or greater to develop and maintain a formal waste management plan, the components of which are defined in the Livestock Management Facilities Act and regulations. One component in a waste management plan from which manure application rates are determined is the targeted crop yield goal. The present regulation stipulates the sources of targeted crop yield goals that can be used in the development of plans but somewhat limits those sources. The proposed rulemaking would expand approved yield goal sources to include county crop yield averages as well as soil-based yield goals as published by the University of Illinois.

B) Statutory Authority: Livestock Management Facilities Act [510 ILCS 77]

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: May 2010

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. Small businesses, such as some types of livestock facilities, may benefit from the additional approved data sources.

F) Agency contact person for information:

Warren D. Goetsch, P.E.
Illinois Department of Agriculture
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Springfield, IL 62794-9281

217/785-2427

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Illinois Pesticide Act, 8 Ill. Adm. Code 250

1) Rulemaking:

A) Description: Amend the licensing provisions of the regulation to allow for an abbreviated pesticide certification and licensing process for volunteers working on public lands such as park districts, forest preserves, or other natural areas under public ownership. The new provisions would only be applicable to volunteers who would be working under the direct supervision of a public employee charged with the oversight of the public land and would be limited to a very narrow scope of pesticide application.

B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: February 2010

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking should have little impact on small businesses. The rulemaking may have a limited impact on some municipalities or not for profit corporations that have responsibility for natural areas and currently utilize volunteers to conduct pest control activities. In such cases, the rulemaking will reduce the pesticide certification and licensing requirements for some volunteers.

F) Agency contact person for information:

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DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

217/785-2427
FAX: 217/524-4882

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Farmland Preservation Act, 8 Ill. Adm. Code 700

1) Rulemaking:

A) Description: The Farmland Preservation Act requires that state agency policy statements and working agreements on farmland preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois' agricultural land base from state agency farmland conversion impacts.

B) Statutory Authority: Farmland Preservation Act [505 ILCS 75/1-8]

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: July 2010

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

F) Agency contact person for information:

Steve Chard
Illinois Department of Agriculture
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217/785-2661
FAX: 217/557-0993

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Water Use Act, 8 Ill. Adm. Code 675

1) Rulemaking:

A) Description: The intent of the Water Use Act is to establish a process whereby potential water use conflicts can be identified and avoided before any person is damaged by groundwater withdrawals. The purpose of this rulemaking is to amend the current rules to be consistent with recently enacted amendments to the Water Use Act (PA 096-0222).

B) Statutory Authority: Water Use Act [525 ILCS 45/1]

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: May 2010

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

F) Agency contact person for information:

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217/785-2661
FAX: 217/557-0993

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Definitions, 8 Ill. Adm. Code 20

1) Rulemaking:

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

A) Description: Cites to the Code of Federal Regulations will be updated to 2009.

B) Statutory Authority: Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10] as amended by HB1020; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2] as amended by HB1019; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; and Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners will meet in Winter 2010.

D) Date Agency anticipated First Notice: February 2010

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

F) Agency contact person for information:

Dr. Colleen O'Keefe
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217/782-4944
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

h) Part(s) (Heading and Code Citation): Illinois Humane Care for Animals Act, 8 Ill. Adm. Code 35

1) Rulemaking:

A) Description: The Department is considering rulemaking to adopt recognized methods of euthanasia of a companion animal.

B) Statutory Authority: Illinois Humane Care for Animals Act [510 ILCS 70]

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners will meet in Winter 2010.

D) Date Agency anticipated First Notice: February 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Horsemeat, 8 Ill. Adm. Code 70

1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated to 2009. Section 70.70 will be repealed. Section 70.80 will be amended to remove the exemption for horsemeat slaughtered in a federally inspected

plant that is under the supervision of the United States Department of Agriculture.

B) Statutory Authority: Illinois Horse Meat Act [225 ILCS 635] as amended by PA 95-0002.

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners will meet in Winter 2010.

D) Date Agency anticipated First Notice: February 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: PA 95-0002.

j) Part(s) (Heading and Code Citation): Swine Brucellosis, 8 Ill. Adm. Code 100

1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated to 2009.

B) Statutory Authority: Illinois Swine Brucellosis Eradication Act [510 ILCS 95/1], the Illinois Pseudorabies Control Act [510 ILCS 90/1] and the Illinois Diseased Animals Act [510 ILCS 50/1]

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners will meet in Winter 2010.

D) Date Agency anticipated First Notice: February 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Pseudorabies Control Act, 8 Ill. Adm. Code 115

1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated to 2009.

The site to the State-Federal-Industry Program Standards will be updated to November 1, 2003.

B) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90/1]

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissions will meet in Winter 2010.

D) Date Agency anticipated First Notice: February 2010

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Diseased Animals, 8 Ill. Adm. Code 85

1) Rulemaking:

A) Description:

The reportable diseases and contagious or infectious diseases lists will be reviewed for possible changes or additions.

Changes may need to be made in Johne's disease program to reflect possible changes in the United States Department of Agriculture's program.

Section 85.120 will be revised to include brucellosis testing for all cervidae entering Illinois (currently only elk). Animals will be required to originate from a certified brucellosis-free herd or be negative to an official test within 30 days prior to entry on all animals six months of age and older. The Department may also change the brucellosis certification method for cervids.

General regulations will be added for removal of quarantines for diseases not specifically covered in other laws.

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

References to the Code of Federal Regulations will be updated to 2009.

Regulation changes may be needed to deal with contamination of livestock.

B) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50/1] as amended by PA95-0554, Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6] as amended by PA95-0093, Livestock Auction Market Law [225 ILCS 640/1], and Equine Infectious Anemia Control Act [510 ILCS 65] as amended by PA 95-0002.

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners will be meeting in Winter 2010.

D) Date Agency anticipates First Notice: February 2010

E) Effect on small businesses, small municipalities or not for profit corporations: Will require additional testing on cervidae entering Illinois which will affect cervid producers outside of Illinois. No effect on Illinois producers.

F) Agency contact person for information:

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217/782-4944
FAX: 217/524-7702

G) Related rulemakings and other pertinent information:

m) Part(s) (Heading and Code Citation): Animal Disease Laboratories Act, 8 Ill. Adm. Code 110

1) Rulemaking:

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

A) Description: Disposal fees will be added for all necropsy cases, regardless of species.

Distribution of laboratory reports will be clarified. They will be issued once (by US mail, faxed or email). If a second delivery method is requested, a charge will be assessed.

Various laboratory fees will be reviewed and increased for serology and immunohistochemistry samples. A fee for pooled Johne's disease samples will be established.

Persons who do not have an account with the Department of Agriculture and do not create one, will be required to pay in advance of services rendered. The laboratory has many submissions from individuals who only use their services once, then do not pay when billed.

Other fees will be reviewed for possible increase or addition.

B) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10/0.01]

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissioners will be meeting in Winter 2010.

D) Date Agency anticipates First Notice: February 2010

E) Effect on small businesses, small municipalities or not for profit corporations: Veterinarians, livestock producers and others using the animal disease laboratories will pay higher or first time laboratory fees for requested tests. There is no change for testing mandated by state laws or regulations.

F) Agency contact person for information:

Dr. Colleen O'Keefe
Illinois Department of Agriculture
P.O. Box 19281
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Springfield, IL 62794-9281

217/782-4944
FAX: 217/524-7702

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Humane Slaughter of Livestock (8 Ill. Adm. Code 50)

1) Rulemaking:

A) Description: References to the Code of Federal Regulations will be updated to 2009. A definition of livestock will be added that will exclude members of the equine family.

Sections 50.20, 50.30, 50.40, and 50.50 will be rewritten to adopt the corresponding Code of Federal Regulations pertaining to humane slaughter of livestock and the present wording will be deleted.

New sections will be added to adopt the Code of Federal Regulations that address livestock pens, driveways and ramps (9 CFR 313.1), handling of livestock (9 CFR 313.2) and tagging of equipment, alleyways, pens, or compartments to prevent inhumane slaughter or handling in connection with slaughter (9 CFR 313.50)

B) Statutory Authority: Humane Slaughter of Livestock Act [510 ILCS 75] as amended by PA95-0002.

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissions will meet in Winter 2010.

D) Date Agency anticipated First Notice: February 2010

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated as the Code of Federal Regulations pertaining to humane slaughter are identical to the Illinois regulations, with the exception that they also apply to members of the equine family.

F) Agency contact person for information:

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: PA95-0002

o) Part(s) (Heading and Code Citation): Bovine Brucellosis, 8 Ill. Adm. Code 75

1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated to 2009. Regulations changes may be required as a result of P.A. 95-0093.

B) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30] as amended by HB1020.

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissions will meet in Winter 2010.

D) Date Agency anticipated First Notice: February 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: HB1020

p) Part(s) (Heading and Code Citation): Swine Disease Control and Eradication Act, 8 Ill. Adm. Code 105

1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated to 2009.

The site to the State-Federal-Industry Program Standards will be updated to November 1, 2003.

B) Statutory Authority: Illinois Swine Brucellosis Eradication Act [510 ILCS 95/1], the Illinois Pseudorabies Control Act [510 ILCS 90/1] and the Illinois Diseased Animals Act [510 ILCS 50/1]

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissions will meet in Winter 2010.

D) Date Agency anticipated First Notice: February 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

q) Part(s) (Heading and Code Citation): Illinois Bovidae and Cervidae Tuberculosis Eradication Act, 8 Ill. Adm. Code 80

1) Rulemaking:

A) Description: The Department may consider changing the requirements for cattle and deer entering from non-accredited tuberculosis free States.

B) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35] as amended by PA90-192 and the Illinois Diseased Animals Act [510 ILCS 50/1].

C) Scheduled meeting/hearing dates: The Advisory Board of Livestock Commissions will meet in Winter 2010.

D) Date Agency anticipated First Notice: February 2010

E) Effect on small businesses, small municipalities or not for profit corporations: Will require additional testing on Cervidae and Bovidae entering Illinois which will affect cervid and cattle producers outside of Illinois. No effect on Illinois producers.

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F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Illinois Seed Law, 8 Ill. Adm. Code 230

1) Rulemaking:

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

A) Description: The rule changes will allow the Department to offer different tests that are currently available for seed products and allow the establishment of fees for these tests (i.e. TZ, seed count, etc.).

Section 230.70 may be amended to allow the Department to increase seed permit fees.

Section 230.80 may be amended to allow the Department to increase fees for established services offered (i.e. purity, germination and noxious weed seed testing).

These amendments allow for the Department to update its services offered to those groups or individuals wishing to utilize them.

B) Statutory Authority: The Illinois Seed Law [505 ILCS 110]

C) Schedule meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: May 2010

E) Effect on small businesses, small municipalities or not for profit corporations: Entities utilizing the Department's seed lab will have to pay a fee or increase in fee.

F) Agency contact person for information:

Jim Larkin
Illinois Department of Agriculture
P. O. Box 19281
Springfield, IL 62794-9281

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FAX: 217/524-7801

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

s) Part(s) (Heading and Code Citation): Illinois AgriFIRST Program Act, 8 Ill. Adm. Code 950

1) Rulemaking:

A) Description: The rule changes will allow the Department to reduce delays in the grant process and improve the oversight of the program.

Other non-substantive changes will be made to the rules to better reflect the Illinois Grant Funds Recovery Act [30 ILCS 705].

B) Statutory Authority: Illinois AgriFIRST Program Act of 2001 [505 ILCS 19]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: May 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The proposed changes will be beneficial to grant applicants because it will enable the Department to speed up the application review process and award grant funds more quickly.

F) Agency contact person for information:

Delayne Reeves
Illinois Department of Agriculture
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Springfield, IL 62794-9281

217/524-9129
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

t) Part(s) (Heading and Code Citation): Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds

DEPARTMENT OF AGRICULTURE

JANUARY 2010 REGULATORY AGENDA

1) Rulemaking:

A) Description: Section 270.350 will be amended to allow pets in the campground area. In Section 270.560 amended language is being added to permit camping at any time other than during an event that has leased the entire fairgrounds. In Section 270.630(c) for general stabling rules, thoroughbred or racing quarter horses and lead ponies are being included where individual stall rentals shall be made available, and harness racing horses are being stricken from this subparagraph. Other rules will be updated to allow greater use of the state fairgrounds during non-fair time periods.

B) Statutory Authority: State Fair Act [20 ILCS 210]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register.

D) Date Agency anticipates First Notice: April 2010

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

F) Agency contact person for information:

Margaret L. van Dijk, General Counsel
Illinois Department of Agriculture
P.O. Box 19281, Springfield, IL 62794-9281.

217/785-4507
FAX: 217/785-4505

G) Related rulemakings and other pertinent information: None

ATTORNEY GENERAL

JANUARY 2010 REGULATORY AGENDA

a) Part (Heading and Code Citation): Illinois Estate and Generation-Skipping Transfer Tax Return, 86 Ill. Adm. Code 2000

1) Rulemaking: Proposed amendment

A) Description: The rulemaking will implement Public Act 96-0789, which authorizes a person filing a return under the Illinois Estate and Generation-Skipping Transfer Tax Act to elect a marital deduction for qualified terminable interest property under Section 2056(b)(7) of the Internal Revenue Code for purposes of the Illinois estate tax that is separate and independent of the similar election for federal estate tax purposes. In order to implement this change, the rules will specify additional information to be included on the Illinois estate tax return as prescribed in Section 2000.100.

B) Statutory Authority: Illinois Estate and Generation-Skipping Transfer Tax Act [35 ILCS 405/6(f)]

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: February, 2009

E) Effect on small businesses, small municipalities or not for profit corporations: The rules should not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

John Brunsman, Chief
Revenue Litigation Bureau
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

217/782-9022

G) Related rulemakings and other pertinent information: None

JANUARY 2010 REGULATORY AGENDA

b) Part (Heading and Code Citation): Programmatic and Fiscal Requirements for Administering Funds under the Violent Crime Victims Assistance Act, 89 Ill. Adm. Code 1100

1) Rulemaking: Proposed Amendments

A) Description: The proposed amendments, which may also involve the adoption of a new part, will reconcile inconsistencies between the language of the Violent Crime Victims Assistance Act and the current rules and modify requirements for grant applications and programs.

B) Statutory Authority: Violent Crime Victims Assistance Act [725 ILCS 240/6]

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: January, 2009

E) Effect on small businesses, small municipalities or not for profit corporations: Small municipalities and not for profit corporations may be affected by having to comply with new requirements for funding.

F) Agency contact person for information:

Cynthia M. Hora, Chief
Crime Victim Services Division
Office of the Attorney General
100 West Randolph Street, 13th floor
Chicago, Illinois 60601

312/814-1427

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Solicitation for Charity Act, 14 Ill. Adm. Code 400

1) Rulemaking: Proposed amendments

JANUARY 2010 REGULATORY AGENDA

A) Description: Public Act 96-488, effective January 1, 2010, amends Section 4 of the Solicitation for Charity Act to require charities that do not use the services of a professional fundraiser to provide with their annual reports a copy of an audited financial statement if they receive more than $300,000 rather than $150,000 in contributions for the year. Corresponding changes will be made in the rules implementing reporting requirements.

B) Statutory Authority: 225 ILCS 460/2(h) and 4

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: February, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment would merely conform the rules to a statutory change that will reduce the number of charitable organizations that are required to submit audited financial statements.

F) Agency contact person for information:

Therese Harris, Chief
Charitable Trust Bureau
Office of the Attorney General
100 West Randolph Street, 11th floor
Chicago, Illinois 60601

312/814-2533

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Franchise Disclosure Act [14 Ill. Adm. Code 200]

1) Rulemaking: Proposed amendments

A) Description: The amendments will implement revisions to the Illinois Franchise Disclosure Act made by Public Act 96-648, including revised format requirements for franchise disclosure documents, revised exemption requirements, and other changes that make the Illinois

regulatory framework more consistent with the Federal Trade Commission's Franchise Rule.

B) Statutory Authority: Illinois Franchise Disclosure Act [815 ILCS 705]

C) Scheduled meeting/hearing date: None

D) Date agency anticipates First Notice: March, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The rules should not affect small municipalities or not for profit corporations. The changes may impact small businesses that purchase a franchise and receive disclosures prepared under the new rules, but the primary impact will be made with respect to the filing requirements for franchisors.

F) Agency contact person for information:

Cassandra Karimi, Chief
Franchise Bureau
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

217/782-4465

G) Related rulemakings and other pertinent information: None

CAPITAL DEVELOPMENT BOARD

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Procurement Practices 44 Ill. Adm. Code 910

1) Rulemaking:

A) Description: Section 910.160 will be amended to implement the change in the small purchase maximums proposed by the Procurement Policy Board on May 6, 2008.

B) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and Sections 5-25, 20-20, and 30-15 of the Illinois Procurement Code [30 ILCS 500/5-25, 20-20 and 30-15]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Capital Development Board in writing during the First Notice Period of the Procurement Practices amendments.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.

F) Agency contact person for information:

Fredrick W. Hahn, Chief Counsel
401 South Spring Street
3rd Floor Stratton Building
Springfield, IL 62706

Office: 217/782-0700
Fax: 217/524-0565
Fredrick.hahn@illinois.gov

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citations): Access to Information, 2 Ill. Adm. Code 1651

CAPITAL DEVELOPMENT BOARD

JANUARY 2010 REGULATORY AGENDA

1) Rulemaking:

A) Description: Part 1651 will be amended to implement changes imposed by Public Act 096-0542 effective January 1, 2010

B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Capital Development Board in writing during the First Notice Period of the Access to Information amendments.

D) Date agency anticipates First Notice: No date has been determined at this time.

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

F) Agency contact person for information:

Fredrick W. Hahn, Chief Counsel
401 South Spring Street
3rd Floor Stratton Building
Springfield, IL 62706

Office: 217/782-0700
Fax: 217/524-0565
Fredrick.hahn@illinois.gov

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citations): Illinois Energy Conservation Code, 71 Ill. Adm. Code 600

1) Rulemaking:

CAPITAL DEVELOPMENT BOARD

JANUARY 2010 REGULATORY AGENDA

A) Description: Legislation passed in 2009 amends the Energy Efficient Commercial Building Act requiring residential buildings to conform with the energy efficiency standards that currently apply only to commercial buildings. The name of the Act is changed to the Energy Efficient Building (EEB) Act and is revised throughout the rules. The definition of residential buildings was revised and new sections, 600.400 through 600.440, lay out the standards, exemptions, local jurisdiction, compliance and application to home rule units for residential buildings.

Revisions were made to Section 600.110 update the language regarding the application of the code to additions, alterations, renovations or repairs and exceptions.

Section 600.210 was revised to update the name of the Energy Code Council.

Additional language from the Act was added for clarification to Section 600.320 regarding the local jurisdictions responsibilities for adoption, enforcement and administration of the Code.

B) Statutory Authority: Implementing and authorized by the Capital Development Board Act [20 ILCS 3105] and the Energy Efficient Commercial Building Act [20 ILCS 3125]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Capital Development Board in writing during the First Notice Period of the Illinois Energy Conservation Code amendments.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.

F) Agency contact person for information:

Lisa Mattingly, Administrator of Professional Services

CAPITAL DEVELOPMENT BOARD

JANUARY 2010 REGULATORY AGENDA

401 South Spring Street
3rd Floor Stratton Building
Springfield, IL 62706

Office: 217/524-6408
Fax: 217/524-4208
Lisa.mattingly@illinois.gov

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citations): Grant Agreement Procedures, 71 Ill. Adm. Code 41

1) Rulemaking:

A) Description: The rule will be amended to strengthen and enforce the CDB's Grant program.

B) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and the Grant Funds Recovery Act [30 ILCS 750]

C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Capital Development Board in writing during the First Notice Period of the Grant Agreement Procedures amendments.

D) Date agency anticipates First Notice: No date has been determined at this time.

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

F) Agency contact person for information:

Fredrick W. Hahn, Chief Counsel
401 South Spring Street
3rd Floor Stratton Building
Springfield, IL 62706

CAPITAL DEVELOPMENT BOARD

JANUARY 2010 REGULATORY AGENDA

Office: 217/782-0700
Fax: 217/524-0565
Fredrick.hahn@illinois.gov

G) Related rulemakings and other pertinent information: None

ILLINOIS COMMERCE COMMISSION

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): "Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service Deposits, Payment Practices, and Discontinuance of Service" 83 Ill. Adm. Code 280

1) Rulemaking:

A) Description: There had been four open dockets in which there had been proposed or in which the Commission had been considering amendments to Part 280 (Dockets 05-0237, 06-0112, 06-0202, and 06-0379). The Commission is of the opinion that administrative economy dictates that one coordinated proceeding be initiated to revise Part 280 instead of the potential piecemeal amendment of Part 280 occurring in four open dockets. It is the Commission's intention that it produce an internally consistent set of rules that will balance the interests of the public utilities regulated by the rules and the customers of those utilities.

B) Statutory Authority: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206, and 8-207 of the Public Utilities Act [220 ILCS 5/8-101, 8-206, and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101].

C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 06-0703.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject public utilities and any customers that are also small businesses.

F) Agency contact person for information:

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

217/782-7434

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): "Standards of Service for Local exchange Telecommunications Carriers" 83 Ill. Adm. Code 730

1) Rulemaking:

A) Description: Section 13-512 of the Public Utilities Act (PUA) requires that all Commission rules issued pursuant to Article XIII of the PUA, applicable to the operations or activities of telecommunications carriers, be reviewed every two years. Section 13-512 requires repeal or modification of any such rule determined to no longer serve the public interest due to the availability of competitive telecommunications services.

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

C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 09-0382.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers and any customers that are also small businesses.

F) Agency contact person for information:

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

217/782-7434

ILLINOIS COMMERCE COMMISSION

JANUARY 2010 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): "Customer Credits" 83 Ill. Adm. Code 732

1) Rulemaking:

A) Description: Section 13-512 of the Public Utilities Act (PUA) requires that all Commission rules issued pursuant to Article XIII of the PUA, applicable to the operations or activities of telecommunications carriers, be reviewed every two years. Section 13-512 requires repeal or modification of any such rule determined to no longer serve the public interest due to the availability of competitive telecommunications services.

B) Statutory Authority: Implementing and authorized by Section 13-712 of the Public Utilities Act [220 ILCS 5/13-712].

C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 09-0382.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers and any customers that are also small businesses.

F) Agency contact person for information:

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

217/782-7434

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): " Imputation " 83 Ill. Adm. Code 792

ILLINOIS COMMERCE COMMISSION

JANUARY 2010 REGULATORY AGENDA

1) Rulemaking:

A) Description: Section 13-512 of the Public Utilities Act (PUA) requires that all Commission rules issued pursuant to Article XIII of the PUA, applicable to the operations or activities of telecommunications carriers, be reviewed every two years. Section 13-512 requires repeal or modification of any such rule determined to no longer serve the public interest due to the availability of competitive telecommunications services.

B) Statutory Authority: Implementing Section 13-505.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-505.1 and 10-101].

C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 09-0383.

D) Date agency anticipates First Notice: Undetermined.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject telecommunications carriers and any customers that are also small businesses.

F) Agency contact person for information:

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

217/782-7434

G) Related rulemakings and other pertinent information: None

DRYCLEANER ENVIRONMENTAL RESONSE TRUST FUND
COUNCIL OF ILLINOIS

JANURUARY 2010 REGULATORY AGENDA

a) Parts (Headings and Code Citations): General Program (35 Ill. Adm. Code 1500.30, 1500.55, and 1500.60)

1) Rulemaking:

A) Description: 35 Ill. Adm. Code 1500.30 contains the Fund's general program rules related to annual licensing requirements. 35 Ill. Adm. Code 1500.55 contains the Fund's general program rules related to drycleaning solvent tax requirements. 35 Ill. Adm. Code 1500.60 contains the Fund's general program rules related to appeals. The Council will be proposing to amend current program rules to incorporate statutory revisions to civil penalties and the appeal process for licensing, filing of solvent tax returns, and registration to sell drycleaning solvent. The Council needs to amend Parts 1500.30, 1500.55 and 1500.60 to reflect the proposed requirements.

B) Statutory Authority: Implementing and authorized by Sections 20, 65 and 69 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(g), 135/65(f), and 135/69.]

C) Scheduled Meeting/Hearing Dates: Public hearings are not required to prescribe licensing requirements per 35 Ill. Adm. Code 1500.30, solvent tax and return filing requirements per 35 Ill. Adm. Code 1500.55 and appeal requirements per 35 Ill Adm. Code 1500.60.

D) Date Agency Anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in April of 2010.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: There will be minimal affect on small businesses as the civil penalty for late payment of the annual license fee is unchanged. The civil penalty for not registering to sell drycleaning solvent and the civil penalty for selling drycleaning solvent to unlicensed drycleaners will impact very few small businesses. There should be no affect on small municipalities or not-for-profit corporations.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

DRYCLEANER ENVIRONMENTAL RESONSE TRUST FUND
COUNCIL OF ILLINOIS

JANURUARY 2010 REGULATORY AGENDA

H. Patrick Eriksen, Administrator
Drycleaner Environmental Response Trust Fund
1000 Tower Lane, Suite 140, P. O. Box 480
Bensenville, IL 60106

G) Related rulemakings and other pertinent information: One other presently anticipated proceeding would affect the text of Part 1500.30. No other presently anticipated proceeding would affect the text of Part 1500.55 and 1500.60.

2) Rulemaking:

A) Description: 35 Ill. Adm. Code 1500.30 contains the Fund's general program rules related to annual licensing requirements. The Council will be proposing to amend Part 1500.30 to incorporate the statutory revision for determining solvent volume for renewal of the annual license fee.

B) Statutory Authority: Implementing and authorized by Section 60 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/60(c)(17) (2)].

C) Scheduled Meeting/Hearing Dates: Public hearings are not required for determining solvent volume for renewal of the annual license fee per 35 Ill. Adm. Code 1500.30.

D) Date Agency Anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in April of 2010.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: There will be a minimal affect on small businesses as a substantial majority of licensees are currently using the statutory revision in calculating their solvent volume for renewal of their annual license fee. There should be no affect on small municipalities or not-for-profit corporations.

DRYCLEANER ENVIRONMENTAL RESONSE TRUST FUND
COUNCIL OF ILLINOIS

JANURUARY 2010 REGULATORY AGENDA

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

H. Patrick Eriksen, Administrator
Drycleaner Environmental Response Trust Fund
1000 Tower Lane, Suite 140, P. O. Box 480
Bensenville, IL 60106

G) Related rulemakings and other pertinent information: One other presently anticipated proceeding would affect the text of Part 1500.30.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2010 REGULATORY AGENDA

a) Part (Heading and Code Citation): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 1800

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.

B) Statutory Authority: Implementing Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1004.01) and authorized by Section 6(c)(1) of the Illinois Emergency Management Act (Ill. Rev. Stat. 1991, ch. 127, par. 1056 (c)(1), effective date January 1, 1992.)

C) Scheduled meeting/hearing dates: None Scheduled.

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Public Information, Rulemaking and Organization 2 Ill. Adm. Code 1075

1) Rulemaking: Proposed Amendment

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2010 REGULATORY AGENDA

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.

B) Statutory Authority: Implementing Section 5-15 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) and authorized by Section 71 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1981, ch. 127, par. 63b17).

C) Scheduled meeting/hearing dates: None Scheduled.

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Freedom of Information Procedures, 2 Ill. Adm. Code 1076

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2010 REGULATORY AGENDA

B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

C) Scheduled meeting/hearing dates: None scheduled

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Training and Education Program, 29 Ill. Adm. Code 110

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to predecessor agencies will be changed to the "Illinois Emergency Management Agency."

B) Statutory Authority: Implementing the Illinois Emergency Management Agency Act [20 ILCS 3305].

C) Scheduled meeting/hearing dates: None scheduled

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2010 REGULATORY AGENDA

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Political Subdivision Emergency Services and Disaster Agencies, 29 Ill. Adm. Code 301

1) Rulemaking: Proposed Amendment

A) Description: This proposed rulemaking will include requirements for including provisions in emergency operations plans for special needs populations and an amendment to satisfy P.A. 094-0733. In addition, language will be amended to reflect compliance with the National Incident Management System.

B) Statutory Authority: Implements the Illinois Emergency Management Agency Act [20 ILCS 3305] and authorized by Sections 5(f)(4), (5), (5.5) and (5.10) and 10(i) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(f)(4), (5), (5.5) and (5.10) and 10(i)].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2010 REGULATORY AGENDA

E) Effect on small businesses, small municipalities or not for profit Corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Radiological Protection, 29 Ill. Adm. Code 320

1) Rulemaking: Proposed Repealer

A) Description: The Agency is proposing this rulemaking to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. This Part is outdated and is no longer needed as its requirements are covered by other Agency regulations.

B) Statutory Authority: Implementing the Illinois Emergency Management Agency Act [20 ILCS 3305].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: January 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2010 REGULATORY AGENDA

1035 Outer Park Drive
Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Individual and Family Grant Program, 29 Ill. Adm. Code 410

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.

B) Statutory Authority: Implementing and authorized by Federal Emergency Management Agency Regulations (44 CFR 205.54, Fall 12, 1982) and the lllinois Emergency Management Agency Act [20 ILCS 3305].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2010 REGULATORY AGENDA

h) Part (Heading and Code Citation): Public Disaster Assistance Program, 29 Ill. Adm. Code 420

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.

B) Statutory Authority: Implementing the Disaster Relief Act of 1974, (42 U.S.C.A. 5121 et seq. (1983)) and the Illinois Emergency Management Agency Act [20 ILCS 3305].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance, 29 Ill. Adm. Code 430

1) Rulemaking: Proposed Amendment

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2010 REGULATORY AGENDA

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.

B) Statutory Authority: Implementing "AN ACT to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies" (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11004) and authorized by the Illinois Emergency Management Agency Act [20 ILCS 3305].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Development, Annual Review, Coordination of Chemical Safety Contingency Plans, 29 Ill. Adm. Code 610

1) Rulemaking: Proposed Amendment

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.

B) Statutory Authority: Implementing the Illinois Chemical Safety Act (Ill. Rev. Stat. 1985, ch. 111½, pars. 951 et. seq.) and the Illinois Emergency Management Agency Act [20 ILCS 3305].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Emergency Planning and Community Right-to-Know, 29 Ill. Adm. Code 620

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety.

B) Statutory Authority: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499) and the Illinois Emergency Planning and Community Right To Know Act [430

ILCS 100] and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5c].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Standards for Protection against Laser Radiation, 32 Ill. Adm. Code 315

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by the Laser System Act of 1997 [420 ILCS 56].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Registration and Operator Requirements for Radiation Installations, 32 Ill. Adm. Code 320

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by Sections 24.7, 25 and 25.1 of the Radiation Protection Act of 1990 [420 ILCS 40/24.7, 25 and 25.1].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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217/524-0770

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Fees for Calibration Services, 32 Ill. Adm. Code 333

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency". In addition, this proposed amendment will include a provision for the calibration of personal radiation detectors.

B) Statutory Authority: Implementing and authorized by Section 25(g) of the Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111½, par. 210-25(g)) [420 ILCS 40/25(g)].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: January 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): Fees for By-Product Material, 32 Ill. Adm. Code 334

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (see P.A. 88-638, effective September 9, 1994 [420 ILCS 42]).

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
Illinois Emergency Management Agency
1035 Outer Park Drive
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217/524-0770

G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): Certification and Operation of Radiochemistry Laboratories, 32 Ill. Adm. Code 406

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1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing the Civil Administrative Code of Illinois [20 ILCS 5] and authorized by Sections 55.10 through 55.12 and Section 71 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.10 through 55.12, and 20 ILCS 2005/71(D)].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

Maureen Cunningham, Chief Legal Counsel
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1035 Outer Park Drive
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217/524-0770

G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): Standards for Selection of Contractors, 32 Ill. Adm. Code 605

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and

the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by Section 5 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/5].

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Access to Facilities for Treatment, Storage, or Disposal of Low-Level Radioactive Waste, 32 Ill. Adm. Code 609

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the"Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by Sections 8 and 9 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/8 and 9], the Radioactive Waste Tracking and Permitting Act [420 ILCS 37], the Central Midwest Low-Level Radioactive Waste Compact

Act [45 ILCS 140], the Radioactive Waste Compact Enforcement Act [45 ILCS 141] and the federal Low-Level Radioactive Waste Policy Amendments Act of 1985 (P.L. 99-240).

C) Scheduled meeting/hearing dates: None scheduled

D) Date Agency anticipates First Notice: Spring 2010

E Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

s) Part (Heading and Code Citation): Registration of Low-Level Radioactive Waste Generators, 32 Ill. Adm. Code 620

1) Rulemaking: Proposed Amendment

A) Description: The Agency is proposing this rulemaking to update this Part to reflect the merger of the Illinois Emergency Management Agency and the Illinois Department of Nuclear Safety. All references to the "Department" will be changed to "Agency".

B) Statutory Authority: Implementing and authorized by Sections 3 and 4 of the Illinois Low-Level Radioactive Waste Management Act [420 ILCS 20/3 and 20/4].

C) Scheduled meeting/hearing dates: None scheduled

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D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, and not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

t) Part (Heading and Code Citation): General Provisions for Radiation Protection, 32 Ill. Adm. Code 310

1) Rulemaking: Proposed Amendment

A) Description: This proposed rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 20, 30, 32, and 35 regulations currently in place for use of radioactive materials. Agreement States such as Illinois are required to have these changes in place by December 17, 2010. NRC has assigned this rulemaking a compatibility category of A, which means that the Illinois rule must have language essentially identical to NRC's. This rulemaking will clarify standards for regulation of discrete sources of radium-226, accelerator-produced radioactive material, and discrete sources of naturally occurring radioactive material as required by the Energy Policy Act of 2005 (EPAct), which was signed into law on August 8, 2005. The EPAct expanded the AtomicEnergy Act of 1954 definition of Byproduct material to include any discrete source of radium-226, any material made radioactive by use of a particle accelerator, or any discrete source of naturally occurring radioactive material other than source material.

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B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: 32 Ill. Adm. Code 330, 335, and 340.

u) Part (Heading and Code Citation): Licensing of Radioactive Material, 32 Ill. Adm. Code 330

1) Rulemaking: Proposed Amendment

A) Description: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 30, 32, and 35 regulations currently in place for use of radioactive materials. Agreement States such as Illinois are required to have these changes in place by October 29, 2010. NRC has assigned this rulemaking a compatibility category of B. This means that the Illinois rule must have language essentially identical to NRC's because of transboundary considerations. This rulemaking will clarify the documentation required by the Agency for approval of an authorized nuclear pharmacist. It will also update and clarify general licenses and license exemptions and requirements for manufacture and distribution of radioactive material. This rulemaking will clarify standards

for regulation of discrete sources of radium-226, accelerator-produced radioactive material, and discrete sources of naturally occurring radioactive material as required by the Energy Policy Act of 2005 (EPAct), which was signed into law on August 8, 2005. The EPAct expanded the Atomic Energy Act of 1954 definition of Byproduct material to include any discrete source of radium-226, any material made radioactive by use of a particle accelerator, or any discrete source of naturally occurring radioactive material other than source material.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:
Maureen Cunningham, Chief Legal Counsel
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217/524-0770

G) Related rulemakings and other pertinent information: 32 Ill. Adm. Code 310 and 335.

v) Part (Heading and Code Citation): Medical Use of Radioactive Material, 32 Ill. Adm. Code 335

1) Rulemaking: Proposed Amendment

A) Description: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 35 regulations currently in place for medical use of radioactive materials. Agreement States such as

Illinois are required to have these changes in place by October 29, 2010. NRC has assigned this rulemaking a compatibility category of B. This means that the Illinois rule must have language essentially identical to NRC's because of transboundary considerations. This rulemaking will clarify physician qualifications for human use of radioactive materials and make reference to NRC guidance for assessment of radiation dose. It also revises certain quality control tests and clarifies requirements for medical use of accelerator-produced radioactive material.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: 32 Ill. Adm. Code 310 and 330.

w) Part (Heading and Code Citation): Standards for Protection Against Radiation, 32 Ill. Adm. Code 340

1) Rulemaking: Proposed Amendment

A) Description: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 20 regulations currently in

place for use of radioactive materials. Agreement States such as Illinois are required to have these changes in place by November 30, 2010. NRC has assigned this rulemaking a compatibility category of A, which means that the Illinois rule must have language essentially identical to NRC's. This rulemaking will update dose measurement procedures and limits, clarify waste management procedures, and provide for disposal of certain radioactive materials.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

x) Part (Heading and Code Citation): Notices, Instructions and Reports to Workers; Inspections, 32 Ill. Adm. Code 400

1) Rulemaking: Proposed Amendment

A) Description: This rulemaking will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 19 regulations currently in place for use of radioactive materials. Agreement States such as Illinois are required to have these changes in place by February 15, 2011. NRC

has assigned this rulemaking a compatibility category of C, which means that the Illinois rule must meet the intent and produce the same end result as NRC's regulations. This rulemaking will clarify the circumstances that require a radioactive material licensee to provide an employee with information about radiation dose received.

B) Statutory Authority: Implementing and authorized by Sections 16 and 29 of the Radiation Protection Act of 1990 [420 ILCS 40/16 and 29].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

y) Part (Heading and Code Citation): Campus Security Grants, 29 Ill. Adm. Code 310

1) Rulemaking: Proposed New Rule

A) Description: This Part establishes the procedures and criteria for approval of applications submitted to the Illinois Emergency Management Agency by eligible higher education institutions for grants related to safety and security improvements.

B) Statutory Authority: Authorized by Section 5(g) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(g)].

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C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: January 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

z) Part (Heading and Code Citation): Fees for Radioactive Material Licensees, 32 Ill. Adm. Code 331

1) Rulemaking: Proposed Amendment

A) Description: This rulemaking will clarify the fee structure for persons who possess registered generally licensed devices or prepackaged units for in vitro clinical or laboratory testing pursuant to the general license [32 Ill. Adm. Code 330.220(f)(1)].

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: February 2010.

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

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217/524-0770

G) Related rulemakings and other pertinent information: None

aa) Part (Heading and Code Citation): Licenses and Radiation Safety Requirements for Irradiators, 32 Ill. Adm. Code 346

1) Rulemaking: Proposed Amendment

A) Description: This rulemaking will update requirements for removal of contamination from leaking radiation sources in irradiator pools.

B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: February 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: The Agency believes this rulemaking will not affect small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

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ILLINOIS EMERGENCY MANAGEMENT AGENCY

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Springfield, IL 62704

217/524-0770

G) Related rulemakings and other pertinent information: 32 Ill. Adm. Code 310 and 340.

DEPARTMENT OF EMPLOYMENT SECURITY

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a) Part(s) (Heading and Code Citation): Interstate And Federal Cooperation (56 Ill. Adm. Code 2714)

1) Rulemaking:

A) Description: The Department plans to revise its rules to clarify that interstate claims filed against Illinois are to be filed through the internet or by phone and will be adjudicated by Department staff, to clarify that claims filed against another state are to be filed according to that state's requirements and to make any related technical changes that may be necessary.

B) Statutory Authority: Implementing and authorized by Sections 210, 229, 409, 605, 700, 1700, 1701, 1706, 2700, 2701 and 2702 of the Unemployment Insurance Act [820 ILCS 405/210, 229, 409, 605, 700, 1700, 1701, 1706, 2700, 2701 and 2702]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The proposal would have no direct effect.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street − 9th Floor
Chicago, IL 60603

312/793-4240

G) Related rulemaking and other pertinent information: None

b) Part(s) (Heading and Code Citation): Claims, Adjudication, Appeals And Hearings (56 Ill. Adm. Code 2720)

1) Rulemaking:

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A) Description: The Department is considering making revisions to address remote claims and certifications.
The Department is considering amending the rules to require that a claimant provide the Social Security Account number of each dependent child of the claimant.

The Department plans to amend the rules to address the availability of electronic case folders.

The Department wishes to make clear that a claimant cannot withdraw a "valid" claim once it has been filed.

The Department is considering issuing claimants ID numbers that could be used instead of social security numbers. Some rules would require amendment to accommodate this change.

Some forms may be renamed.

The Department is considering amendments to adopt the term "Administrative Law Judge (ALJ)".

The Department is also considering promulgating a definition of "good cause" for allowing a party or its witness to appear in-person at a benefit hearing.

The Department is considering a rule change to clarify that appeals regarding a claimant's base period wages or benefit charges will be heard through the benefit appeal process.

The Department is considering repealing the rule that requires it to give the employer notice of a hearing on a claimant's appeal where the employer is not a party in the matter.

B) Statutory Authority: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act [820 ILCS 405/239, 409, 500, 604, 700,

701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The proposal potentially would affect all employers equally.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
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Chicago, IL 60603

312/793-4240

G) Related rulemaking and other pertinent information: None

c) Part(s) (Heading and Code Citation): Administrative Hearings And Appeals (56 Ill. Adm. Code 2725)

1) Rulemaking:

A) Description: The Department is considering amendments to adopt the term "Administrative Law Judge (ALJ)".

The Department is considering requiring that non-benefit hearings be conducted by telephone except for good cause shown and defining what constitutes good cause.

The Department is considering amending Section 2725.210 to reduce the number of days' notice of the date of a scheduled hearing from 25 to 15.

The Department is considering amending Section 2725.220 to provide that documents submitted for a hearing before the Director's Representative be

submitted at least 5 days, instead of 10 days, prior to the date of the hearing.

The Department is considering an amendment to Section 2725.245 to require that an order continuing a hearing shall include the reason for the continuance and that such order shall be mailed to the parties. If a mutually agreeable date could not be reached by the parties, the Administrative Law Judge would set the date of the continued hearing.

An amendment to Section 2725.260 is being considered to provide that, if a party asks that the record be kept open so that it can file a memorandum in support of its position or to submit additional documents, the amount of time that the record will remain open shall not exceed 30 days and that no extensions shall be granted.

The Department is considering specifying a post-hearing deadline after which additional evidence could not be submitted.

B) Statutory Authority: Implementing and authorized by Sections 701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305 of the Illinois Unemployment Insurance Act [820 ILCS 405/ 701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1508.1, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The proposal would potentially affect all employers equally.

F) Agency contact person for information:

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DEPARTMENT OF EMPLOYMENT SECURITY

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312/793-4240

G) Related rulemaking and other pertinent information: None

d) Part(s) (Heading and Code Citation): Notices, Records, Reports (56 Ill. Adm. Code 2760)

1) Rulemaking:

A) Description: The Department intends to amend Section 2760.140 to lower the threshold for mandatory electronic reporting by employers, from 250 or more workers to 25 or more.

Several sections of this Part need to be updated to reflect that household filers need only report wages once a year instead of quarterly. This affects various sections where quarterly filing is discussed.

B) Statutory Authority: Sections 204, 234, 245, 300, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/204, 234, 245, 300, 302, 700, 1400, 1401, 1402, 1404, 1405, 1507, 1700 and 1701]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The proposal would affect all businesses with 25 or more employees.

F) Agency contact person for information:

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312/793-4240

DEPARTMENT OF EMPLOYMENT SECURITY

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G) Related rulemaking and other pertinent information: None

e) Part(s) (Heading and Code Citation): Payment Of Unemployment Contributions, Interest And Penalties (56 Ill. Adm. Code 2765)

1) Rulemaking:

A) Description: The Department intends to amend this Section to clarify that, since the determination of the chargeable employer is made by the claims adjudicator, appeals proceed to the Referee and then the Board of Review not the Director.

B) Statutory Authority: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The proposal would affect all businesses equally.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
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312/793-4240

G) Related rulemaking and other pertinent information: None

f) Part(s) (Heading and Code Citation): Recovery Of Benefits (56 Ill. Adm. Code 2835)

DEPARTMENT OF EMPLOYMENT SECURITY

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1) Rulemaking:

A) Description: The Department is considering revising Table A, the recoupment matrix, to reflect the many new federal extensions/programs which have been enacted since the matrix was first adopted.

B) Statutory Authority: Implementing and authorized by Sections 900, 901, 1700, 1701 and 1706 of the Unemployment Insurance Act [820 ILCS 405/900, 901, 1700, 1701 and 1706]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The proposal has no direct effect on any business.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street − 9th Floor
Chicago, IL 60603

312/793-4240

G) Related rulemaking and other pertinent information: None

g) Part(s) (Heading and Code Citation): Claimant's Availability For Work, Ability To Work (56 Ill. Adm. Code 2865)

1) Rulemaking:

A) Description: The rules need to be amended to reflect internet registration for work with the Employment Service.

The Department is considering revisions regarding the circumstances under which a claimant satisfies the work search requirement by virtue of his or her membership in a union that maintains its own placement service.

DEPARTMENT OF EMPLOYMENT SECURITY

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B) Statutory Authority: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Illinois Unemployment Insurance Act [820 ILCS 405/ 409, 500, 1700 and 1701]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March, 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The proposal would have no direct effect.

F) Agency contact person for information:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street − 9th Floor
Chicago, IL 60603

312/793-4240

G) Related rulemaking and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2010 REGULATORY AGENDA

a) Part (Headings and Code Citations): Procedures And Criteria For Reviewing Applications For Provisional Variances; 35 Ill. Adm. Code 180

1) Rulemaking:

A) Description: The proposal will amend 35 Ill. Adm. Code 180 to reflect the amendments to Sections 35(b), 36, and 37 of the Environmental Protection Act. Amendments to Sections 35(b), 36, and 37 of the Act give authority to the Agency to grant provisional variances rather than the Pollution Control Board. The proposed amendments may also update the Part and correct typographical errors.

B) Statutory authority: Implementing and authorized by Section 35(b) of the Environmental Protection Act [415 ILCS 5/35(b)].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities, or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that file a petition for a provisional variance pursuant to Section 35(b) of the Act will be affected by the proposed amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dana Vetterhoffer
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2010 REGULATORY AGENDA

b) Part (Heading and Code Citation): Environmental Laboratory Certification Fee Rules; 35 Ill. Adm. Code 185

1) Rulemaking:

A) Description: This rulemaking will set forth the procedures the Agency will use to determine environmental laboratory assessments under Section 17.8 of the Environmental Protection Act.

B) Statutory authority: Implementing and authorized by Section 17.8 of the Environmental Protection Act [415 ILCS 5/17.8].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that requests certification for its laboratories.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Accreditation of Environmental Laboratories; 35 Ill. Adm. Code 186

1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

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A) Description: Proposed amendments to 35 Ill. Adm. Code 186 to update the incorporations by reference at Section 186.115 to reflect the editions and federal regulations that are currently being used to accredit environmental laboratories.

B) Statutory authority: Implementing and authorized by Sections 4 (n) and (o) of the Environmental Protection Act [415 ILCS 5/4(n) and (o)]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meeting or hearing dates on this proposal.

D) Date Agency anticipates First Notice: Spring or Summer 2010

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses, small municipalities and not-for-profit corporations will not be affected by the proposal because the amendments simply update the references currently being used to accredit environmental laboratories.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stephanie Flowers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related Rulemaking and other pertinent information: None

d) Part (Heading and Code Citation): Construction Permit Application Fees For Air Pollution Sources; 35 Ill. Adm. Code 250

1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

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A) Description: The proposed new rule will set forth the procedures the Agency will use to collect construction permit application fees for air pollution sources under Section 9.12 of the Environmental Protection Act.

B) Statutory authority: Authorized by Section 9.12 of the Environmental Protection Act [415 ILCS 5/9.12].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that submit construction permit applications that trigger the fee provisions would be subject to the procedures set forth in this new rule.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Procedures For Collection Of Air Pollution Site Fees; 35 Ill. Adm. Code 251

1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

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A) Description: The proposed rule will modify the current rule to address recent amendments made to Section 9.6 of the Environmental Protection Act. In addition, the proposed rule will make miscellaneous changes.

B) Statutory authority: Authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6].

C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must pay site fees would be subject to the modified applicability provisions.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Procedures For Collection Of Asbestos Fees; 35 Ill. Adm. Code 269

1) Rulemaking:

A) Description: The proposed new rule will set forth the procedures the Agency will use to collect asbestos fees under Section 9.13 of the Environmental Protection Act.

B) Statutory authority: Authorized by Section 9.13 of the Environmental Protection Act [415 ILCS 5/9.13].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must file an original 10-day notice of intent to renovate or demolish pursuant to 40 CFR 61.145(b) (part of the federal asbestos National Emission Standard for Hazardous Air Pollutants or NESHAP), would be subject to the procedures to set forth in this new rule.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Clean Air Act Permit Program Procedures; 35 Ill. Adm. Code 270

1) Rulemaking:

A) Description: The proposed rule will modify the current rule to address recent amendments to the Clean Air Act Permit Program (CAAPP) fee schedule. In addition, the proposed rule will make miscellaneous changes.

B) Statutory authority: Authorized by Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to CAAPP fees would be subject to the proposed rule.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Alternate Fuels Program; 35 Ill. Adm. Code 275

1) Rulemaking:

A) Description: The proposed amendments will expand the renewable fuels grants and rebate program to allow for a rebate for use of B20 (20% biodiesel). The proposed amendments will also update and clarify provisions in the rule.

B) Statutory authority: Authorized by Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 120/30].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that use or may potentially use B20 as fuel.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Kent Mohr
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

i) Part (Headings and Code Citations): Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions; 35 Ill. Adm. Code 276

1) Rulemaking:

A) Description: The regulations will be revised to reflect changes in relevant law and operational aspects of the underlying vehicle inspection and maintenance testing program.

B) Statutory authority: Implementing and authorized by the Vehicle Emissions Inspection Law [625 ILCS 5/ch. 13B] and Section 27 of the Environmental Protection Act [415 ILCS 5/27].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.

F) Agency contact person for information:

Kent Mohr
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or User Permits; 35 Ill. Adm. Code 325

1) Rulemaking:

A) Description: This rulemaking will set forth the procedures the Agency will use to collect fees under Section 12.5 of the Environmental Protection Act [415 ILCS 5/12.5].

B) Statutory authority: Implementing and authorized by Section 12.5 of the Environmental Protection Act [415 ILCS 5/12.5].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit

corporation that is required to obtain a National Pollutant Discharge Elimination System [NPDES] permit or sludge generator or user permit from the Agency may be impacted by this rulemaking.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Deborah J. Williams
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

k) Parts (Headings and Code Citations): Procedures for Issuing Loans from the Water Pollution Control Loan Program; 35 Ill. Adm. Code 365

1) Rulemaking:

A) Description: The Agency will review this Part to determine how this part may be amended to accommodate future loan agreements with more favorable financial terms for a loan applicant and to include new requirements from USEPA.

B) Statutory authority: Authorized by Section 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 5/19.9)]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer of 2010

E) Effect on small business, small municipalities, or not-for-profit corporations: The rules should generally benefit these groups by

providing more favorable financial terms for the loan applicant. The loans are limited to units of local government.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie N. Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Amendment to Procedure for the Certification of Operators of Wastewater Treatment Works; 35 Ill. Adm. Code 380

1) Rulemaking:

A) Description: Proposed amendments will modify the groupings of industrial wastewater treatment works and qualifications needed by Wastewater Operators.

B) Statutory authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 and 5/27].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations operating wastewater treatment works may be affected by the proposed amendments.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Division of Legal Counsel
Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

m) Parts (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Technical Policy Statements; 35 Ill. Adm. Code 651 through 654

1) Rulemaking:

A) Description: The amendments to these Agency rules will update definitions and explanations of administrative procedures and provide current information to owners, operators, and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation, and maintenance of public water supplies and to facilitate the permitting process. In addition, the amendments will exempt from restricted status certain public water supplies that exceed the combined radium standard, provided the supplies meet certain conditions.

The amendments to these Agency rules will also incorporate technical, financial, and managerial requirements for new public water supplies. The proposed amendments are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA). On May 22, 1998, the Illinois General Assembly passed SB 545 which, *inter alia,* amends Sections 15 and 18 of the Environmental Protection Act to require that new public water supplies have the technical, financial, and managerial capacity to meet federal and State drinking water regulations. The Governor signed this bill into law on August 14, 1998, as P.A. 90-0773.

ENVIRONMENTAL PROTECTION AGENCY

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B) Statutory authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will generally benefit small businesses, small municipalities, and not-for-profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements. These amendments may also affect new small businesses, new small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply" as defined by Section 3.28 of the Act, i.e., it has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: The Agency is preparing a rulemaking proposal to establish the requirements that must be met by public water supplies that exceed the combined radium standard or the gross alpha particle activity standard, to avoid being placed on restrictive status.

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2010 REGULATORY AGENDA

n) Parts (Headings and Code Citations): Procedures for Issuing Loans from the Public Water Supply Loan Program; 35 Ill. Adm. Code 662

1) Rulemaking:

A) Description: The Agency will review this Part to determine how this part may be amended to accommodate future loan agreements with more favorable financial terms for a loan applicant and to include new requirements from USEPA.

B) Statutory authority: Authorized by Section 19.1 through 19.9 of the Environmental Protection Act [415 ILCS 5/19.1 through 5/19.9)]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer of 2010

E) Effect on small business, small municipalities, or not-for-profit corporations: These rules only apply to public entities, such as municipalities, water districts, privately owned community water supplies and etc. The rules should generally benefit these groups by providing more favorable financial terms for the loan applicant.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie N. Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2010 REGULATORY AGENDA

o) Parts (Headings and Code Citations): Procedures for Issuing Financial Assistance Awards Under the Illinois Nonpoint Source Pollution Control Grant Program (New Part)

1) Rulemaking:

A) Description: The proposed rule will set forth the procedures for soliciting applications for financial assistance, establishes the eligibility requirements for financial assistance and the criteria under which applications will be reviewed.

B) Statutory authority: Authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4(k)]

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer of 2010

E) Effect on small business, small municipalities, or not-for-profit corporations: The rules will benefit these entities by creating procedures to enable these and other entities to obtain 319 grants for projects to control non-point source pollution.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie N. Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): Procedures For Issuing Loans From The Water Pollution Control Program for Non-Point Pollution Control Projects; New Part

ENVIRONMENTAL PROTECTION AGENCY

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1) Rulemaking:

A) Description: This rulemaking will create procedures for eligible local government units, other governmental entities, non-governmental entities or any combination thereof, to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.

B) Statutory authority: The proposed rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 5/19.8].

C) Scheduled meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules will benefit these entities by creating procedures to enable these and other entities to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2010 REGULATORY AGENDA

q) Part (Heading and Code Citation): Procedures for the Agency's expedited review of RCRA corrective action plans and reports; New Part

1) Rulemaking:

A) Description: The proposed new rule will set forth the procedures the Agency will use to perform an expedited review of RCRA corrective action plans and reports.

B) Statutory authority: Authorized by Section 22.3a of the Environmental Protection Act [415 ILCS 5/22.3a].

C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: Spring or Summer 2010

E) Effect on small business, small municipalities or not-for-profit corporations: None known.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Kim Geving
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Public Information, Rulemaking and Organization; 2 Ill. Adm. Code 1825

1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2010 REGULATORY AGENDA

A) Description: The Agency is amending its Public Information, Rulemaking and Organization regulations to reflect changes made to the Freedom of Information Act [5 ILCS 140] by P.A. 096-0542, which will take effect on January 1, 2010.

B) Statutory authority: Authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: January 2010

E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that engages in making a Freedom of Information Act request.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Kimberly Geving
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/782-5544

G) Related rulemakings and other pertinent information: Amendments are also being made to 2 Ill. Adm. Code 1828, which are the regulations for Access to Public Records of the Illinois Environmental Protection Agency.

s) Part (Heading and Code Citation): Access to Public Records of the Illinois Environmental Protection Agency; 2 Ill. Adm. Code 1828

1) Rulemaking:

ENVIRONMENTAL PROTECTION AGENCY

JANUARY 2010 REGULATORY AGENDA

A) Description: The Agency is amending its Access to Public Records regulations to reflect changes made to the Freedom of Information Act [5 ILCS 140] by P.A. 096-0542, which will take effect on January 1, 2010.

B) Statutory authority: Authorized by Section 3(g) of the Freedom of Information Act [5 ILCS 140/3(g)].

C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

D) Date agency anticipates First Notice: January 2010

E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that engages in making a Freedom of Information Act request.

F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Kimberly Geving
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

217/82-5544

G) Related rulemakings and other pertinent information: Amendments are also being made to 2 Ill. Adm. Code 1825, which are the regulations concerning Public Information, Rulemaking and Organization.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2010 REGULATORY AGENDA

I. DIVISION OF BANKING

a) Part(s) (Heading and Code Citation): Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050)

1) Rulemaking:

A) Description: Revisions to the rules are needed to provide for the licensing of mortgage loan originators through the Nationwide Mortgage Licensing System & Registry (NMLS & R) in order to comply with The Safe and Fair Enforcement Mortgage Licensing Act (S.A.F.E. Act) of the federal Housing and Economic Recovery Act of 2008 (Public Law 110-289) and to implement and supplement Public Act 96-112, which took effect on July 31, 2009. The Division of Banking currently has a loan originator registration system in place, but revisions will further provide for the transition to the mortgage loan originator licensing program to comply with the S.A.F.E. Act, including increasing mortgage company surety bond minimum amounts to cover mortgage loan originators and providing for a graduated scale (the minimum surety bond amount required for an Illinois residential mortgage licensee to maintain) based upon the number of mortgage loan originators or loan volume. Additional transition changes will be provided in the proposed rules to coordinate evaluation, continuing education, and other provisions for mortgage loan originators with provisions contained within Public Act 96-112.

B) Statutory Authority: [815 ILCS 635/4-1(g) and 7-1]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: January 2009

E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses and not-for-profit corporations that are Illinois residential mortgage licensees will have increased costs for additional surety bond coverage of their mortgage loan originators to comply with federal law. There will also be some cost increases for individual mortgage loan originators to comply with new or additional licensing requirements involving the NMLS & R above costs incurred for

the current registration system. The increased costs are for the purposes of funding the implementation of enhanced consumer protections for activities of mortgage loan originators.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

II. DIVISION OF PROFESSIONAL REGULATION

a) Part(s) (Heading and Code Citation): Acupuncture Practice Act (68 Ill. Adm. Code 1140)

1) Rulemaking:

A) Description: Clarification of the examination requirements for endorsement applicants will be addressed.

B) Statutory Authority: [225 ILCS 2/25(2)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed acupuncturists may be affected.

F) Agency contact person for information:

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2010 REGULATORY AGENDA

Springfield, IL 62786

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

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 305/8]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed architects may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Illinois Athletic Trainers Practice Act (68 Ill. Adm. Code 1160)

1) Rulemaking:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2010 REGULATORY AGENDA

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 5/5(b)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed athletic trainers may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Auction License Act (68 Ill. Adm. Code 1440)

1) Rulemaking:

A) Description: As a result of the sunset process (PA 96-730), various sections may be amended to address inconsistencies and technical problems and other changes.

B) Statutory Authority: [225 ILCS 407/10]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed auctioneers may be affected.

G) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Detection of Deception Examiners Act (68 Ill. Adm. Code 1230)

1) Rulemaking:

A) Description: Revisions may be made to training, instructor qualifications and examination requirements.

B) Statutory Authority: [225 ILCS 430/7.1]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed examiners within the scope of this act may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Dietetic and Nutrition Services Practice Act (68 Ill. Adm. Code 1245)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 30/25]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed dietitian/nutritionists may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Electrologist Licensing Act (68 Ill. Adm. Code 1246)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 412/35(b)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed electrologists may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Environmental Health Practitioner Licensing Act (68 Ill. Adm. Code 1247)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 37/17(3)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Those licensees providing the services of environmental health practitioners may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code 1252)

1) Rulemaking:

A) Description: Rules may be necessary in order to address a particular addition to Section 20 ("Exemptions") of the Act per PA 96 – 666. Also technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will be needed.

B) Statutory Authority: [225 ILCS 745/30(c)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed geologists may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Humane Euthanasia in Animal Shelters Act (68 Ill. Adm. Code 1248)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [510 ILCS 72/15(b)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed euthanasia technicians may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Interior Design Title Act (68 Ill. Adm. Code 1255)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 310/5]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed interior design professionals may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Land Sales Registration Act of 1999 (68 Ill. Adm. Code 1260)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [765 ILCS 86/1-15]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Individuals and entities licensed under this Act may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Illinois Professional Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 330/6(4)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional land surveyors may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Mail Order Contact Lens Act (68 Ill. Adm. Code 1215)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 83/15]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed mail order ophthalmic providers may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1255)

1) Rulemaking:

A) Description: In Section 1285.60, NBCE (National Board of Chiropractic Examiners) Part IV will be added to the current three chiropractic exam requirements. Various technical clean up changes may also be made.

B) Statutory Authority: [225 ILCS 60/10]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: Those licensed to practice medicine as well as entities conducting business within the medical field may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Naprapathic Practice Act (68 Ill. Adm. Code 1295)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 63/45]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed naprapaths may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation

Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

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

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Occupational Therapy Practice Act (68 Ill. Adm. Code 1315)

1) Rulemaking:

A) Description: Technical clean up changes may be made, including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 75/3.3]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed occupational therapists (OTs) may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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r) Part(s) (Heading and Code Citation): Optometry Practice Act of 1987 (68 Ill. Adm. Code 1320)

1) Rulemaking:

A) Description: Various technical revisions may be made.

B) Statutory Authority: [225 ILCS 80/10]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: January 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed optometrists may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None.

s) Part(s) (Heading and Code Citation): Perfusionist Practice Act (68 Ill. Adm. Code 1335)

1) Rulemaking:

A) Description: Various changes and additions, including a Continuing Education (CE) requirement as a condition of renewal will need to be made as a result of the sunset reauthorization of the Act (PA 96 – 682). Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will also be made.

B) Statutory Authority: [225 ILCS 125/15(c)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed perfusionists may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
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Springfield, IL 62786

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

G) Related rulemakings and other pertinent information: None

t) Part(s) (Heading and Code Citation): Physical Therapy Practice Act of 1987 (68 Ill. Adm. Code 1340)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 90/3]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physical therapists (PTs) may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
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Springfield, IL 62786

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

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 107/25(c)(e)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional counselors may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
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Springfield, IL 62786

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

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2010 REGULATORY AGENDA

v) Part(s) (Heading and Code Citation): Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 325/5]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional engineers may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Real Estate License Act of 2000 (68 Ill. Adm. Code 1450)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 454/20-55]

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed realtors may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Real Estate Timeshare Act of 1999 (68 Ill. Adm. Code 1451)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [765 ILCS 101/20-10]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed persons and/or entities conducting business under this Act may be affected.

F) Agency contact person for information:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2010 REGULATORY AGENDA

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

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

G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citation): Real Estate Appraiser Licensing (68 Ill. Adm. Code 1455)

1) Rulemaking:

A) Description: Several sections in the rules need to be amended in order to bring them into compliance with current federal and state laws especially in relation to supervisors and trainees.

B) Statutory Authority: [225 ILCS 458/25-25]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed real estate appraisers may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2010 REGULATORY AGENDA

z) Part(s) (Heading and Code Citation): Respiratory Care Practice Act (68 Ill. Adm. Code 1456)

1) Rulemaking:

A) Description: Clarification may be added pertaining to scope of practice; technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 106/30(d)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed respiratory care practitioners may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

aa) Part(s) (Heading and Code Citation): Structural Engineering Practice Act of 1989 (68 Ill. Adm. Code 1480)

1) Rulemaking:

A) Description: Various technical revisions may be made.

B) Statutory Authority: [225 ILCS 340/6]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed structural engineers may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

bb) Part(s) (Heading and Code Citation): Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act (68 Ill. Adm. Code 1485)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 130/15(b)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed surgical assistants and surgical technologists may be affected.

F) Agency contact person for information:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2010 REGULATORY AGENDA

Department of Financial and Professional Regulation
Attention: Craig Cellini
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Springfield, IL 62786

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

G) Related rulemakings and other pertinent information: None

cc) Part(s) (Heading and Code Citation): Veterinary Medicine and Surgery Practice Act of 2004 (68 Ill. Adm. Code 1500)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 115/6(b)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed veterinarians may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

dd) Part(s) (Heading and Code Citation): Certified Veterinary Technicians (68 Ill. Adm. Code 1505)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2010 REGULATORY AGENDA

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 115/6(b)]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed certified veterinary technicians may be affected.

F) Agency contact person for information:

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

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

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2010 REGULATORY AGENDA

a) Part: Rights and Responsibilities (89 Ill. Adm. Code 102)

1) Rulemaking:

A) Description: Proposed amendments are anticipated in order to comply with provisions of the federal Deficit Reduction Act of 2005 relating to administrative hearings for persons requesting hardship waivers and exempting from estate recovery assets disregarded because a person was covered under a qualified long-term care policy.

B) Statutory Authority: Authorized by P.L. 109-171 and Section 12-13, 305 ILCS 5/5-2 of the Public Aid Code.

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/782-1233

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2010 REGULATORY AGENDA

b) Part: Medical Assistance Programs (89 Ill. Adm. Code 120)

1) Rulemaking:

A) Description: Proposed amendments are anticipated in order to comply with the federal Medicare Improvements for Patients and Providers Act (MIPPA) of 2008. People who apply for Medicare Part D Low Income Subsidy (LIS) can also apply for the Medicare Savings Programs (MSP).

B) Statutory Authority: Authorized by P.L. 110-275 and Section 5-2, 305 ILCS 5/5-2 of the Public Aid Code.

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
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217/782-1233

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2010 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: Proposed amendments are anticipated to comply with P.A. 096-0181 expanding eligibility for employed individuals who have lost disability status to have healthcare coverage under the Health Benefits for Workers with Disabilities (HBWD) program.

B) Statutory Authority: Authorized under Section 5-2, 305 ILCS 5/5-2 of the Public Aid Code.

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
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217/782-1233

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2010 REGULATORY AGENDA

3) Rulemaking:

A) Description: Proposed amendments are anticipated in order to comply with P.A. 096-0045 expanding eligibility for veterans and providing affordable health benefits to spouses of veterans.

B) Statutory Authority: Authorized by P.A. 096-0045 modifying Section 5-53, 330 ILCS 126/3 of the Public Aid Code.

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rule making.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
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217/782-1233

G) Related rulemakings and other pertinent information: None

4) Rulemaking:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2010 REGULATORY AGENDA

A) Description: Contingent upon the Governor's signing of SB 760, proposed amendments are anticipated to comply with changes to the Public Aid code establishing eligibility for medical assistance for persons during periods of incarceration or detention.

B) Statutory Authority: Authorized by SB 760 adding new Section 305 ILCS 5/5-1.3 of the Public Aid Code.

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rule making.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
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217/782-1233

G) Related rulemakings and other pertinent information: None

c) Part: Medical Payments (89 Ill. Adm. Code 140)

1) Rulemaking:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2010 REGULATORY AGENDA

A) Description: Proposed amendments are anticipated to modify the Department's prior approval requirements for therapy services.

B) Statutory Authority: Authorized by Section 5-5, 305 ILCS 5/5-5 of the Public Aid Code.

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
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217/782-1233

G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: Proposed amendments are anticipated to bring the Department's Advanced Practice Nurse (APN) collaborative agreement requirements in-line with the Nurse Practice Act.

B) Statutory Authority: 225 ILCS 65/ Nurse Practice Act.

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002

217/782-1233

G) Related rulemakings and other pertinent information: None

d) Part: Hospital Services (89 Ill. Adm. Code 148)

1) Rulemaking:

A) Description: Proposed amendments are anticipated to define freestanding emergency centers to allow for reimbursement of outpatient services provided in those facilities.

B) Statutory Authority: Authorized by 210 ILCS 50 [Emergency Medical Services (EMS) Act].

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
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217/782-1233

G) Related rulemakings and other pertinent information: None

e) Part: Child Support Enforcement (89 Ill. Adm. Code 160)

1) Rulemaking:

A) Description: The Department is required to review child support orders that have been in IV-D cases every 36 months to determine if the support amount is still appropriate, medical support has been addressed and whether or not the review would be in the best interests of the child. Prior to the 36-month expiration, the Department, in any case where an administrative order for support has been entered, shall review the order if either the custodial parent or the non-custodial parent files a sworn

petition requesting the review and modification because the quantitative standard has been met, there has been a substantial change in circumstances since the entry of the order, or both, and the Department has not determined that a review would not be in the best interests of the child. The quantitative standard for review is determined by the Department's hearing section or if the parties have demonstrated the occurrence of a substantial change in circumstances since the entry of the last administrative order. All steps would be accompanied by a notice to both parties of the order.

B) Statutory Authority: Implementing and authorized by the Illinois Public Aid Code [305 ILCS 5/10-17.3], Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510] and Administrative Review Law [735 ILCS 5/Art III].

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

2) Rulemaking:

A) Description: Amends rule to add definition of an application for IV-D services to Definitions Section to allow for electronic signature.

B) Statutory Authority: Implementing and authorized by the Illinois Public Aid Code [305 ILCS 5/10-1].

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
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217/782-1233

G) Related rulemakings and other pertinent information: None

3) Rulemaking:

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A) Description: Amends rule to allow that when a non-custodial parent begins making the ordered child support payments as a result of the Notice of Intent to Request Suspension of an Illinois Driver's License, those payments are considered satisfaction of a payment plan. In other words, periodic payments received without a formal payment plan established between the Department and the non-custodial parent shall be considered such a plan and would, as a result, stop the suspension.

B) Statutory Authority: Implementing and authorized by the Illinois Public Aid Code [305 ILCS 5/10-17.3], Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510] and Illinois Vehicle Code [625 ILCS 5/7 – 702].

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
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217/782-1233

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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G) Related rulemakings and other pertinent information: None

4) Rulemaking:

A) Description: The Deficit Reduction Act of 2005 changes distribution rules to limit assignment of support rights as a condition of eligibility for Temporary Assistance to Needy Families (TANF) to the support that accrues during the period that a family receives TANF. When a custodial parent applies for TANF services, he/she only assigns support during the TANF period. If there is a balance of past-due support that accrued prior to the receipt of TANF, it will remain payable to the custodial parent. Past-due support will no longer become temporarily assigned to the State as it previously did in the Personal Responsibility and Work Opportunity and Reconciliation Act of 1996.

B) Statutory Authority: Implementing and authorized by the Illinois Public Aid Code [305 ILCS 5/10], Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Springfield, Illinois 62763-0002

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN RIGHTS

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520).

1) Rulemaking:

A) Description: The Department intends to clarify that pursuant to Section 8-103(D) of the Act, when a Respondent does not file a request for review of a the Department's finding of default , the statutory time period pursuant to Section 7A-102(G) of the Act shall toll.

B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: April 1, 2010

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

F) Agency contact person for information:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

(312) 814-6257 or (217) 785-5125 (TTY)

G) Related rulemaking and other pertinent information: None

2) Rulemaking:

DEPARTMENT OF HUMAN RIGHTS

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A) Description: The Department intends to clarify the definition of a "campus" pursuant to Section 5A-101.1 of the Act.

B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: June 1, 2010

E) Effect on small business, small municipalities or not for profit corporations: Institutions of higher education are required to post sexual harassment laws and policies. The amendment would clarify this requirement.

F) Agency contact person for information:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
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(312) 814-6257 or (217) 785-5125 (TTY)

G) Related rulemaking and other pertinent information: None

b) Part(s) (Heading and Code Citation): Access to Information (2 Ill. Adm. Code 926).

1) Rulemaking:

A) Description: The proposed amendments will describe changes in the Department's procedures for people to request copies records from the Department and for the Department to respond to requests pursuant to the Freedom of Information Act.

B) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and the Freedom of Information Act [5 ILCS 140], and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: March 1, 2010

E) Effect on small business, small municipalities or not for profit corporations: The amended rules allow such entities more pages free of charge for documents which are subject to disclosure pursuant to the Freedom of Information Act. The amended rules also clarify changes in the procedures for appealing the denial of requests.

F) Agency contact person for information:

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Staff Attorney
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(312) 814-6257 or (217) 785-5125 (TTY)

G) Related rulemaking and other pertinent information: None

c) Part(s) (Heading and Code Citation): Procedures Applicable to All Agencies (44 Ill. Adm. Code 750).

1) Rulemaking:

A) Description: The proposed amendment would clarify the Department's procedures for maintaining records of eligible bidder Numbers which have expired by a period of at least one year.

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B) Statutory Authority: Implementing Sections 2-105(A), 7-101(A), and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: June 1, 2010

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

F) Agency contact person for information:

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(312) 814-6257 or (217) 785-5125 (TTY)

G) Related rulemaking and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Recipient Rights, 59 Ill. Adm. Code 111

1) Rulemaking:

A) Description: This rulemaking is necessary to implement PA 95-564 with regard to the release of information under the Mental Health and Developmental Disabilities Confidentiality Act for persons applying under the Firearm Owners Identification Card Act.

B) Statutory Authority: Section 111.10 implementing 29 USC 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing the Americans With Disabilities Act (42 USC 12101 et seq.) Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205, and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 USC 1973gg (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June, 2010

E) Effect on small business, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses that provide services and not for profit corporations that provide services for Developmental Disabilities and Mental Health programs.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services

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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Treatment and Habilitation Services, 59 Ill. Adm. Code 112

1) Rulemaking:

A) Description: This rulemaking is necessary to implement PA 95-282 that describes the practice to combat multi-drug resistant organisms at its facilities.

B) Statutory Authority: Implementing Sections 1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709, of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704, and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small businesses or not for profit corporations.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Medicaid Community Mental Health Services Program, 59 Ill. Adm. Code 132

1) Rulemaking:

A) Description: This rulemaking will clarify administrative functions, client rights, mental health assessment activities, the treatment plan process and the provision of mental health services.

B) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June, 2010

E) Effect on small business, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses or not for profit corporations that provide Medicaid Community Mental Health services.

F) Agency contact person for information:

Tracie Drew, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Individual Care Grants for Mentally Ill Children, 59 Ill. Adm. Code 135

1) Rulemaking:

A) Description: This rulemaking is necessary to clarify certain provisions that govern various services that are provided to mentally ill children.

B) Statutory Authority: Implementing Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/7.1] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June, 2010

E) Effect on small business, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses or not for profit corporations that provide Medicaid Community Mental Health services.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures

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Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Sexually Violent Persons, 59 Ill. Adm. Code 299

1) Rulemaking:

A) Description: This rulemaking will be revised to expand opportunities for the provision of services since the program has moved from Joliet to Rushville.

B) Statutory Authority: Implementing and authorized by the Sexually Violent Persons Commitment Act [725 ILCS 20]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not have an affect on small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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217/785-9772

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G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Mental Health Graduate Education Scholarship Act, New Rule under Title 59

1) Rulemaking:

A) Description: This rulemaking is necessary to implement PA 96-0672 that establishes a program to upgrade mental health care services by providing scholarships to graduate students in mental health fields who agree to practice in areas of this State demonstrating the greatest need for more mental health services. The program shall encourage mental health practitioners to locate in areas where mental health manpower shortages exist in this State.

B) Statutory Authority: Implementing PA 96-0672

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not have an affect on small business or not for profit corporations.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Maternal and Child Health Services Code, 77 Ill. Adm. Code 630

1) Rulemaking:

A) Description: This rulemaking will bring the rule up to date and broaden the scope to include all programs in the Division of Community Health and Prevention.

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

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: June, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not have an affect on small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50

1) Rulemaking:

A) Description: This rulemaking will establish a credentialing process for Gateways to Opportunity Professional Development to acknowledge credentials designed to recognize the education and experience of practitioners working with children, youth and families.

B) Statutory Authority: Implementing and authorized by H.B. 806

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: January, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will provide professional development opportunities and recognition for employees of small businesses and not for profit corporations engaged in child care services.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50

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1) Rulemaking:

A) Description: This rulemaking will increase the income eligibility guidelines for child care to 200% of the 2011 federal poverty level for each family size.

B) Statutory Authority: Implementing Articles I through IXA and authorized by 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: February, 2010

E) Effect on small business, small municipalities or not for profit corporations: Yes, the proposed change will affect businesses that provide child care services.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50

1) Rulemaking:

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A) Description: This rulemaking will establish that as condition of eligibility to receive a state subsidy for providing child care services to eligible families, all unlicensed child care providers, except a provider who is a relative of the child, must authorize in writing a State and Federal Bureau of Investigation fingerprint-based criminal history record check to determine if the child care provider has prior criminal convictions or pending criminal charges. This rulemaking will also set standards for determining when to disqualify an unlicensed, non-relative child care provider for payment because there is a disqualifying criminal charge pending against the provider or the provider has a disqualifying criminal conviction that has not been overturned and has not been expunged or sealed.

B) Statutory Authority: Implementing Articles I through IXA and authorized by 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13] and P.A. 96-0632

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: January, 2010

E) Effect on small business, small municipalities or not for profit corporations: Yes, the proposed change will affect businesses that provide child care services.

F) Agency contact person for information:

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

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k) Part(s) (Heading and Code Citation): General Administrative Provisions, 89 Ill. Adm. Code 10

1) Rulemaking:

A) Description: This rulemaking establishes that financial assistance for the TANF program will be authorized effective the date of application provided the case is eligible on that date. In addition, this rulemaking establishes that TANF cash will be provided to an eligible applicant no more than 30 days after the date of application. These changes in the TANF program will be effective July 1, 2010.

B) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13], HB 1800 and the Governor's amendatory veto to HB 2383

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: January, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small businesses or not for profit corporations.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: Companion amendments are also being proposed to 89 Ill. Adm. Code 112.

l) Part(s) (Heading and Code Citation): General Administrative Provisions, 89 Ill. Adm. Code 10

1) Rulemaking:

A) Description: This rulemaking will delete "serving the area of the State in which the applicant lives" from the provision that states that "The date of application shall be the date a completed application is received by the local office serving the area of the State in which the applicant lives".

B) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: February, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small businesses or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
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217/785-9772

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

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m) Part(s) (Heading and Code Citation): Temporary Assistance for Needy Families 89 Ill. Adm. Code 112

1) Rulemaking:

A) Description: This rulemaking increases the earned income disregard for applicants and recipients. In addition, this rulemaking adds definitions for domestic or sexual violence, stalking and electronic communication to the rules. It also adds references to domestic and sexual violence to provisions concerning crisis assistance and in the Sections concerning Responsibility and Services Plan.

B) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13], HB 1800 and the Governor's amendatory veto to HB 2383

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: January, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
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217/785-9772

G) Related rulemakings and other pertinent information: Companion amendments are also being proposed to 89 Ill. Adm. Code 10.

n) Part(s) (Heading and Code Citation): Supplemental Nutrition Assistance Program (SNAP), 89 Ill. Adm. Code 121

1) Rulemaking:

A) Description: This rulemaking will indicate that if an applicant or recipient reports earned income, their employment shall be presumed to be a hardship for purposes of scheduling an in-person interview and the in-person interview shall be waived.

B) Statutory Authority: H.B. 1801

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: February, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small businesses or not for profit corporations.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Program Definitions, 89 Ill. Adm. Code 521

DEPARTMENT OF HUMAN SERVICES

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1) Rulemaking:

A) Description: This rulemaking will update definitions that are currently used in the Vocational Rehabilitation rules.

B) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: February, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Assessment For Determining Eligibility and Rehabilitation Needs, 89 Ill. Adm. Code 553

1) Rulemaking:

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A) Description: This rulemaking will be revised to reflect the language that was recommended by the federal Rehabilitation Services Administration.

B) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: February, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Application, 89 Ill. Adm. Code 557

1) Rulemaking:

A) Description: This rulemaking will change the residency requirement per the federal Rehabilitation Services Administration.

B) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)]

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C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: February, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Customer Financial Participation, 89 Ill. Adm. Code 562

1) Rulemaking:

A) Description: This rulemaking will update language regarding the procedures for customer financial participation as a VR customer.

B) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be

held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citation): Comparable Benefits, 89 Ill. Adm. Code 567

1) Rulemaking:

A) Description: This rulemaking will make changes to the definition of comparable benefit.

B) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b)

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2010

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E) Effect small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

t) Part(s) (Heading and Code Citation): Services, 89 Ill. Adm. Code 590

1) Rulemaking:

A) Description: This rulemaking will amend language based on recommendations from the program staff.

B) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: February, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

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Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Closure of a Rehabilitation Case, 89 Ill. Adm. Code 595

1) Rulemaking:

A) Description: This rulemaking will update the current procedures.

B) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East

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Springfield, Illinois 62762

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G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): Vending Facility Program for the Blind, 89 Ill. Adm. Code 650

1) Rulemaking:

A) Description: This rulemaking will amend language to reflect requirements of the Blind Vendors Act (PA96-0644).

B) Statutory Authority: Implementing the Disabled Persons Rehabilitation Act [20 ILCS 2405], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]. Also PA A96-0644

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: May, 2010

E) Effect on small business, small municipalities or not for profit corporations: Yes, this rulemaking will affect small businesses or not for profit corporations such as Food Services Vendors, Vending Machine Facilities and Retail Stands.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Role of Residential Educational Facilities Operated by DHS, 89 Ill. Adm. Code 750

1) Rulemaking:

A) Description: This rulemaking will be updated so that it is consistent with the School Code and Individuals with Disabilities Education Act (IDEA).

B) Statutory Authority: Implementing and authorized by Sections 10 and 11 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10 and 11]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Definition of Terms, 89 Ill. Adm. Code 751

DEPARTMENT OF HUMAN SERVICES

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1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citation): Admission, Suspension, Expulsion and Discharge Procedures, 89 Ill. Adm. Code 755

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

z) Part(s) (Heading and Code Citation): The Establishment and Administration of Special Education, 89 Ill. Adm. Code 765

1) Rulemaking: Amendment

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

aa) Part(s) (Heading and Code Citation): Identification, Evaluation and Placement of Exceptional, 89 Ill. Adm. Code 795

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 3, 10, 11 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 10, 11 and 13]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be

held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

bb) Part(s) (Heading and Code Citation): Special Transportation, 89 Ill. Adm. Code 815

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3 and 10]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

cc) Part(s) (Heading and Code Citation): Rules of Conduct, 89 Ill. Adm. Code 827

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

DEPARTMENT OF HUMAN SERVICES

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

dd) Part(s) (Heading and Code Citation): Impartial Due Process Hearing, 89 Ill. Adm. Code 828

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services

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100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

ee) Part(s) (Heading and Code Citation): Sex Equity, 89 Ill. Adm. Code 829

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

ff) Part(s) (Heading and Code Citation): Non-Academic Programs and Policies, 89 Ill. Adm. Code 830

1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

gg) Part(s) (Heading and Code Citation): Therkelsen/Hansen College Loan Fund, 89 Ill. Adm. Code 835

DEPARTMENT OF HUMAN SERVICES

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1) Rulemaking:

A) Description: This rulemaking will incorporate ISBE's changes to the School Code and IDEA.

B) Statutory Authority: Implementing Sections 3, 5 and 13 and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3, 5 and 13]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2008

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
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217/785-9772

G) Related rulemakings and other pertinent information: None

hh) Part(s) (Heading and Code Citation): Centers for Independent Living, 89 Ill. Adm. Code 886

1) Rulemaking:

DEPARTMENT OF HUMAN SERVICES

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A) Description: This rulemaking will update language to be consistent with the current operations.

B) Statutory Authority: Implementing and authorized by Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a], and 29 U.S.C. 711 and 796

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

ii) Part(s) (Heading and Code Citation): Telecommunication Devices for the Hearing Impaired, 89 Ill. Adm. Code 890

1) Rulemaking:

A) Description: This rulemaking will update language to be consistent with the current operations.

B) Statutory Authority: Implementing Sections 3, 3.1, and 4 and authorized by Section 5 of Telecommunications Devices for the Deaf Act [410 ILCS 55/3, 3.1, 4, 5]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100]

D) Date agency anticipates First Notice: March, 2010

E) Effect on small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

jj) Part(s) (Heading and Code Citation): Lekoteks, 89 Ill. Adm. Code 899

1) Rulemaking:

A) Description: This rulemaking will update language to be consistent with the current operations.

B) Statutory Authority: Implementing and authorized by Sections 3(k) and 3c of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(k) and 3c].

C) Schedule Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be

held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date agency anticipates First Notice: March, 2010

E) Effect small business, small municipalities or not for profit corporations: This rulemaking will not affect small business or not for profit corporations.

F) Agency contact person for information:

G)

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
Springfield, Illinois 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF INSURANCE

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Filing Policy and Endorsements Form, 50 Ill. Adm. Code 753

1) Rulemaking:

A) Description: The proposed amendments will remove language permitting filings to be submitted by compact disc, instead requiring all insurers to file by SERFF (System for Electronic Rate and Form Filing). In addition, housekeeping changes and the removal of obsolete references are needed.

B) Statutory Authority: Implementing Article VIIA and authorized by Sections 401 and 143(2) of the Illinois Insurance Code [215 ILCS 5/Art. VIIA; 215 ILCS 5/401 and 142(2)].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

John Gatlin, Supervisor, P&C Compliance Unit
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-1786

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 754, Rules and Rate Filings; 50 Ill. Adm. Code 929, Medical Liability Insurance Rules and Rate Filings; 50 Ill. Adm. Code 2902, Workers' Compensation Rate and Manual Filing

b) Part(s) (Heading and Code Citation): Rules and Rate Filings, 50 Ill. Adm. Code 754

1) Rulemaking:

DEPARTMENT OF INSURANCE

JANUARY 2010 REGULATORY AGENDA

A) Description: The proposed amendments will remove language permitting filings to be submitted by compact disc, instead requiring all insurers to file by SERFF (System for Electronic Rate and Form Filing). In addition, housekeeping changes and the removal of obsolete references are needed.

B) Statutory Authority: Implementing Articles VIIA and XXVI and authorized by Section 401(a) of the Illinois Insurance Code [215 ILCS 5/ Art. VIIA and XXVI; 215 ILCS 5/401(a)].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

John Gatlin, Supervisor, P&C Compliance Unit
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-1786

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 753, Rules and Rate Filings; 50 Ill. Adm. Code 929, Medical Liability Insurance Rules and Rate Filings; 50 Ill. Adm. Code 2902, Workers' Compensation Rate and Manual Filing.

c) Part(s) (Heading and Code Citation): Required Procedure for Filing and Securing Approval of Policy Forms, 50 Ill. Adm. Code 916.

1) Rulemaking:

A) Description: The proposed amendments will remove language permitting filings to be submitted by compact disc, instead requiring all insurers to file by SERFF (System for Electronic Rate and Form Filing).

B) Statutory Authority: Section 143(1) of the Illinois Insurance Code [215 ILCS 5/143(1)].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Summer 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Cindy Colonius, Supervisor, LAH Compliance Unit
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-4572

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 1405 and 50 Ill. Adm. Code 2001.

d) Part(s) (Heading and Code Citation): Medical Liability Insurance Rules and Rate Filings, 50 Ill. Adm. Code 929.

1) Rulemaking:

A) Description: The proposed amendments will remove language permitting filings to be submitted by compact disc, instead requiring all insurers to file by SERFF (System for Electronic Rate and Form Filing). In addition, housekeeping changes and the removal of obsolete references are needed.

B) Statutory Authority: Implementing Section 155.18 of the Illinois Insurance Code [215 ILCS 5/155.18].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

John Gatlin, Supervisor, P&C Compliance Unit
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-1786

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 753, Rules and Rate Filings; 50 Ill. Adm. Code 754, Medical Liability Insurance Rules and Rate Filings; 50 Ill. Adm. Code 2902, Workers' Compensation Rate and Manual Filing.

e) Part(s) (Heading and Code Citation): Construction and Filing of Life Insurance and Annuity Forms, 50 Ill. Adm. Code 1405.

1) Rulemaking:

A) Description: The rule needs to be revised to correct language pertinent to changes in 50 Ill. Adm. Code 916.

B) Statutory Authority: Section 5/143 of the Illinois Insurance Code [215 ILCS 5/143(1)].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Summer 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Cindy Colonius, Supervisor, LAH Compliance Unit
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-4572

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 916; 50 Ill. Adm. Code 2001.

f) Part(s) (Heading and Code Citation): Construction and Filing of Life Insurance and Annuity Forms, 50 Ill. Adm. Code 2001

1) Rulemaking:

A) Description: Revisions are being made to correct language pertinent to changes in 50 Ill. Adm. Code 916.

B) Statutory Authority: Implementing Section 143(1) of the Illinois Insurance Code [215 ILCS 5/143(1)].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Summer 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Cindy Colonius, Supervisor, LAH Compliance Unit
Department of Insurance

DEPARTMENT OF INSURANCE

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320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-4572

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 916 and 50 Ill. Adm. Code 1405.

g) Part(s) (Heading and Code Citation): Workers' Compensation Rate and Manual Filing, 50 Ill. Adm. Code 2902

1) Rulemaking:

A) Description: The proposed amendments will remove language permitting filings to be submitted by compact disc, instead requiring all insurers to file by SERFF (System for Electronic Rate and Form Filing). In addition, housekeeping changes and the removal of obsolete references are needed.

B) Statutory Authority: Implementing Section 457 and authorized by Section 401 of the Illinois Insurance Code [215 ILCs 5/457 and 401].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

John Gatlin, Supervisor, P&C Compliance Unit
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-1786

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 753, Rules and Rate Filings; 50 Ill. Adm. Code 754, Medical Liability Insurance Rules and Rate Filings; 50 Ill. Adm. Code 929, Workers' Compensation Rate and Manual Filing.

h) Part(s) (Heading and Code Citation): Insurance Data Reporting Requirements, 50 Ill. Adm. Code 4203

1) Rulemaking:

A) Description: The rule will be amended to establish specific content, form and data reporting requirements to be reported to the Director pursuant to Section 1204 (A) through (D) of the Illinois Insurance Code [215 ILCS 5/1204]. Additionally, revisions will be made to Section 4203.APPENDIX A and Section 4203.APPENDIX B to streamline the data reporting requirements for companies required to report medical malpractice data, in order to reduce errors in submissions and allow the Department to publish current company data to its website in a more timely manner.

B) Statutory Authority: 215 ILCS 5/1204(C-5).

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Susan Lamb, Casualty Actuarial Section
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

217/782-1794

DEPARTMENT OF INSURANCE

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or

Robert Rapp, Cost Containment Section
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/785-1680

G) Related rulemakings and other pertinent information: None.

i) Part(s) (Heading and Code Citation): Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds, 50 Ill. Adm. Code 4404

1) Rulemaking:

A) Description: P.A. 96-297, effective August 11, 2009, allows police officers to take a reduction in time in lieu of paying an additional contribution to transfer creditable service time from one Article 3 pension fund to another. This option was not previously offered and is therefore not included in the current rule.

B) Statutory Authority: P.A. 96-297; 40 ILCS 5/3-110(d)(2), (3) and (5).

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: Minimal or no impact.

F) Agency contact person for information:

Christina Goff, Public Pensions Division
Department of Insurance
320 West Washington, 6th Floor
Springfield, Illinois 62767-0001

217/782-1779

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 4403 was approved as an emergency rule for a similar reduction in time transfer from IMRF to an Article 3 fund.

j) Part(s) (Heading and Code Citation): Viatical Settlement Reporting Requirements, 50 Ill. Adm. Code 5701

1) Rulemaking:

A) Description: The proposed changes will accommodate amended reporting requirements for Viatical Settlement Providers and Brokers as may be required by P.A. 96-0736 (effective July 1, 2010). The heading of this Part will also be changed to accommodate Broker reporting requirements.

B) Statutory Authority: Public Act 96-0736.

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Summer 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Bill McAndrew, Deputy Director
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-4395

G) Related rulemakings and other pertinent information: Proposed new rule titled "Viatical Settlements".

k) Part(s) (Heading and Code Citation): Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities, 50 Ill. Adm. Code NEW

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1) Rulemaking:

A) Description: The rulemaking is being proposed to set forth uniform standards to protect consumers from misleading and fraudulent marketing practices with respect to the use of senior-specific certifications and professional designations in the solicitation, sale or purchase of, or advice made in connection with a life insurance or annuity product, in keeping with the NAIC's Model Regulation regarding this issue.

B) Statutory Authority: Section 401(a) of the Illinois Insurance Code [215 ILCS 5/401(a)].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Kelly Kruger, Assistant Deputy Director – Producer Section
Department of Insurance
320 West Washington, 1st Floor
Springfield, Illinois 62767-0001

217/785-2263

G) Related rulemakings and other pertinent information: None.

l) Part(s) (Heading and Code Citation): Independent External Appeal Organization Registration, 50 Ill. Adm. Code NEW

1) Rulemaking:

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A) Description: This new rule is needed to establish the registration and oversight of Independent External Review Organizations as required by HB 3923 (not yet signed) effective July 1, 2010.

B) Statutory Authority: HB 3923 (not yet signed) effective July 1, 2010.

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring or Summer 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Dave Grant, Managed Care Unit Supervisor
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-6369

G) Related rulemakings and other pertinent information: None.

m) Part(s) (Heading and Code Citation): Viatical Settlements, 50 Ill. Adm. Code NEW

1) Rulemaking:

A) Description: This new rule is needed to accommodate required Viatical Settlement Provider and Broker regulations and registration as may be required by P.A. 96-0736 (effective July 1, 2010).

B) Statutory Authority: P.A. 96-0736

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: Spring or Summer 2010

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E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Bill McAndrew, Deputy Director
Department of Insurance
320 West Washington, 5th Floor
Springfield, Illinois 62767-0001

217/782-4395

G) Related rulemakings and other pertinent information: 50 Ill. Adm. Code 5701

DEPARTMENT OF LABOR

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Equal Pay in Employment; 56 Ill. Adm. Code 320

1) Rulemaking:

A) Description: Recent statutory changes require an amendment to increase the time period in which complaints can be filed with the Department. In addition, amendments will be made to streamline the administrative process and add confidentiality provisions for those individuals filing complaints.

B) Statutory Authority: 820 ILCS 112/15

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2010.

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

F) Agency contact person for information:

Name: Doris Moy
Address: Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601

Telephone: 312/793-1813

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Access to Information; 2 Ill. Adm. Code 1400

1) Rulemaking:

A) Description: Amendments are needed to make necessary changes due to the passage of PA 96-542.

B) Statutory Authority: 5 ILCS 140

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2010.

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

F) Agency contact person for information:

Name: Valerie A. Puccini
Address: Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601

Telephone: 312/793-7838

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Payment and Collection of Wages or Final Compensation; 56 Ill. Adm. Code 300

1) Rulemaking:

A) Description: Recent statutory changes require an amendment to increase the period for filing claims with the Department. In addition, amendments will be made to streamline the Department's administrative process and to update definitions of terms.

B) Statutory Authority: 820 ILCS 115

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2010.

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

F) Agency contact person for information:

Name: Carmela Gonzalez
Address: Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago, IL 60601

Telephone: 312/793-1808

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Victims' Economic Security and Safety Act; 56 Ill. Adm. Code 280

1) Rulemaking:

A) Description: Amendments will be made to comply with PA 96-0635.

B) Statutory Authority: 820 ILCS 180

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2010.

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

F) Agency contact person for information:

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Telephone: 312/793-1813

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Rules of Procedure in Administrative Hearings, 56 Ill. Adm. Code 120

1) Rulemaking:

A) Description: Two minor clarifications regarding ex parte communications and the neutrality of administrative law judges will be made to the rules as part of the Department's compliance with OSHA's requirements for a State Plan State Program.

B) Statutory Authority: 5 ILCS 100/Art. 10

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2010.

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

F) Agency contact person for information:

Name: Valerie A. Puccini
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Telephone: 312/793-7838

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Health and Safety; 56 Ill. Adm. Code 350

DEPARTMENT OF LABOR

JANUARY 2010 REGULATORY AGENDA

1) Rulemaking:

A) Description: Amendments will be made to comply with statutory changes to the Health and Safety Act and the Safety Inspection and Education Act, as well as to adopt standards at least as effective as Federal OSHA standards, in anticipation of the Department becoming an OSHA State Plan.

B) Statutory Authority: 820 ILCS 225/4.1 and 820 ILCS 225/7

C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2010.

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

F) Agency contact person for information:

Name: Cheryl Neff
Address: Illinois Department of Labor
One West Old Capitol Plaza
3rd Floor
Springfield, IL 62701

Telephone: 217/782-9386

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Employee Classification; 56 Ill. Adm. Code 240

1) Rulemaking:

A) Description: Amendments will be made to add an informal investigative hearing process to contest findings made by the Division and add guidelines and criteria for assessing the amount of a civil penalty.

B) Statutory Authority: 820 ILCS 185/65

DEPARTMENT OF LABOR

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C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.

D) Date agency anticipates First Notice: The Department anticipates filing this amendment in the first six months of 2010.

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

F) Agency contact person for information:

Name: Carmela Gonzalez
Address: Illinois Department of Labor
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Telephone: 312/793-1808

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

a) Part: Family Practice Residency Code (77 Ill Adm. Code 590)

1) Rulemaking:

A) Description: The purpose of Part 590 is to improve primary health care in Illinois by providing grants to family practice and preventive medicine residency programs, scholarships to medical students, a loan repayment program for primary care physicians, and criteria for designation of health professional shortage areas in Illinois. The proposed rulemaking will clarify scholarship repayment terms; limit the number of years that a student may receive the scholarship; create requirements for repayment for scholarship recipients who graduate from medical school but fail to obtain a medical license; expand practice opportunities with underserved populations; and remove the Department's obligation to annually provide paper copies of a list of designated shortage areas in Illinois by providing Internet access to these listings.

B) Statutory Authority: Family Practice Residency Act [110 ILCS 935]

C) Scheduled meeting/hearing dates: State Board of Health (date to be determined)

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
Administrative Rules Coordinator
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Springfield, Illinois 62761

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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

b) Part: Distribution of Medical Student Scholarship Payback Funds (77 Ill Adm. Code 594)

1) Rulemaking:

A) Description: Language in Section 594.200 (Availability of Loan Repayment Funds) will be amended to clarify the amount dedicated to the loan repayment program (an increase due to the workforce shortage crisis) and the percentage of funds awarded that come from different sources (federal versus State).

B) Statutory Authority: Family Practice Residency Act [110 ILCS 935]

C) Scheduled meeting/hearing dates: State Board of Health (date to be determined)

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

c) Part: Illinois Rural Health Code (77 Ill. Adm. Code 596)

1) Rulemaking:

A) Description: Sections 596.140, 596.240, and 596.340 state that priority consideration for funding will be given to projects that can be self-sustaining within four to six years. However, the language in these Sections is unclear as to whether grant funds for projects can be sustained for this time frame. These Sections will be amended to add language clarifying that the Department of Public Health is able to fund projects for a certain time frame, depending on whether the projects are providing clinical services.

B) Statutory Authority: Illinois Rural/Downstate Health Act [410 ILCS 65]

C) Scheduled meeting/hearing dates: State Board of Health (date to be determined)

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

d) Part: Loan Repayment Assistance for Dentists (77 Ill. Adm. Code 580)

DEPARTMENT OF PUBLIC HEALTH

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1) Rulemaking:

A) Description: Part 580 provides educational loan repayment assistance to dentists and dental specialists to help to increase the number of dentists and dental specialists practicing in designated shortage areas. Amendments to Part 580 will clarify that applicants who receive educational loan repayment assistance with federal funds are ineligible for assistance from this program. In addition, the Loan Repayment Assistance for Dentists Act [110 ILCS 948] was amended by Public Act 96-757 to include a definition for "dental hygienist" and to stipulate that this profession is eligible to receive loan repayment assistance. As a result of this change in the law, the rules will be amended to include dental hygienists.

B) Statutory Authority: Loan Repayment Assistance for Dentists Act [110 ILCS 948]

C) Scheduled meeting/hearing dates: State Board of Health (date to be determined)

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

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DEPARTMENT OF PUBLIC HEALTH

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G) Related rulemakings and other pertinent information: None

e) Part: Nursing Education Scholarships (77 Ill. Adm. Code 597)

1) Rulemaking:

A) Description: Part 597 provides scholarship assistance to individuals receiving an associate degree in nursing, an associate degree in applied sciences in nursing, a hospital-based diploma in nursing, a baccalaureate degree in nursing, a graduate degree in nursing, or a certificate in practical nursing. The enabling statute (Nursing Education Scholarship Law [110 ILCS 975]) was amended to include scholarship assistance for nurse educators. As a result of this amendment, the corresponding rules will be amended to include nurse educators.

B) Statutory Authority: Nursing Education Scholarship Law [110 ILCS 975]

C) Scheduled meeting/hearing dates: State Board of Health (date to be determined)

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: No effect is anticipated on small businesses, small municipalities, and not-for-profit corporations.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

f) Part: Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)

1) Rulemaking:

A) Description: These amendments will implement Public Act 96-0318, which amended the Sexual Assault Survivors Emergency Treatment Act to ease restrictions on consent for treatment for sexual assault and for releasing evidence and information concerning the sexual assault.

B) Statutory Authority: Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]

C) Scheduled meeting/hearing dates: State Board of Health (date to be determined)

D) Date agency anticipates First Notice: Winter 2010.

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect hospitals and local law enforcement.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

g) Parts: Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. 340); Intermediate Care for the Developmentally Disabled Facilities Code

DEPARTMENT OF PUBLIC HEALTH

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(77 Ill. Adm. 350); Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

1) Rulemaking:

A) Description: The amendments will implement Public Act 95-0031, which amended the Nursing Home Care Act (Act) to require that all bedrooms and common areas in facilities licensed under the Act be air conditioned and heated. In addition, requirements for cancer screening for women will be updated to conform to the standards of the Guidelines for Women's Health Care, published by the American College of Obstetricians and Gynecologists.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board (date to be determined)

D) Date Agency anticipates First Notice: Winter 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect nursing homes that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
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G) Related rulemakings and other pertinent information: None

2) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

A) Description: Amendments to the long-term care codes will add minimum requirements for facilities licensed under the Nursing Home Care Act to coordinate with local health authorities and emergency management agencies in preparing for disaster situations.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board (date to be determined)

D) Date Agency anticipates First Notice: Winter 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect nursing homes, local health departments, and local emergency management agencies.

F) Agency contact person for information:

Susan Meister
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G) Related rulemakings and other pertinent information: None

3) Rulemaking:

A) Description: Amendments will implement Public Act 96-0339, which created the MR/DD Community Care Act, under which intermediate care facilities for the developmentally disabled and long-term care facilities for persons under age 22 will be licensed, and which exempts facilities licensed under the MR/DD Community Care Act from the Nursing Home Care Act. The rulemakings will extensively revise Parts 350 and 390.

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B) Statutory Authority: MR/DD Community Care Act [PA 96-0339] and the Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board (date to be determined)

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect long-term care for under age 22 facilities and intermediate care for the developmentally disabled facilities that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
Administrative Rules Coordinator
Division of Legal Services
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G) Related rulemakings and other pertinent information: None

4) Rulemaking:

A) Description: Amendments to the long-term care codes will implement Public Act 96-0596, which amended the Department of Public Health Powers and Duties Law to require advance written notice to the Department of closure of health care facilities.

B) Statutory Authority: Department of Public Health Powers and Duties Law [20 ILCS 2310] and Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board (date to be determined)

D) Date Agency anticipates First Notice: Winter 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect nursing homes that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
Administrative Rules Coordinator
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G) Related rulemakings and other pertinent information: Public Act 96-0596 requires similar amendments to Part 250 and Part 205.

5) Rulemaking:

A) Description: Amendments to the long-term care codes will implement Public Act 96-0448, which adds extensive language to the Nursing Home Care Act requiring facilities to notify residents in writing of their right to name health care surrogates.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board (date to be determined)

D) Date Agency anticipates First Notice: Winter 2010

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E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect nursing homes that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

6) Rulemaking:

A) Description: Amendments to the long-term care codes will implement Public Act 96-0389, which amended the Nursing Home Care Act to require facilities to adopt and ensure implementation of safe resident-handling policies.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board (date to be determined)

D) Date Agency anticipates First Notice: Winter 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect nursing homes that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister

DEPARTMENT OF PUBLIC HEALTH

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G) Related rulemakings and other pertinent information: Public Act 96-0389 requires similar amendments to Part 250.

7) Rulemaking:

A) Description: Amendments will implement Public Act 96-0477, which amended the Nursing Home Care Act to add Department responsibilities concerning transfer and discharge policies and alternative placements.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board (date to be determined)

D) Date Agency anticipates First Notice: Winter 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect nursing homes that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
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G) Related rulemakings and other pertinent information: None

8) Rulemaking:

A) Description: Amendments to the long-term care codes will implement Public Act 96-0758, which amended the Nursing Home Care Act to provide guidelines for waving or reducing fines and penalties. This rulemaking will also implement a recent court decision concerning fines.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board (date to be determined)

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect nursing homes that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

Susan Meister
Administrative Rules Coordinator
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G) Related rulemakings and other pertinent information: None

9) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

A) Description: Amendments to Part 340 will implement Public Act 96-0703, which amended the Department of Veterans Affairs Act (DVA) [20 ILCS 2805] to clarify that when there are conflicts between the DVA and the Nursing Home Care Act (NHCA), the DVA will apply. Public 96-0703 also amended the NHCA to exempt veterans' homes from license fees and to establish penalty offset for veterans' homes.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board (date to be determined)

D) Date Agency anticipates First Notice: Spring 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

h) Part: Freestanding Emergency Center Code (77 Ill. Adm. Code 518)

1) Rulemaking:

A) Description: This amendment will implement Public Act 96-0023, which amended the Emergency Medical Services (EMS) Systems Act to eliminate the June 30, 2009 deadline for licensure of FECs, insert a requirement for FECs to obtain a permit from the Health Facilities

Planning Board (now the Health Facilities and Services Review Board), and require that a permit application be deemed complete by March 1, 2009.

B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

C) Scheduled Meeting/hearing dates: State EMS Council, December 2009

D) Date Agency anticipates First Notice: Winter 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect freestanding emergency medical centers that are small businesses and not-for-profit corporations.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

i) Part: Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)

1) Rulemaking:

A) Description: These amendments will implement Public Act 96-0379, which amended the Board and Care Home Act [225 ILCS 7] to require board and care homes to be licensed as assisted living or shared housing establishments.

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B) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9] and Board and Care Home Act [225 ILCS 7]

C) Scheduled meeting/hearing dates: Assisted Living and Shared Housing Advisory Board, February 2010

D) Date Agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect assisted living and shared housing establishments and board and care homes.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

j) Part: Hospital Licensing Requirements (77 Ill. Adm. Code 250)

1) Rulemaking:

A) Description: The proposed amendments will implement Public Act 96-0445, which amended the Hospital Licensing Act to add extensive language regarding due process in summary revocations of privileges and in peer review. The rulemaking will also implement Public Act 96-0343, which amended the Hospital Licensing Act to require every hospital to adopt an influenza and pneumococcal immunization policy that includes procedures for identifying patients who are aged 65 years or older, procedures for offering influenza 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.

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

C) Scheduled meeting/hearing dates: Hospital Licensing Board, February 2010

D) Date agency anticipates first notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect hospitals.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Rulemaking includes P.A. 96-0045 and P.A. 96-0343.

2) Rulemaking:

A) Description: Amendments will implement Public Act 96-0389, which amended the Hospital Licensing Act to require hospitals to adopt and ensure the implementation of safe patient-handling policies.

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

C) Scheduled meeting/hearing dates: Hospital Licensing Board, February 2010

D) Date agency anticipates first notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect hospitals.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Public Act 96-0389 requires similar amendments to the Long-Term Care codes.

3) Rulemaking:

A) Description: Amendments will implement Public Act 96-0692, which adds extensive language to the Hospital Licensing Act on patient abuse in hospitals.

B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

C) Scheduled meeting/hearing dates: Hospital Licensing Board, February 2010

D) Date agency anticipates first notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect hospitals.

F) Agency contact person for information:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

4) Rulemaking:

A) Description: Amendments will implement Public Act 96-0596, which amended the Department of Public Health Powers and Duties Law to require advance written notice to the Department of closure of health care facilities.

B) Statutory Authority: Department of Public Health Powers and Duties Law [20 ILCS 2310] and Hospital Licensing Act [210 ILCS 85]

C) Scheduled meeting/hearing dates: Hospital Licensing Board, February 2010

D) Date agency anticipates first notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect hospitals.

F) Agency contact person for information:

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DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: Public Act 96-0596 requires similar amendments to the long-term care codes.

k) Part: Illinois Health and Hazardous Substances Registry (77 Ill. Adm. Code 840)

1) Rulemaking

A) Description: Amendments to Section 840.20 (Definitions) will change the definition of "confidential data" to include the North American Association of Central Cancer Registries best practice standard for release of data. Amendments will also change the definition of "elevated blood lead level" to a concentration of lead in whole blood equal to or in excess of 10 micrograms per deciliter as recommended by the U.S. Centers for Disease Control and other national occupational disease organizations and add definitions for follow-up services and public health surveillance. Amendments to Section 840.30 (Availability of Registry Information) will add the uniqueness threshold for release of data by the North American Association of Central Cancer Registries as an acceptable best practice standard for releasing data. Amendments to Subpart C (Adverse Pregnancy Outcomes Reporting System), will add a Section describing referral of cases, and will clarify newborn case reporting. Amendments to Subpart D (Occupational Disease Registry) will update operational processes for reporting occupational diseases, including electronic reporting and follow-up with physicians and will add data variables collected for elevated adult blood lead. Appendix C (Forms and Instructions for Occupational Disease Registry) will be repealed. The data variables collected will be included in Subpart D, and electronic reporting does not require a form.

B) Statutory Authority: Illinois Health and Hazardous Substances Registry Act [410 ILCS 525]

C) Scheduled meeting/hearing dates: State Board of Health (date to be determined)

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The amendments are anticipated to have minimum impact on the regulated industry.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

l) Part: Control of Tuberculosis Code (77 Ill. Adm. Code 696)

1) Rulemaking:

A) Description: Amendments will include: an update of references to current U.S. Centers for Disease Prevention and Control guidelines and other referenced publications; an update enforcement rules in accordance with the new State isolation and quarantine requirements; removal of requirements for skin testing school teachers; and a general update of the Part.

B) Statutory Authority: Communicable Disease Report Act [745 ILCS 45], Department of Public Health Act [20 ILCS 2305].

C) Scheduled meeting/hearing dates: State Board of Health (date to be determined)

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments may affect hospitals and health care providers.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

m) Part: Illinois Water Well Pump Installation Code (415 ILCS 35)

1) Rulemaking:

A) Description: The amendments will specify the documentation required to verify that an individual has the required experience installing water wells and water well pumps; change the required score to pass an examination -- an applicant will have to obtain a grade of not less than 70 in each part of the examination, rather than achieving an average grade of 75 for both parts of each examination; increase the time period that requests for continuing education sessions must be submitted to the Department from four weeks to 120 days before any training session is presented; specify the time the Department must be notified in advance by those conducting required continuing education sessions; and establish requirements for approving continuing education topics.

B) Statutory Authority: Sections 1.5 and 7 of the Illinois Water Well and Pump Installation Contractor's License Act [225 ILCS 345]

C) Schedule of meeting/hearing dates: State Board of Health (date to be determined)

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The proposed changes are anticipated to have minimum impact on the regulated industry.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

n) Part: Private Sewage Disposal Code (77 Ill. Adm. Code 905)

1) Rulemaking:

A) Description: The existing statute sets forth requirements to maintain and service private sewage disposal systems installed in Illinois. Amendments to the rules will clarify the legislative mandate in rule form and establish how and when maintenance requirements are to be met. Additionally, the revisions will clarify the site requirements necessary to install various types of approved private sewage disposal systems and will address portable toilet requirements.

B) Statutory Authority: Sections 2 and 7 of the Illinois Private Sewage Disposal Licensing Act [225 ILCS 225]

C) Schedule of meeting/hearing dates: Private Sewage Advisory Board will review the rules in Spring 2010.

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2010 REGULATORY AGENDA

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The changes to the rules are anticipated to have minimum impact on the regulated industry.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

o) Part: Performance-Enhancing Substance Testing Program (77 Ill. Adm. Code new)

1) Rulemaking:

A) Description: The Interscholastic Athletic Organization Act requires the Illinois High School Association (IHSA) to implement a performance-enhancing drug testing program among its membership. The law requires that approximately 1,000 tests be administered during the school year to an estimated 25 percent of the total number of schools within the IHSA's membership. The Act requires the Illinois Department of Public Health to provide oversight of the annual administration of a performance-enhancing substance testing program by the IHSA under which high school students participating in an athletic competition sponsored or sanctioned by IHSA are tested at multiple times throughout the athletic season for the presence of performance-enhancing substances on the IHSA's list of Banned Drug Classes.

B) Statutory Authority: Section 1.5 of the Interscholastic Athletic Organization Act [105 ILCS 25/1.5 new].

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C) Schedule of meeting/hearing dates: State Board of Health (date to be determined)

D) Date agency anticipates First Notice: Spring 2010

E) Effect on small businesses, small municipalities or not for profit corporations: The Act specifies that monies collected in the Performance-enhancing Substance Testing Fund will be used to issue grants to the IHSA to implement the mandates of the Act.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: None

STATE BOARD OF EDUCATION

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

1) Rulemaking:

A) Description: Part 1 will be amended to include new targets for annual measurable achievement objectives (AMAOs) for limited English proficient students. P.A. 96-257 will result in the identification of criteria for individuals providing instruction to general education students who are homebound or in the hospital, as defined in Section 14-13.01 of the School Code.

B) Statutory Authority: 105 ILCS 5/2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: June 4, 2010

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

F) Agency contact person for information:

Shelley Helton
Agency Rules Coordinator
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217/782-5270

G) Related rulemakings and other pertinent information:

b) Part(s) (Heading and Code Citation): Certification (23 Ill. Adm. Code 25)

1) Rulemaking:

A) Description: Part 25 will be amended to primarily deal with changes to the way in which principals and assistant principals are prepared. The

changes will be based upon the 2008 report from the Illinois School Leader Task Force. In addition, the rules will be amended in response to P.A. 96-56 and P.A. 96-689.

B) Statutory Authority: 105 ILCS 5/2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 2, 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

c) Part(s) (Heading and Code Citation): The "Grow Your Own" Education Initiative (23 Ill. Adm. Code 60)

1) Rulemaking:

A) Description: P.A. 96-144 makes a number of changes in the statute that will require amendments to Part 60. In addition, other updates and clarifications about program operations will be proposed.

B) Statutory Authority: 110 ILCS 48

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: June 4, 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

d) Part(s) (Heading and Code Citation): Incentive Grants for Agriculture Science Teacher Education (23 Ill. Adm. Code 75)

1) Rulemaking:

A) Description: Part 75 will be amended to include a new subpart specific to grants received under Section 2-3.80 of the School Code.

B) Statutory Authority: 105 ILCS 5/2-3.80

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 9, 2010

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

F) Agency contact person for information:

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STATE BOARD OF EDUCATION

JANUARY 2010 REGULATORY AGENDA

Springfield, Illinois 62777

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G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Health/Life Safety for Public Schools (23 Ill. Adm. Code 180)

1) Rulemaking:

A) Description: Proposed changes in Part 180 respond to P.A. 96-252 regarding the use of fire and safety prevention financing for emergency situations under Section 17-2.11 of the School Code.

B) Statutory Authority: 105 ILCS 5/2-3.12, 2-3.25, 2-3.137, and 17-2.11

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: February 5, 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

f) Part(s) (Heading and Code Citation): Illinois Hope and Opportunities Pathways through Education Program (23 Ill. Adm. Code 210)

STATE BOARD OF EDUCATION

JANUARY 2010 REGULATORY AGENDA

1) Rulemaking:

A) Description: New Part 210 will set forth requirements for the Illinois Hope and Opportunities Pathways (IHOPE) Program (P.A. 96-106; Section 2-3.66b of the School Code), which will address participation, plan content and approval, and funding parameters, among other areas.

B) Statutory Authority: 105 ILCS 5/2-3.66b

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 9, 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

g) Part(s) (Heading and Code Citation): Remote Educational Programs (23 Ill. Adm. Code 220)

1) Rulemaking:

A) Description: New Part 220 will set forth requirements for the remote educational programs (P.A. 96-684; Section 10-29 of the School Code).

B) Statutory Authority: 105 ILCS 5/10-29

C) Scheduled meeting/hearing date: To be announced.

STATE BOARD OF EDUCATION

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D) Date agency anticipates First Notice: July 2, 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

h) Part(s) (Heading and Code Citation): Special Education (23 Ill. Adm. Code 226)

1) Rulemaking:

A) Description: Several public acts will necessitate changes in Part 226. These are P.A. 96-257 (qualified staff and homebound instruction), P.A. 96-684 (remote educational programs), and P.A. 96-769 (joint agreements).

B) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 9, 2010

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

F) Agency contact person for information:

Shelley Helton

STATE BOARD OF EDUCATION

JANUARY 2010 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information:

i) Part(s) (Heading and Code Citation): Gifted Education (23 Ill. Adm. Code 227)

1) Rulemaking:

A) Description: Part 227 will be changed to update the training required of teachers in state-funded gifted programs.

B) Statutory Authority: 105 ILCS 5/Art. 14A

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: June 4, 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

j) Part(s) (Heading and Code Citation): Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)

STATE BOARD OF EDUCATION

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1) Rulemaking:

A) Description: Proposed changes in Part 475 result from the enactment of P.A. 96-431, effective August 13, 2010.

B) Statutory Authority: 5 ILCS 100/5-10(a)(i) and 105 ILCS 5/21-23

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 9, 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

k) Part(s) (Heading and Code Citation): Appeal Proceedings before the State Teacher Certification Board (23 Ill. Adm. Code 485)

1) Rulemaking:

A) Description: Part 475 is proposed for repeal since P.A. 96-431, effective August 13, 2010, eliminated appeals to the State Teacher Certification Board of decisions to suspend a certificate by a regional superintendent of education or the State Superintendent of Education.

B) Statutory Authority: 5 ILCS 100/5-10(a)(i)

C) Scheduled meeting/hearing date: To be announced.

STATE BOARD OF EDUCATION

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D) Date agency anticipates First Notice: April 9, 2010

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

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2010

a) Part (Heading and Code Citation): General Provisions (23 Ill. Adm. Code 2700)

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USC 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 2010

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

F) Agency Contact Person for Information:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

847/948-8500

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Federal Family Education Loan Program (FFELP) (23 Ill. Adm. Code 2720)

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2010

1) Rulemaking:

A) Description: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement federal statutory amendments, and to clarify issues that have arisen during the previous year.

B) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USC 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 2010

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

F) Agency Contact Person for Information:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
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G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Grant Program for Participants in SIU-C Achieve Program (23 Ill. Adm. Code 2739)

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2010

1) Rulemaking:

A) Description: Public Act 96-0229 created the new Grant Program for Participants in SIU-C Achieve Program. Proposed rulemaking for the program will set forth the applicant eligibility requirements, program procedures and institutional procedures for students to receive a grant equal to the amount of fees charged for participation in the Clinical Center Achieve program at Southern Illinois University at Carbondale.

B) Statutory Authority: Implementing Section 65.85 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.85 and 20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 2010

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

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Forensic Science Grant Program (23 Ill. Adm. Code 2742)

1) Rulemaking:

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2010

A) Description: Statute 110 ILCS 947/65.80 states that the Commission shall, on an annual basis until July 1, 2010, receive and consider applications for grant assistance under the program. Furthermore, since the inception of the program, no grants have been made, thereby eliminating the need to monitor the fulfillment of the employment agreement. As a result, ISAC is repealing the administrative rules for this program.

B) Statutory Authority: Implementing Section 65.80 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/65.80 and 20(f)].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 2010

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

F) Agency Contact Person for Information:

Lynn Hynes
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847/948-8500

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Public Interest Attorney Loan Repayment Assistance Program (23 Ill. Adm. Code 2756)

1) Rulemaking:

ILLINOIS STUDENT ASSISTANCE COMMISSION

REGULATORY AGENDA JANUARY 2010

A) Description: Public Act 96-615 created the new Public Interest Attorney Loan Repayment Assistance Program. Proposed rulemaking for this program will set forth the applicant eligibility and program procedures for eligible public interest attorneys to receive loan repayment assistance in the form of a forgivable loan.

B) Statutory Authority: Implementing and authorized by Section 20 of the Public Interest Attorney Assistance Act [110 ILCS 916/20].

C) Scheduled meeting/hearing dates: At this time, ISAC has not scheduled a hearing or a meeting specifically to solicit comments on this anticipated rulemaking. Nonetheless, members of the public may submit views or comments in writing to the individual identified in item F, below.

D) Date agency anticipates First Notice: January 2010

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

F) Agency Contact Person for Information:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015

847/948-8500

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Roadside Memorials; 92 Ill. Adm. Code 549

1) Rulemaking:

A) Description: The Department will be revising this Part for consistency with P.A. 96-0667, effective August 25, 2009. The Public Act provides that a person who is convicted or receives a disposition of court supervision for a violation of certain DUI provisions under the Illinois Vehicle Code shall, in addition to any other disposition, penalty, or fine imposed, pay a fee of $50 that shall be deposited into the Roadside Memorial Fund. The Public Act also provides that, subject to appropriation, all money in the Roadside Memorial Fund shall be used by the Department to pay fees for DUI memorial markers under the Roadside Memorial Act and that money in the Roadside Memorial Fund shall not be used for any other purpose.

B) Statutory Authority: 605 ILCS 125

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: This amendment will not affect small businesses, not-for-profit corporations or small municipalities.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

JANUARY 2010 REGULATORY AGENDA

b) Part(s) (Heading and Code Citation): Accommodation of Utilities on Right-of-Way; 92 Ill. Adm. Code 530

1) Rulemaking:

A) Description: The revisions to this Part will address delays in construction activities due to the lack of movement by a utility; apportionment of costs; and utility location. Additionally, the Department will be updating certain construction techniques and descriptions of latest technologies. Finally, construction terms and definitions will be revised and clarified.

B) Statutory Authority: 605 ILCS 5/4-201.1 and 9-113

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: The changes to this rule will not affect small businesses, small municipalities or not-for-profits.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Airport Hazard Zoning; 92 Ill. Adm. Code 16

1) Rulemaking:

A) Description: This Part provides requirements that restrict the height of structures, equipment, and vegetation, and that regulate the use of property

on or in the vicinity of any publicly-owned airport whose owner or operator requests enforcement of airport hazard zoning by the Department. This Part will be amended at Appendix A to include additional airports requesting enforcement of hazard zoning by the Department.

B) Statutory Authority: 620 ILCS 25

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: Small municipalities that own an applicable public airport may be impacted by this Part.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: The Department will be repealing several old Parts and bringing those airports under the generic Part 16.

d) Part(s) (Heading and Code Citation): Selection of Architectural, Engineering and Land Surveying Services; 44 Ill. Adm. Code 625

1) Rulemaking:

A) Description: The Department will be updating this Part for consistency with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act (the QBS Act) [30 ILCS 535]. The previous statute, the Illinois Purchasing Act, which was repealed in the 1990s, authorized the promulgation of the rule but did not explicitly include surveying; so,

the Department will be adding provisions to cover surveying, consistent with the QBS Act. The Department will be adding more detail in some Sections of the rule, such as the "Negotiation" Section, since the QBS Act is more detailed on certain subjects than the Purchasing Act was. There will also be a new performance evaluation Section added to the rule and a small contract Section, also based on the QBS Act. Finally, the Department will delete outdated references in the rule.

B) Statutory Authority: 30 ILCS 535

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will have no impact on small businesses, small municipalities and not for profits.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Oversize and Overweight Permit Movements on State Highways; 92 Ill. Adm. Code 554

1) Rulemaking:

A) Description: These revisions will update and clarify procedures for trucking firms involved in the movement of oversize and overweight loads on State highways.

B) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not impact small businesses differently than any other business seeking a permit to move oversize and overweight loads.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Transporting Pupils Where Walking Constitutes a Serious Safety Hazard; 92 Ill. Adm. Code 556

1) Rulemaking:

A) Description: Portions of the rule will be revised to more clearly reflect the impact of vehicular hazards and to bring this Part into closer conformity with 92 Ill. Adm. Code 557.

B) Statutory Authority: 105 ILCS 5/29-3

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not affect small businesses, not-for-profits or small municipalities.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: Custodial Transportation of Pupils Where Walking Constitutes a Serious Safety Hazard; 92 Ill. Adm. Code 557

g) Part(s) (Heading and Code Citation): Custodial Transportation of Pupils Where Walking Constitutes a Serious Safety Hazard 92 Ill. Adm. Code 557

1) Rulemaking:

A) Description: Portions of the rule are being revised to more clearly reflect the impact of vehicular hazards and to bring this Part into closer conformity with 92 Ill. Adm. Code 556.

B) Statutory Authority: 105 ILCS 5/29-5.2

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not affect small businesses, not-for-profits or small municipalities.

F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JANUARY 2010 REGULATORY AGENDA

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: Transporting Pupils Where Walking Constitutes a Serious Safety Hazard; 92 Ill. Adm. Code 556

h) Part(s) (Heading and Code Citation): Financing of Traffic Control Signal Installation, Modernization, Maintenance and Operation on Streets and Highways under State Jurisdiction; 92 Ill. Adm. Code 544

1) Rulemaking:

A) Description: This Part establishes the basis of financial responsibility for the installation, modernization, maintenance, and energy charges of all traffic control signals installed on State-maintained highways. The upcoming revisions to this Part will correct out-of-date references.

B) Statutory Authority: 605 ILCS 5/4-201.1 and 4-201.12

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: This Part affects some small businesses and small municipalities that choose to enter into agreements with the Department concerning the installation and maintenance of traffic signals at entrances to their businesses and at public road intersections with State highways. However, the revisions to this Part will not have any additional impact on small businesses or small municipalities.

F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JANUARY 2010 REGULATORY AGENDA

Christine Caronna-Beard, Rules Manager
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2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Regulations for State Operating Assistance to Downstate Areas; 92 Ill. Adm. Code 653

1) Rulemaking:

A Description: Public Act 95-0708, effective January 18, 2008, amended the Downstate Public Transportation Act (the Act) [30 ILCS 740] to provide changes in the administration of the Downstate Public Transportation Fund and, also, to establish the Downstate Transit Improvement Fund under the State Finance Act [30 ILCS 105/5.708]. The Department will be updating this Part for consistency with the Act, to reflect current practice and for ease of comprehension. Definitions will be added as well as provisions that allow the Division to make grants to downstate area transit providers, in accordance with appropriations by the Illinois General Assembly.

B) Statutory Authority: 30 ILCS 740/Arts. I and II, as amended by PA 95-0708, effective January 18, 2008 and 30 ILCS 105/5.708

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: Since most of the local transit agencies fall into the not-for-profit or small business categories, they will be impacted by the revisions to this Part.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Request for Public Records; 2 Ill. Adm. Code 1226

1) Rulemaking:

A) Description: The Department will be revising this Part for consistency with P.A. 96-0542, effective January 1, 2010.

B) Statutory Authority: 5 ILCS 140

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: This amendment will not affect small businesses, not-for-profit corporations or small municipalities.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
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2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

JANUARY 2010 REGULATORY AGENDA

k) Part(s) (Heading and Code Citation): Inspection Procedures for Type I and Type II School Buses; 92 Ill. Adm. Code 441 and 443

1) Rulemaking:

A) Description: The Department will be amending these Parts by adding and revising provisions pursuant to PA 95-0176, effective January 1, 2008; PA 95-0260, effective August 17, 2007; and PA 95-0352, effective August 23, 2007.

B) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect small businesses and school districts within small municipalities that own or operate school buses in Illinois.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764

217/524-3838

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Rates To Be Charged By Official Testing Stations For Vehicles Other Than School Buses, 92 Ill. Adm. Code 454; and Rates To Be Charged By Official Testing Stations For School Buses, 92 Ill. Adm. Code 446

DEPARTMENT OF TRANSPORTATION

JANUARY 2010 REGULATORY AGENDA

1) Rulemaking:

A) Description: The Department is proposing to increase the base rates in both Parts that Official Testing Station charge, as required by Section 13-101 of the Illinois Vehicle Inspection Law, to inspect school buses and vehicles other than school buses. The base rates are out-of-date in both Parts.

B) Statutory Authority: 625 ILCS 5/13-106

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not-for-profit corporations: The revisions to these Parts will affect small businesses that own or operate Illinois Official Testing Stations. Once the revisions become effective, small businesses that own or operate Illinois Official Testing Stations will be able to charge more for an inspection without having to participate in a rate increase hearing.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
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217/524-3838

G) Related rulemakings and other pertinent information: None

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Accident Reporting, 50 Ill. Adm. Code 7010

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's procedures relating to accident reporting.

B) Statutory Authority: 820 ILCS 305/6(b)

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601

312/814-6559

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Pre-arbitration, 50 Ill. Adm. Code 7020

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's arbitration procedures, including procedures relating to expedited hearings under Section 19(b) of the Workers' Compensation Act.

B) Statutory Authority: 820 ILCS 305/16 and 19

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601

312/814-6559

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Arbitration, 50 Ill. Adm. Code 7030

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's arbitration procedures, including procedures relating to requesting arbitration decisions which include findings of fact and conclusions of law under Section 19(b) of the Workers' Compensation Act.

B) Statutory Authority: 820 ILCS 305/16 and 19

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601

312/814-6559

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Review, 50 Ill. Adm. Code 7040

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's review procedures, including procedures relating to expedited hearings under Section 19(b) of the Workers' Compensation Act.

B) Statutory Authority: 820 ILCS 305/16 and 19

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
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Chicago, IL 60601

312/814-6559

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Oral Arguments, 50 Ill. Adm. Code 7050

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's procedures regarding oral arguments.

B) Statutory Authority: 820 ILCS 305/16 and 19

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601
312/814-6559

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Judicial Review, 50 Ill. Adm. Code 7060

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's procedures regarding certification of the record.

B) Statutory Authority: 820 ILCS 305/16 and 19

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
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312/814-6559

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Settlement Contracts and Lump Sum Petitions, 50 Ill. Adm. Code 7070

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's procedures regarding settlement contracts and lump sum petitions.

B) Statutory Authority: 820 ILCS 305/16 and 19

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

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312/814-6559

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Disciplining of Attorneys; Agents, 50 Ill. Adm. 7090

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's procedures relating to the disciplining of agents under Section 4 of the Workers' Compensation Act and the disciplining of attorneys.

B) Statutory Authority: 820 ILCS 305/4, 16 and 19

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

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ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

312/814-6559

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Insurance Regulations, 50 Ill. Adm. Code 7100

1) Rulemaking:

A) Description: The rulemaking would establish procedures regarding the Injured Workers' Benefit Fund and amend the Commission's insurance procedures, including procedures relating to self-insurance and insurance compliance under Section 4 of the Workers' Compensation Act.

B) Statutory Authority: 820 ILCS 305/4 and 16

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

Kathryn A. Kelley
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Illinois Workers' Compensation Commission
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Suite 8-272
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312/814-6559

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Miscellaneous, 50 Ill. Adm. Code 7110

1) Rulemaking:

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

A) Description: The rulemaking would establish requirements for certification of vocational rehabilitation counselors in accordance with Section 8(a) of the Workers' Compensation Act, amend procedures relating to the Rate Adjustment Fund, the Second Injury Fund, Commission handbook, petitions and establish procedures to address a significant limitation on access to quality health care under Section 8.2 of the Workers' Compensation Act.

B) Statutory Authority: 820 ILCS 305/8(a), 8.2, 7(f), 8(g), 16 and 19

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601

312/814-6559

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Hearing Loss Guidelines, 50 Ill. Adm. Code 7130

1) Rulemaking:

A) Description: The rulemaking would amend the Commission's procedures regarding hearing loss guidelines.

B) Statutory Authority: 820 ILCS 305/8(e)(16) and 16

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601

312/814-6559

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Commission Review Board Procedures, 50 Ill. Adm. Code 7500

1) Rulemaking:

A) Description: The rulemaking would amend the procedures of the Commission Review Board.

B) Statutory Authority: 820 ILCS 305/14.1

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No date has been set.

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

F) Agency contact person for information:

ILLINOIS WORKERS' COMPENSATION COMMISSION

JANUARY 2010 REGULATORY AGENDA

Kathryn A. Kelley
Counsel
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Suite 8-272
Chicago, IL 60601

312/814-6559

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF AGRICULTURE

NOTICE OF CORRECTION TO NOTICE ONLY

1) Heading of the Part: Motor Fuel and Petroleum Standards Act

2) Code Citation: 8 Ill. Adm. Code 850

3) The Notice of Proposed Amendment being corrected appeared at 34 Ill. Reg. 1, dated January 4, 2010.

The Notice of Emergency Amendment being corrected appeared at 34 Ill. Reg. 301, dated January 4, 2010.

4) The information being corrected is as follows: Motor Fuel Standards Act should be corrected to Motor Fuel and Petroleum Standards Act

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF HUMAN SERVICES

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Register citation of proposed rulemaking and other pertinent action: April 10, 2009; 33 Ill. Reg. 5201

4) Explanation: In the January 4, 2010 *Illinois Register*, the Department of Human Services published an agency response to an objection and filing prohibition of the above rulemaking. The Department stated that it would not proceed with the rulemaking at this time. In error, the agency response bore the heading "Notice of Withdrawal of Proposed Amendments" rather than "Notice of Agency Response". DHS and JCAR regret any confusion this mislabeling may have caused. If JCAR withdraws the filing prohibition, DHS will be able to withdraw this rulemaking after the JCAR action occurs.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF HUMAN SERVICES

1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3) Register citation of proposed rulemaking and other pertinent action: April 10, 2009; 33 Ill. Reg. 5228

4) Explanation: In the January 4, 2010 *Illinois Register*, the Department of Human Services published an agency response to an objection and filing prohibition of the above rulemaking. The Department stated that it would not proceed with the rulemaking at this time. In error, the agency response bore the heading "Notice of Withdrawal of Proposed Amendments" rather than "Notice of Agency Response". DHS and JCAR regret any confusion this mislabeling may have caused. If JCAR withdraws the filing prohibition, DHS will be able to withdraw this rulemaking after the JCAR action occurs.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notice was received by the Joint Committee on Administrative Rules during the period of December 29, 2009 through January 4, 2010 and has been scheduled for review by the Committee at its February 9, 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
2/12/10	Human Rights Commission, Procedural Rules (56 Ill. Adm. Code 5300)	11/13/09 33 Ill. Reg. 15300	2/9/10

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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