
ILLINOIS

REGISTER



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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 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 13, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012
20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012

24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sample Collection for Genetic Marker Indexing
- 2) Code Citation: 20 Ill. Adm. Code 1285
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1285.10	Amendment
1285.20	Amendment
1285.30	Amendment
1285.40	Amendment
1285.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5-4-3 of the Unified Code of Corrections [730 ILCS 5/5-4-3] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will update procedures for handling ineligible DNA specimens, providing voluntary specimens, and expunging specimens. Amendments will also designate additional agencies for obtaining specimens.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendments. The submissions must be in writing and directed to:

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

Ms. Suzanne L. Y. Bond
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461

Telephone: 217/782-7658

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: January 2012

The full text of the Proposed Amendments is identical to that of the Emergency Amendments of this rulemaking and can be found in this issue of *Illinois Register* on page 342.

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Code of Rules
- 2) Code Citation: 74 Ill. Adm. Code 440
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
440.910	New Section
440.920	New Section
440.930	New Section
440.940	New Section
- 4) Statutory Authority: 30 ILCS 5/2-15
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 97-261, effective August 5, 2011, requires the Auditor General to establish a toll-free telephone hot line for the public to report allegations of fraud in the executive branch of State government. PA 97-261 specifically requires the Auditor General to adopt rules for the implementation of the toll-free telephone hot line.
- 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 Objective: This rulemaking will not create, enlarge or modify a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after publication of this Notice to:

Rebecca Patton
Office of the Auditor General

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

740 E. Ash Street
Springfield, IL 62703

Phone: (217) 782-6698
TTY: (888) 261-2887
Facsimile: (217) 785-8222

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

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

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE
CHAPTER III: AUDITOR GENERAL

PART 440
CODE OF RULES

SUBPART A: STANDARDS OF CONSTRUCTION FOR RULES

Section	
440.10	Introduction
440.20	General Provisions

SUBPART B: DEFINITIONS

Section	
440.110	Introduction
440.120	General Provisions
440.130	Abbreviations
440.140	Specific Definitions

SUBPART C: CLARIFICATIONS CONCERNING THE DEFINITION OF
FINANCIAL AUDIT OR COMPLIANCE AUDIT

Section	
440.210	Introduction
440.220	Clarification

SUBPART D: PUBLIC PETITIONS REQUESTING RULEMAKING ACTIONS
BY THE OFFICE OF THE AUDITOR GENERAL

Section	
440.310	Introduction
440.320	General Provisions
440.330	Procedures

SUBPART E: CONTRACTUAL PERSONAL SERVICES

Section	
440.410	Introduction

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

440.420 General Provisions

SUBPART F: OATHS

Section

440.510 Introduction

440.520 General Provisions

SUBPART G: SUBPOENAS

Section

440.610 Introduction

440.620 General Provisions

SUBPART H: DEPOSITIONS

Section

440.710 Introduction

440.720 General Provisions

440.730 Procedure

SUBPART I: FINANCIAL ADMINISTRATION OF THE
STATE AUDIT ADVISORY BOARD

Section

440.810 Introduction (Repealed)

440.820 Financial Provisions (Repealed)

SUBPART J: FRAUD REPORTINGSection

440.910 Methods of Receiving Fraud Allegations

440.920 Definition of Fraud

440.930 Review of Allegations

440.940 Availability of Information

AUTHORITY: Subparts A and B implementing and authorized by Section 2-12(a) of the Illinois State Auditing Act [30 ILCS 5/2-12(a)]; Subpart C implementing and authorized by Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12]; Subpart D implementing and authorized by

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12] and Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145]; Subpart E implementing and authorized by Section 2-12(c)(2) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(2)]; Subpart F implementing and authorized by Section 2-12(c)(3) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(3)]; Subpart G implementing and authorized by Section 2-12(c)(4) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(4)]; Subpart H implementing and authorized by Sections 2-12(c)(1) and (3) of the Illinois State Auditing Act [30 ILCS 5/2-12(c)(1) and (3)]; Subpart J implementing and authorized by Section 2-15 of the Illinois State Auditing Act [30 ILCS 5/2-15].

SOURCE: Rules and Regulations of the Auditor General filed and effective February 1, 1976; amended at 2 Ill. Reg. 46, p. 17, effective November 17, 1978; amended at 3 Ill. Reg. 5, p. 860, effective February 2, 1979; amended at 3 Ill. Reg. 50, p. 195, effective December 13, 1979; amended at 4 Ill. Reg. 49, p. 91, effective November 21, 1980; codified at 5 Ill. Reg. 10584; amended at 6 Ill. Reg. 12253, effective September 24, 1982; amended at 20 Ill. Reg. 730, effective January 31, 1996; amended at 24 Ill. Reg. 2321, effective February 7, 2000; amended at 30 Ill. Reg. 2280, effective February 20, 2006; amended at 36 Ill. Reg. _____, effective _____.

SUBPART J: FRAUD REPORTING**Section 440.910 Methods of Receiving Fraud Allegations**

- a) *The Office of the Auditor General shall operate a toll-free telephone hot line for the public to report allegations of fraud in the executive branch of State government [30 ILCS 5/2-15].*
- b) Fraud allegations should be reported:
 - 1) by toll free telephone to the Auditor General's Hotline at 855-217-1895 or (TTY) at 888-261-2887; or
 - 2) by submitting the on-line form on the Auditor General's website at www.auditor.state.illinois.gov/hotline/home.htm.
- c) Fraud allegations may also be reported by U.S. Mail to Fraud Hotline, Auditor General's Office, 740 E. Ash St., Springfield, Illinois 62703.

(Source: Added at 36 Ill. Reg. _____, effective _____)

AUDITOR GENERAL

NOTICE OF PROPOSED AMENDMENTS

Section 440.920 Definition of Fraud

"Fraud" is generally defined as an intentional misrepresentation of a material existing fact made by one person to another with knowledge of its falsity and for the purpose of inducing the other person to act, and upon which the other person relies with resulting injury or damage. Fraud may also be made by an omission or purposeful failure to state material facts, when nondisclosure makes other statements misleading.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 440.930 Review of Allegations

- a) Allegations will be reviewed to determine whether they:
 - 1) are sufficiently detailed and supported to enable follow-up;
 - 2) appear to involve fraud; and
 - 3) relate to agencies in the Executive branch of State government.
- b) Persons making allegations may remain anonymous.
- c) The Office may conduct audits concerning alleged fraud and, in appropriate circumstances, may refer allegations of fraud to law enforcement authorities or other governmental entities with jurisdiction over the alleged fraud [30 ILCS 5/2-15].

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 440.940 Availability of Information

Information received by the Auditor General through fraud allegations that would reveal the identity of a complainant, subject, informant or witness is not subject to disclosure to the public but may be forwarded to other governmental entities, law enforcement and investigatory agencies for possible follow-up. A summary record of fraud allegations received will be maintained for a minimum period of two years from the date of receipt.

(Source: Added at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
250.160	Amend
250.330	Amend
250.1510	Amend
250.1810	Amend
250.1820	Amend
250.1830	Amend
250.1845	New
250.1850	Amend
250.1860	Repeal
250.1870	Amend
- 4) Statutory Authority: Hospital Licensing Requirements [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: The Hospital Licensing Requirements regulate hospitals, including all aspects of obstetric and neonatal care.

This rulemaking updates Subpart O of the Hospital Licensing Requirements that contains the Sections on obstetric and neonatal care and obstetric departments. The amendments update the requirements to reflect current industry and regulatory standards. Additionally, a new Section 250.1845, containing minimum requirements for caesarean births, is being added, and Section 250.1860 (Special Programs) is being repealed. Section 250.160 (Incorporated and Referenced Materials) is being amended to incorporate new industry standards and to add professional association standards, federal regulations and relevant State statutes and rules.

In other amendments, Section 250.330 (Orders for Medications and Treatments) is being amended to add a 72-hour deadline for signing telephone orders, and Section 250.11510 (Medical Records) is being amended to clarify who may authenticate telephone orders.

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*.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 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? s
- 10) Are there any other proposed rulemakings pending on this Part? No
- 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: Hospitals
 - B) Reporting, bookkeeping or other procedures required for compliance: Yes
 - C) Types of professional skills necessary for compliance: Nursing, medical
- 14) Regulatory Agenda on which this rulemaking was summarized:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

July 2010

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

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

SUBPART B: ADMINISTRATION AND PLANNING

Section

250.210	The Governing Board
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
250.245	Failure to Initiate Criminal Background Checks
250.250	Visiting Rules
250.260	Patients' Rights
250.265	Language Assistance Services
250.270	Manuals of Procedure
250.280	Agreement with Designated Organ Procurement Agencies
250.285	Smoking Restrictions
250.290	Safety Alert Notifications

SUBPART C: THE MEDICAL STAFF

Section

250.310	Organization
250.315	House Staff Members
250.320	Admission and Supervision of Patients

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

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

SUBPART E: LABORATORY

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

SUBPART F: RADIOLOGICAL SERVICES

- Section
- 250.610 General Diagnostic Procedures and Treatments
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- 250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

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- 250.710 Classification of Emergency Services
- 250.720 General Requirements
- 250.725 Notification of Emergency Personnel
- 250.730 Community or Areawide Planning
- 250.740 Disaster and Mass Casualty Program

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.750 Emergency Services for Sexual Assault Victims

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

SUBPART I: NURSING SERVICE AND ADMINISTRATION

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 250.1100 Infection Control
- 250.1110 Mandatory Overtime Prohibition
- 250.1120 Staffing Levels
- 250.1130 Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

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

SUBPART K: ANESTHESIA SERVICES

Section

- 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section

- 250.1510 Medical Records
- 250.1520 Reports

SUBPART M: FOOD SERVICE

Section

- 250.1610 Dietary Department Administration
- 250.1620 Facilities
- 250.1630 Menus and Nutritional Adequacy

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
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SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

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250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
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SUBPART O: ~~OBSTETRIC MATERNITY~~ AND NEONATAL SERVICE

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250.1870	Labor, Delivery, Recovery and Postpartum Single Room Maternity Care

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NOTICE OF PROPOSED AMENDMENTS

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SUBPART S: PSYCHIATRIC SERVICES

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

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

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250.2410	Applicability of these Standards
250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing Facility

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

250.2430	Preparation of Drawings and Specifications – Submission Requirements
250.2440	General Hospital Standards
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SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

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

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
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250.2880 Client Legal and Human Rights

250.APPENDIX A Codes and Standards (Repealed)

250.EXHIBIT A Codes (Repealed)

250.EXHIBIT B Standards (Repealed)

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250.ILLUSTRATION A Seismic Zone Map

250.TABLE A Measurements Essential for Level I, II, III Hospitals

250.TABLE B Sound Transmission Limitations in General Hospitals

250.TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)

250.TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)

250.TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air

250.TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas

250.TABLE G Insulation/Building Perimeter

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

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

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Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective August 1, 2011; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 250.160 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
 - 1) Private and professional association standards:
 - A) American Society for Testing and Materials (ASTM), Standard No. E90-99 (2002): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959. (See

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Section 250.2420.)

- B) The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329: (See Section 250.2480.)
- i) ASHRAE Handbook of Fundamentals (2005);
 - ii) ASHRAE Handbook for HVAC Systems and Equipment (2004);
 - iii) ASHRAE Handbook-HVAC Applications (2003).
- C) 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 101 (2000): Life Safety Code; (See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490.)
 - ii) NFPA 10 (1998): Standards for Portable Fire Extinguishers; (See Section 250.1980.)
 - iii) NFPA 13 (1999): Standards for the Installation of Sprinkler Systems; (See Sections 250.2490 and 250.2670.)
 - iv) NFPA 14 (2000): Standard for the Installation of Standpipe, Private Hydrants and Hose Systems; (See Sections 250.2490 and 250.2670.)
 - v) NFPA 25 (1998): Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;
 - vi) NFPA 30 (1996): Flammable and Combustible Liquids Code; (See Section 250.1980.)

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- vii) NFPA 45 (1996): Standard on Fire Protection for Laboratories Using Chemicals;
- viii) NFPA 54 (1999): National Fuel Gas Code;
- ix) NFPA 70 (1999): National Electrical Code; (See Sections 250.2440 and 250.2500.)
- x) NFPA 72 (1999): National Fire Alarm Code;
- xi) NFPA 80 (1999): Standard for Fire Doors and Fire Windows; (See Section 250.2450.)
- xii) NFPA 82 (1999): Standard on Incinerators and Waste and Linen Handling Systems and Equipment; (See Section 250.2440.)
- xiii) NFPA 90A (1999): Standard for Installation of Air Conditioning and Ventilating Systems; (See Sections 250.2480 and 250.2660.)
- xiv) NFPA 96 (1998): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; (See Section 250.2660.)
- xv) NFPA 99 (1999): Standard for Health Care Facilities; (See Sections 250.1410, 250.1910, 250.1980, 250.2460, 250.2480, 250.2490 and 250.2660.)
- xvi) NFPA 101-A (2001): Guide on Alternative Approaches to Life Safety; (See Section 250.2620.)
- xvii) NFPA 110 (1999): Standard for Emergency and Standby Power Systems;
- xviii) NFPA 220 (1999): Standard on Types of Building Construction; (See Sections 250.2470 and 250.2620.)
- xix) NFPA 221 (1997): Standard for Fire Walls and Fire

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Barrier Walls;

- xx) NFPA 241 (1996): Standard for Safeguarding Construction, Alteration and Demolition Operations;
 - xxi) NFPA 255 and 258 (2000): Standard Method of Test of Surface Burning Characteristics of Building Materials, and Recommended Practice for Determining Smoke Generation of Solid Materials; (See Section 250.2480.)
 - xxii) NFPA 701 (1999): Standard Methods of Fire Tests for Flame Propagation of Textiles and Films. (See Sections 250.2460 and 250.2650.)
- D) American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, Sixth Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 250.1820.)
- E) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare, Third Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 250.1820.)
- F) [American Academy of Pediatrics \(AAP\), Red Book: Report of the Committee on Infectious Diseases, 28th Edition \(2009\), which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Blvd., Elk Grove Village, Illinois 60007. \(See Section 250.1820.\)](#)
- G) [American Academy of Pediatrics and the American Heart Association, 2005 American Heart Association \(AHA\) Guidelines for Cardiopulmonary Resuscitation \(CPR\) and Emergency Cardiovascular Care \(ECC\) of Pediatric and Neonatal Patients: Neonatal Resuscitation Guidelines, which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Blvd.,](#)

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Elk Grove Village, Illinois 60008, or at pediatrics.aappublications.org/cgi/reprint/117/5/e1029.pdf. (See Section 250.1830.)

H) [National Association of Neonatal Nurses, Position Statement #3009 Minimum RN Staffing in NICUs, which may be obtained from the National Association of Neonatal Nurses, 4700 W. Lake Ave., Glenview, Illinois 60025, or at \[nann.org/pdf/08_3009_rev.pdf\]\(http://nann.org/pdf/08_3009_rev.pdf\). \(See Section 250.1830.\)](#)

D)F) National Council on Radiation Protection and Measurements (NCRP), Report 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095. (See Sections 250.2440 and 250.2450.)

D)G) DOD Penetration Test Method MIL STD 282 (1995): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. (See Section 250.2480.)

K)H) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (2003), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 180 S. Washington Street, P.O. Box 6808, Falls Church, Virginia 22046 (703-237-8100).

L)H) The International Code Council, International Building Code (2000), which may be obtained from the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795. (See Section 250.2420.)

M)H) American National Standards Institute, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the

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Physically Handicapped (1968), which may be obtained from the American National Standards Institute, 25 West 433rd Street, 4th Floor, New York, New York 10036. (See Section 250.2420.)

~~N)K)~~ Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997), which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, Illinois 60610. (See Section 250.315.)

~~O)H)~~ ~~The Joint Commission-on Accreditation of Healthcare Organizations~~, 2006 Hospital Accreditation Standards (HAS), Standard PC.3.10, which may be obtained from the Joint Commission-on Accreditation of Healthcare Organizations, One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181. (See Section 250.1035.)

~~P)M)~~ National Quality Forum, Safe Practices for Better Health Care (2009), which may be obtained from the National Quality Forum, 601 13th Street, NW, Suite 500 North, Washington DC 20005, or from www.qualityforum.org.

2) Federal Government Publications:

- A) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007" and "Guidelines for Infection Control in Health Care Personnel, 1998, which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. (See Section 250.1100.)
- B) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Environmental Infection Control in Health-Care Facilities: Recommendations – Animals in Health Care Facilities", "Morbidity and Mortality Weekly Report", June 6, 2003/Vol. 52/No. RR-10, which may be obtained from the Centers for

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Disease Control and Prevention, 1600 Clifton Road, MS K-95, Atlanta, Georgia 30333.

- C) Department of Health and Human Services, United States Public Health Services, Centers for Disease Control and Prevention, "Guidelines for Hand Hygiene in Health-Care Settings", October 25, 2002, which may be obtained from the National Technical Information Services (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.
 - D) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Disinfection and Sterilization in Healthcare Facilities, 2008", which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, Georgia 30333.
 - E) National Center for Health Statistics and World Health Organization, Geneva, Switzerland, "International Classification of Diseases", 10th Revision, Clinical Modification (ICD-10-CM) (1990), Version for 2007, which can be accessed at <http://www.who.int/classifications/icd/en/>.
- 3) Federal Regulations
- A) 45 CFR 46.101, To What Does the Policy Apply? (October 2010).
 - B) 45 CFR 46.103(b), Assuring Compliance with this Policy – Research Conducted or Supported by any Federal Department or Agency (October 2010).
 - C) 42 CFR 482, Conditions of Participation for Hospitals (October 2010).
 - D) 21 CFR, Food and Drugs (April 2010).
- b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the date specified and do not include any editions or

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amendments subsequent to the date specified.

- c) The following statutes and State regulations are referenced in this Part:
- 1) State of Illinois statutes:
 - A) Hospital Licensing Act [210 ILCS 85].
 - B) Illinois Health Facilities Planning Act [20 ILCS 3960].
 - C) Medical Practice Act of 1987 [225 ILCS 60].
 - D) Podiatric Medical Practice Act of 1987 [225 ILCS 100].
 - E) Pharmacy Practice Act of 1987 [225 ILCS 85].
 - F) Physicians Assistant Practice Act of 1987 [225 ILCS 95].
 - G) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25].
 - H) X-ray Retention Act [210 ILCS 90].
 - I) Safety Glazing Materials Act [430 ILCS 60].
 - J) Mental Health and Developmental Disabilities Code [405 ILCS 5].
 - K) Nurse Practice Act [225 ILCS 65].
 - L) Health Care Worker Background Check Act [225 ILCS 46].
 - M) MRSA Screening and Reporting Act [210 ILCS 83].
 - N) Hospital Report Card Act [210 ILCS 88].
 - O) Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522].
 - P) Smoke Free Illinois Act [410 ILCS 82].

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[Q\) Health Care Surrogate Act \[775 ILCS 540\].](#)

[R\) Perinatal HIV Prevention Act \[410 ILCS 335\].](#)

2) State of Illinois rules:

A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).

B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545).

C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690).

D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).

E) Department of Public Health, Public Area Sanitary Practice Code (77 Ill. Adm. Code 895).

F) Department of Public Health, Maternal Death Review (77 Ill. Adm. Code 657).

G) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693).

H) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696).

I) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955).

J) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940).

[K\) Department of Public Health, Regionalized Perinatal Health Care Code \(77 Ill. Adm. Code 640\).](#)

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- L) Health Facilities and Services Review Board, Narrative and Planning Policies (77 Ill. Adm. Code 1100).
- M) Health Facilities and Services Review Board, Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110).
- ~~N)K)~~ Department of Public Health, Private Sewage Disposal Code (7 Ill. Adm. Code 905).
- ~~O)H)~~ Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400).
- ~~P)M)~~ State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120).
- ~~Q)N)~~ State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100).
- ~~R)O)~~ Illinois Emergency Management Agency, Standards for Protection Against Radiation (32 Ill. Adm. Code 340).
- P) Illinois Emergency Management Agency, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360).
- 3) Federal Statute:
Health Insurance Portability and Accountability Act of 1996 [110 USC 1936].

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART C: THE MEDICAL STAFF

Section 250.330 Orders for Medications and Treatments

- a) No medication, treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff, a house staff

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member under the supervision of a member of the medical staff, or allied health personnel ~~with clinical privileges recommended by the hospital medical staff and granted by the hospital governing board~~, with the exception of influenza and pneumococcal polysaccharide vaccines, which may be administered per medical staff-approved hospital policy that includes an assessment for contraindications.

- 1) The staff-approved *influenza and pneumococcal immunization policy shall include, but not be limited to, the following:*
 - A) *Procedures for identifying patients age 65 or older and, at the discretion of the hospital, other patients at risk;*
 - B) *Procedures for offering immunization against influenza virus when available between September 1 and April 1, and against pneumococcal disease upon admission or discharge, to patients age 65 or older, unless contraindicated; and*
 - C) *Procedures for ensuring that patients offered immunization, or their guardians, receive information regarding the risks and benefits of vaccination.*
 - 2) *The hospital shall provide a copy of its influenza and pneumococcal immunization policy to the Department upon request. (Section ~~6.266.25~~ of the Act)*
- b) Verbal orders shall be signed before the member of the medical staff, the house staff member or allied health personnel ~~with clinical privileges recommended by the hospital medical staff and granted by the hospital governing board~~ leaves the area. Telephone orders shall be used sparingly and countersigned by the ordering practitioner or another practitioner who is responsible for the care of the patient as soon as practicable pursuant to a hospital policy approved by the medical staff, but no later than 72 hours after the order was given.
 - c) Members of the ~~medical staff~~ Medical Staff, house staff members or allied health personnel ~~with clinical privileges recommended by the hospital medical staff and granted by the hospital governing board~~ shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.

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- d) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the medical staff in accordance with policies approved by the medical staff and governing board.
- e) The medical director of the physical therapy or rehabilitation department may authorize the provision of physical therapy or rehabilitation services or treatments at the request of other than members of the medical staff in accordance with policies approved by the medical staff and governing board.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART L: RECORDS AND REPORTS

Section 250.1510 Medical Records

- a) Facilities
 - 1) ~~The hospital shall maintain~~ Suitable medical record facilities, with adequate supplies and equipment, ~~shall be maintained by the hospital.~~
 - 2) Medical records shall be stored safely. Medical records are to be handled so as to assure safety from water seepage or fire damage and are to be safeguarded from unauthorized use.
- b) Organization
 - 1) Responsible Personnel
 - A) ~~It is recommended that a~~ qualified medical record practitioner (registered medical record administrator or accredited medical record technician) shall be employed as the director of the medical records department.
 - B) The director of the medical records department shall participate in educational programs relative to medical record activities, ~~in~~ on-the-job training and orientation of other medical record personnel, and in-service medical record educational programs. Professional

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consultation services ~~shall~~^{should} be provided for the medical record practitioner.

- 2) An adequate, accurate, timely, and complete medical record shall be maintained for each patient. Minimum requirements for medical record content are ~~as follows~~:
 - A) ~~Patient~~^{patient} identification and admission information;
 - B) ~~The~~^{history of the} patient as to chief complaints, present illness and pertinent ~~medical~~^{past} history, family history, and social history;
 - C) ~~A~~ physical examination report;
 - D) ~~Provisional~~^{provisional} diagnosis;
 - E) ~~Diagnostic~~^{diagnostic} and therapeutic reports on laboratory test results, x-ray findings, any surgical procedure performed, any pathological examination, any consultation, and any other diagnostic or therapeutic procedure performed;
 - F) ~~Orders~~^{orders} and progress notes made by the attending physician and, when applicable, by other members of the medical staff and allied health personnel;
 - G) ~~Observations~~^{observation} notes and vital sign charting made by nursing personnel; and
 - H) ~~Conclusion~~^{conclusions} as to the primary and any associated diagnoses; brief clinical resume; disposition at discharge, ~~including to include~~ instructions ~~and/or~~ medications; and any autopsy findings on a hospital death.
- 3) For record requirements pertaining to ~~obstetric~~^{maternity} patients and newborn infants, see Section 250.1830(~~h~~ⁱ).
- 4) A committee of the organized medical staff shall be responsible for reviewing medical records to ensure adequate documentation, completeness, promptness, and clinical pertinence.

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- 5) ~~The hospital shall establish requirements~~Requirements for the completion of medical records and for the retention period for medical records ~~shall be established~~. ~~Definite~~It is recommended that definite policies and procedures pertaining to the use of medical records and the release of medical record information shall be issued, and discharge diagnoses shall be expressed in ~~acceptable~~ terminology of a recognized disease nomenclature.
- c) Authentication of Medical Record Entries
- 1) All entries into the medical record shall be authenticated by the individual who made or authorized the entry. "Authentication," for purposes of this Section, means identification of the author of a medical record entry by that author, and confirmation that the contents are what the author intended, except that telephone orders may be authenticated by the ordering practitioner or another practitioner who is responsible for the care of the patient and who is authorized to write orders pursuant to Section 250.330.
 - 2) Medical record entries shall include all notes, orders or observations made by direct patient care providers and any other individuals required to make ~~thesuch~~ entries in the medical record, and written interpretive reports of diagnostic tests or specific treatments, including, but not limited to, radiologic or electrocardiographic reports, operative reports, reports of pathologic examination of tissue and other similar reports. The medical record may include entries that are transmitted by facsimile machine, provided that the faxed copies ~~arewill be maintained~~ on non-thermal paper and that the faxed copies ~~arewill be~~ dated and authenticated pursuant to in accordance with hospital policy approved by the medical staff.
 - 3) Written signatures or initials and electronic signatures or computer-generated signature codes are acceptable as authentication. All signatures or initials, whether written, electronic, or computer-generated, shall include the initials of the signer's credentials.
 - 4) ~~Ifn order for~~ a hospital ~~uses to employ~~ electronic signatures or computer-generated signature codes for authentication purposes, the hospital's medical staff and governing board shall~~Board must~~ adopt a policy that

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permits authentication by electronic or computer-generated signature. The policy shall identify those categories of the medical staff, allied health staff or other personnel within the hospital who are authorized to authenticate patient records using electronic or computer-generated signatures.

- 5) At a minimum, the policy shall include adequate safeguards to ensure confidentiality, including, but not limited to, the following:
 - A) Each user ~~shall~~**must** be assigned a unique identifier that is generated through a confidential access code.
 - B) The hospital ~~shall~~**must** certify in writing that each identifier is kept strictly confidential. This certification ~~shall~~**must** include a commitment to terminate a user's use of a particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been inappropriately used.
 - C) The user ~~shall~~**must** certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.
 - D) The hospital ~~shall~~**must** monitor the use of identifiers periodically and take corrective action as needed. The process by which the hospital will conduct the monitoring shall be described in the policy.
- 6) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:
 - A) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that ~~correction or supplementation of~~ previously

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- authenticated entries ~~are corrected or supplemented~~ shall be made by additional entries, separately authenticated and made ~~after~~ subsequent in time to the original entry.
- B) The system ~~shall allow~~ must make an opportunity available to the user to verify that the document is accurate and that the signature has been properly recorded.
- C) The hospital ~~shall~~ must, as part of its quality assurance activities, periodically sample records generated by the system to verify the accuracy and integrity of the system.
- 7) A user may terminate authorization for use of electronic or computer-generated signature upon written notice to the Director of Medical Records or other person designated by the hospital's policy.
- 8) Each report generated by a user ~~shall~~ must be separately authenticated.
- d) Indexing
- 1) A patient index that serves as a key to the location of the medical record of each person who is or has been an inpatient shall be maintained as a perpetual master index, ~~using either a card index or a computer facility system.~~ A daily register of patients admitted to the hospital and babies born in the hospital shall be maintained.
- 2) Medical records shall be classified and indexed according to diagnoses, surgical procedures, and physician, and other indices shall be developed as deemed necessary for the advancement of medical care.
- 3) ~~The It is recommended that the latest edition of the~~ "International Classification of Diseases ~~shall,~~ or an adaptation thereof, be used as the statistical classification for purposes of uniformity and compatability of data between and among hospitals.
- e) Preservation
- 1) All original medical records or photographs of ~~such~~ records shall be preserved in accordance with ~~Section 6.17 of the Act~~ hospital policy

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~~based on American Hospital Association recommendations and legal opinion.~~

- 2) The hospital shall have a policy for the preservation of patient medical records ~~if in the event of the closure of~~ the hospital closes.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART O: ~~OBSTETRIC MATERNITY~~ AND NEONATAL SERVICE**Section 250.1810 Applicability of Other Provisions of this Part~~Other Parts of these regulations~~**

The ~~requirements~~regulations set forth elsewhere in this ~~Part~~publication (excluding Subpart P and Subpart Q), shall apply to the operation of ~~obstetric maternity~~ hospitals and to ~~obstetric maternity~~ and neonatal departments of general hospitals.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 250.1820 Obstetric Maternity and Neonatal Service (Perinatal Service)**a) ~~Chief of Obstetric and Pediatric Services~~**

- 1) ~~Each hospital should have an organized obstetric staff with a chief of obstetric service who is either certified or qualified in obstetrics or a physician who is interested in and regularly practicing obstetrics as chief of the maternity service, and document a source for obstetric consultation available on a 24-hour basis. The chief's level of qualification and expertise is to be appropriate to level of care rendered in the facility.~~
- 2) ~~The chief's responsibilities shall include:~~
 - A) ~~the general supervision of the care of the perinatal patients assigned to the unit;~~
 - B) ~~the establishment of criteria for admissions;~~
 - C) ~~the adherence to licensing requirements;~~

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- ~~D) the adoption by the medical staff of standards of practice and privileges;~~
- ~~E) the identification of clinical conditions and procedures requiring consultation;~~
- ~~F) the arrangement of conferences held at regular intervals (quarterly is suggested as a minimum interval) to review operations, complications, and mortality;~~
- ~~G) assurance that the clinical records, consultations and reports are properly completed and analyzed;~~
- ~~H) the provision for exchange of information between medical, administrative and nursing staffs.~~

- ~~3) Each hospital should have an organized pediatric staff with a chief of service who is either certified or qualified in pediatrics or a physician who is interested in and regularly practicing neonatology as chief of the neonatology service and a source for neonatology consultation available on a 24-hour basis. This physician's responsibilities shall include subsections (a)(2)(A) through (H) of this Section, as relates to the care of newborn infants.~~

~~a)b)~~ Provision of Care

- ~~1) All hospitals license~~described or considered~~ as general hospitals by the ~~Illinois~~ Department of Public Health shall provide for the admission, medical care, transfer or discharge of obstetric and neonatal patients.~~
- ~~2) No hospital shall fail to provide such care without the ~~expressed~~ written consent of the Director or the Director's designee~~of the Illinois Department of Public Health~~.~~
- ~~3) Each licensed hospital providing ~~maternity and~~ perinatal services shall comply with the perinatal care standards in~~promulgated by~~ the ~~Department~~ (Regionalized Perinatal Health Care Code, 77 Ill. Adm. Code 640).~~

~~b)e)~~ Location

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- 1) ~~Obstetric~~Maternity and neonatal services shall be located and arranged to provide maximum protection for ~~obstetric~~mothers and neonatal patients from infection and cross-infection from one another, patients in other services of the hospital and staff and visitors.
- 2) ~~Obstetric~~Hospital maternity and neonatal facilities shall be located in the hospital so as to prevent through traffic to any other part of the hospital.

c)d) Adequacy of Services

- 1) The hospital shall have well-organized ~~obstetric~~maternity and neonatal services that are adequately supervised by qualified personnel and with the necessary space, facilities, equipment and personnel to provide ~~obstetric~~~~perform or make available~~ maternity and neonatal services in compliance with~~commensurate with~~ the hospital's designated level of care pursuant to the Regionalized Perinatal Health Care Code~~needs of the population in the hospital service area~~.
- 2) ~~Total live births generated by the hospital service area will determine the size of the postpartum nursing unit (number of rooms and beds), which in turn will be related to space allotments for delivery rooms, nurseries and other facilities. The size of the unit will affect medical and nursing care plans for the maternity and neonatal service.~~

d)e) ~~Obstetric~~Maternity and Neonatal Service Plan

- 1) Hospitals providing ~~obstetric~~maternity and neonatal services ~~shall~~must develop a plan for the management of the obstetric and neonatal patients that meets the requirements of this Subpart and the requirements of the Regionalized Perinatal Health Care Code applicable to the hospital's level of care, as designated by the Department. The plan ~~shall~~must be developed by the nursing department and medical staff and ~~shall~~must be approved by the governing authority of the hospital.
- 2) The hospital's written ~~Obstetric~~Maternity and Neonatal Service Plan and level of care shall be known to medical staff and nursing personnel and more specifically to ~~obstetric~~maternity and nursery personnel. A copy of the Plan shall be available in each ~~obstetric~~maternity and nursery unit and

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in every relevant hospital service area; the Plan ~~shall~~must be reviewed at least every two years and revised as indicated by the review.

~~e)f)~~ Levels of Care

- 1) ~~Care shall be provided to obstetric~~Maternity and neonatal patients ~~should be identified~~ according to the following level of specialized care as defined in the Regionalized Perinatal Health Care Code: required.
 - A) Level I hospitals provide care to low-risk pregnant women and newborns, operate general care nurseries and do not operate a Neonatal Intensive Care Unit (NICU) or a Special Care Nursery (SCN).~~or Primary Perinatal Care means the minimal level of care provided to the healthy or low-risk patient.~~
 - B) Level II hospitals provide care to women and newborns at moderate risk, operate intermediate care nurseries and do not operate an NICU or an SCN.~~or intermediate perinatal care means the level of care provided to a mother, fetus or newborn infant that is less than tertiary or the greatest degree of intensive care but that is a greater degree of intensity than normal or general care.~~
 - C) Level II hospitals with Extended Neonatal Capabilities (IIE) provide care to women and newborns at moderate risk and do not operate an SCN but do operate an NICU.
 - ~~D)~~E) Level III hospitals care for patients requiring increasingly complex care, operate an NICU, and provide~~or intensive perinatal care means the level of care providing close medical and surgical coordination,~~ multidisciplinary consultation and supervision ~~for provided to~~ those patients with medical and surgical problems that require highly specialized treatment and highly trained personnel.
- 2) Service Management Plan
 - A) A service management plan ~~shall~~must be provided for all the primary, intermediate and intensive levels of care for all patients. The plan ~~shall~~must provide for consultation services and shall

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establish the ~~availability of such~~ services ~~for to stimulate~~ early diagnosis of ~~obstetric, maternal,~~ fetal and neonatal problems. ~~The plan shall include an infection control risk assessment and policy and procedures if the hospital allows water births. Hospitals that are not designated~~ Services unable to provide all ~~three~~ levels of care ~~shall of patients must~~ maintain plans for the safe transfer ~~of certain categories of patients who require a higher level of care~~ to hospitals with more specialized facilities, services and personnel, pursuant to the Regionalized Perinatal Health Care Code.

- B) When the condition permits, a patient may be transferred from the ~~Level III tertiary care~~ facility to a Level II an intermediate care facility that is nearest the family residence or another facility that can provide the appropriate level of care, in accordance with the Regionalized Perinatal Health Care Code. ~~A neonatal patient should be transferred to a nursery nearest the family's home that is able to provide an appropriate level of care.~~

~~f)g)~~ Infection Control

- 1) The hospital shall follow procedures approved by the hospital's infection control committee, including procedures for the isolation of known or suspected cases of infectious disease in the obstetric and neonatal departments.
- 2) The hospital shall establish policies and procedures for infection control in the obstetric and neonatal departments that are consistent with the Guidelines for Perinatal Care; Section 250.1100 of this Part; the Control of Tuberculosis Code; and the recommendations in the American Academy of Pediatrics Red Book, Report of the Committee on Infectious Diseases.
- 4) ~~The facility shall establish policies and procedures that include the use of universal precautions and address isolation techniques and facilities. The policies and procedures must be well known to all personnel performing services in the maternity and newborn service areas. A copy of the procedures must be placed in each maternity and nursery unit and in relevant hospital service areas.~~

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~~A) There must be a continuing program of instruction for all personnel on the mode of spread of infection.~~

~~B) The policies and procedures relative to the criteria for isolation and aseptic techniques must be enforced.~~

3)2) The policy for infection control in the obstetric and neonatal departments shall include, but not be limited to, the following Infection Control Requirements:

~~A) Professional and ancillary maternity and nursery personnel who have contact with patients shall be free of transmissible disease.~~

A)B) Health assessment of personnel shall:

~~i) Health assessment of nursery personnel shall be performed at a frequency determined by the Infection Control Committee and shall include screening for tuberculosis in accordance with Section 690.720 of the Control of Communicable Diseases Code (77 Ill. Adm. Code 690).~~

i)ii) Show evidence of prior rubella infection or rubella vaccination and comply with the health assessment and immunization requirements of Section 250.450 (Personnel Health Requirements). Health care personnel in obstetric and neonatal services shall comply with any additional requirements for health and immunizations, pursuant to the hospital's policies and procedures for infection control in the obstetric department; shall be required of nursery personnel.

~~C) Except that hair must be properly covered or controlled, caps, beard bags, and masks are not needed for routine nursery activities. Caps, beard bags and masks are required in the delivery room, and for surgical procedures including umbilical vessel catheterization.~~

D)ii) Wash hands Handwashing to above the elbows with an antiseptic agent using by a procedure developed and posted by the infection control committee Infection Control Committee is required before

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entering the nursery, and between patients. Fingernails shall be kept short. Artificial fingernails or polish is acceptable;

- E)iii) Remove all All rings, watches and bracelets ~~shall be removed~~ before hand washing~~handwashing~~ and entering the nursery;
- B)F) The hospital's infection control committee~~facility's Infection Control Committee~~ shall establish a dress code for ~~full and part-time~~ employees and visitors in compliance with the "Guidelines for Perinatal Care."
- G) ~~In the normal care nursery, infants with suspected infections are moved to a transition nursery for observation.~~
- H) ~~Individual isolation technique is applied to the infected or potentially infected maternity or newborn infant. A closed isolette does not constitute isolation, nor is it a part of isolation technique.~~
- C)H) An infected newborn shall be placed in an isolation room with separate scrub facilities if the following conditions are not met in the newborn nursery (see Section 250.2440(h) for additional requirements):~~Movement of an infected newborn to a separate isolation room is not necessary if there is~~
- i) Adequate~~adequate~~ nursing and medical staff for unhurried movement between patients; ~~and~~
- ii) Adequate~~adequate~~ time for thorough hand washing~~handwashing~~ between patients and gowning;
- iii) Sufficient~~sufficient~~ space (4 to 6~~four to six~~ feet) for easy movement between patients so that staff will not~~and to remove temptation to~~ move from one patient to another without hand washing~~handwashing~~;
- iv) A continuing program of instruction for all nursery personnel on the mode of spread of infections; ~~and~~
- v) At least~~if there are~~ two sinks for each nursery room. ~~If~~

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~~these conditions are not met, an isolation room with separate scrub facilities is necessary for the infected patient. See Section 250.2440(h) for additional requirements.~~

~~D)J)~~ The hospital shall develop infection control guidelines consistent with the Guidelines for Perinatal Care for infants ~~Infants~~ born outside the hospital, other than transfers, or under conditions not aseptic, or born of mothers with membranes ruptured 24 hours or more, or born of mothers suspected of harboring infectious disease, ~~shall be cared for in the mother's private room, an observation or transition room, or in the primary care area~~ with careful attention to proper aseptic technique of attending personnel and to conditions described in subsection ~~(f)(3)(C)(g)(2)(4)~~ of this Section.

~~E)K)~~ Infection control for the obstetric department shall include procedures for ~~The physician in charge and the nursing supervisor with the Infection Control Committee should establish a program of disinfection of~~ patient areas. ~~Clear descriptions of cleaning and disinfection methods should be incorporated into the patient care procedures manual. Incubators and bassinets are to be disinfected upon an infant's discharge, and other nursery and delivery equipment cleaned and sterilized by specific procedures consistent with~~ Guidelines for Perinatal Care ~~recommendations of the American Academy of Pediatrics, American College of Obstetrics and Gynecology and outlined in the unit's procedures manual.~~

F) Policies and procedures for water births shall include an infection control risk assessment by the hospital's infection control committee to identify potential sources of infection for the mother and infant and recommendations for mitigating infections during water deliveries. The policies and procedures shall be provided to the Department, upon request.

~~g)h)~~ Combined Facilities

1) Obstetric and clean gynecologic service facilities may be combined in

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accordance with a plan that complies with the requirements of this Subpart. The combined service program, its functional operations and detailed ~~requirements shall~~rules and regulations must be approved by the ~~hospital obstetric and newborn service, medical staff and governing authority~~Hospital Maternity and Newborn Service, Medical Staff and Governing Authority.

- 2) In combined programs, ~~caesarean~~Cesarean section and obstetrically related surgery, other than vaginal delivery, ~~shall~~may be carried out in a designated and approved operating or delivery room. In combined programs, vaginal deliveries ~~shall~~may be carried out only in designated and approved delivery rooms or designated and approved operating rooms used solely for obstetric and ~~or~~ clean gynecologic procedures.
- 3) Gynecologic service and ~~obstetric~~maternity service may be provided ~~for~~in a combined ~~Obstetric~~Maternity and Gynecologic Service, or clean gynecologic cases may be admitted to the postpartum nursing unit of ~~an obstetrica~~maternity service in accordance with the hospital's ~~Obstetric and Neonatal~~Maternity Service Plan.
- 4) Only members of the medical staff with appropriate privileges may admit and care for patients in ~~such~~ combined service areas. Admission shall~~Such admissions must~~ be strictly controlled and be subject to the final authority delineated in the medical staff bylaws and approved by the hospital governing authority. ~~The~~There shall be close surveillance of the services by the hospital's infection control committee ~~shall provide close surveillance of the services~~.
- 5) Patients admitted to combined service facilities of hospitals with approved programs shall be limited to:
 - A) Obstetric patients admitted for delivery;;
 - B) Clean obstetric complications (regardless of month of gestation);;
~~and. Refer to Section 250.1830(g)(2).~~
 - C) ~~Other noninfectious complications of pregnancy.~~
 - C)D) Selected clean gynecologic patients.

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- 6) Patient eligibility for admission shall comply with the hospital's infection control policy. ~~Patients not eligible for admission include those:~~
- A) ~~with an active, acute or chronic infectious condition;~~
 - B) ~~patients housed on other services of the hospital;~~
 - C) ~~requiring radium or radiation isotope therapy, excluding external radiation therapy.~~
- 7) ~~On There shall, on~~ a daily basis, ~~be~~ unoccupied reserve beds in the combined facilities shall be ready in readiness for use by obstetric patients, pursuant to hospital policy. ~~This unoccupied reserve shall be not less than 10% of the average daily census for obstetric patients.~~
- 8) Patients admitted to the combined services may be taken to x-ray or other hospital facilities for diagnostic procedures, if the before or after surgery, so long as there is no evidence that such procedures do not pose an infection risk or other hazard ~~may be hazardous~~ to the patient or to other patients on the combined service.
- 9) Patients may receive postpartum or immediate postoperative care in the general recovery room prior to being returned to the combined service floor if the following conditions exist prevail (refer to Section 250.1320(a)):
- A) The recovery room or intensive care unit is a separate unit adjacent to or part of the general surgical operating suite and ~~or~~ delivery suite;
 - B) The recovery room or intensive care unit contains no patients with known or suspected infectious or communicable disease or other adverse conditions;
 - C) The recovery room is under the direct supervision of the anesthesia service (see Section 250.1410); and chairman of anesthesiology of the hospital. ~~In separate maternity recovery rooms such supervision is provided by the obstetrician in charge or a qualified~~

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~~designated physician.~~

D) Health care professionals providing care to post-surgical obstetric or gynecologic patients in a separate recovery room have training consistent with that required for health care professionals providing care in the general recovery room.

- 10) Nursing care of all patients shall be supervised by a registered ~~professional~~ nurse qualified to provide ~~such~~ supervision.
- 11) Nursing care of all patients may be ~~provided~~given by the same personnel.
- 12) Visiting regulations for obstetric patients shall apply to all patients admitted to the combined facilities: ~~(refer~~Refer to Section 250.1830(k)).

h)+ Activity Records

- 1) The hospital shall establish and keep ~~the necessary~~ daily records, including a Patient Log and the ~~Obstetric~~Maternity Services Daily Census Report, from which required reports can be prepared.
- 2) The Patient Log shall contain, at a minimum, the following data on each patient admitted to the department other than ~~obstetric~~maternity patients:
 - A) Name of patient or hospital patient number;
 - B) Age;
 - C) Attending physician's name;
 - D) Date of admission;
 - E) Admitting diagnosis;
 - F) Operative procedure;
 - G) Discharge diagnosis;
 - H) Date of discharge;

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- I) Days stay_;
- J) Transferred off floor_;
Yes ___ Date ___; No ___ ; and
- K) Reason for transfer_;
- 3) An ObstetricA Maternity Service Daily Census Report shall be kept_; that, ~~which~~ for each day of the month_; gives the patient census (at the census-taking hour) of_;
- A) obstetric patients, including patients with clean obstetric complications_;_;
- B) gynecologic patients_;_;
- C) empty beds in the department_;_; and
- D) total patients.
- 4) The hospital shall submit required reports pursuant to the Regionalized Perinatal Health Care Code. ~~including a supplement to its monthly Perinatal Activities Report to the Department. The report form shall be provided by the Department. Refer to Section 250.1830(i)(1).~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 250.1830 General Requirements for All ObstetricMaternity Departments

- a) The temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mothers and infants ~~mother and baby as determined by the responsible people in the maternity department and~~ as recommended by the Guidelines for Perinatal Care ~~American Academy of Pediatrics and ACOG~~. Chilling of the neonate shall be avoided; the neonate shall immediately after birth be ~~immediately~~ placed in an approved radiant heat source that is ready to receive the infant and that allows access for resuscitation efforts. The radiant heat source shall comply with the recommendations of the

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Guidelines for Perinatal Care. After the neonate has been stabilized, if the mother wishes to hold her newborn, a radiant heater or pre-warmed blankets shall be available to keep the neonate warm. Personnel shall be available who are trained to use the equipment to maintain a neutral thermal environment for the neonate ~~shall be available~~. For general temperature and humidity requirements, see Section 250.2480(d)(1). In general, a temperature between 72 degrees and 76 degrees and relative humidity between 35% and 60% are acceptable.

- b) Linens and Laundry: Linens shall be cleaned and disinfected in compliance with the Guidelines for Perinatal Care.
- 1) Nursery linens shall be washed separately from other hospital linens.
 - ~~2) Soiled linens shall be discarded into impervious plastic bags placed in hampers that are easy to clean and disinfect. Chutes from nursery to laundry shall be used only if a system of negative air pressure exists.~~
 - ~~3) Plastic bags of soiled diapers (reusable or disposable) and other linens shall be sealed and removed from the nursery at least every eight hours.~~
 - ~~4) Linens shall be transported to the nursery in an enclosed unit or otherwise protected from contamination.~~
 - ~~2)5) No new unlaundered garments shall be used in the nursery. Linen used in observation and special care nurseries shall be autoclaved.~~
- c) Sterilizing equipment, as required in Section 250.1090, shall be available. Sterilizing equipment~~This~~ may be provided in the obstetricmaternity department or in a central sterilizing unit, provided that flash sterilizing equipment or adequate sterile supplies and instruments are provided in the obstetricmaternity department.
- d) Accommodations and facilities for obstetric patients~~mothers~~
- 1) The hospital shall identify specific rooms and beds, adjacent when possible to other obstetricmaternity facilities, as obstetricmaternity rooms and beds. These rooms and beds shall be used exclusively for obstetricmaternity patients or for combined obstetricmaternity and clean gynecological service beds in accordance with Section 250.1820(gh).

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- 2) ~~Patient~~ Whenever feasible, adjacent patient rooms and beds that are adjacent to another nursing unit may be used for clean cases as part of the adjacent nursing unit. ~~may be used as "swing beds" to be made a part of another nursing unit.~~ Adjacent rooms and beds may be used for clean cases. A corridor partition with doors is recommended to provide a separation between the obstetricmaternity beds and maternity facilities and the non-obstetricnonmaternity rooms. The doors shall be kept closed except when in active use as a passageway.
- 3) Facilities shall be available for the immediate isolation of all patients in whom an infectious condition ~~or other conditions~~ inimical to the safety of other obstetricmaternity and neonatal patients ~~existare thought to exist~~.
- 4) ~~It is preferred that labor rooms be private or two-bed rooms.~~ Labor rooms shall be ~~convenient~~conveniently located with reference to the delivery rooms and shall have facilities for examination and preparation of patients. Each room used for labor, delivery and postpartum (see Section 250.1870) shall include a bathroom equipped with a toilet and a shower. The bathroom also shall include a sink, unless a sink is located in the patient room. The bathroom shall be directly accessible from the patient room without going through the corridor.
- 5) Delivery rooms shall be equipped and staffed to provide emergency resuscitation for infants pursuant to the recommendation of the American Academy of Pediatrics and ACOG and shall comply with the American Academy of Pediatrics/American Health Association's American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) of Pediatric and Neonatal Patients: Neonatal Resuscitation Guidelines. ~~Equipment shall include an infant size positive pressure bag with capability of 100% O₂ delivery; bag and mask with attachment for oxygen; laryngoscope with 0- and 1-size blades; endotracheal tubes sizes 2.5, 3.0, and 3.5 millimeters or equivalent; oral airways; and an appropriate device to provide a source of continuous suction for aspiration of the pharynx and stomach. An umbilical vessel catheterization tray shall be available. Only personnel qualified and trained to do so shall use this equipment.~~
- 6) If only one delivery room is available and in userequired, one labor room

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shall be arranged as an emergency delivery room and shall have a minimum clear floor area of 180 square feet.

- 7) ~~A recovery room is recommended.~~—The patient shall be kept under close observation until her condition is stabilized following delivery. Observations at established time intervals shall be recorded ~~in a part of~~ the patient's ~~medical record~~ chart. A recovery area shall be provided. Emergency equipment and supplies shall be available for use in the recovery area. ~~Continuing education for personnel providing recovery room care shall be provided. Refer to Section 250.1410(g).~~

e) Accommodations and facilities for infants

1) Level I nurseries ~~Primary Care Nurseries~~:

- A) A clean nursery or nurseries shall be provided, near the mothers' rooms, with adequate lighting and ventilation. ~~A~~ ~~There shall be a~~ minimum of 30 square feet of floor area for each bassinet and 3 feet between bassinets shall be provided. Equipment shall be provided to prevent direct draft on the infants. ~~Individual~~ ~~Because~~ ~~one nursing staff person is required for every six to eight normal infants, individual~~ nursery rooms shall have a capacity of six to eight neonates or 12 to 16 neonates. The normal newborn infant care area in a smaller hospital shall limit room size to eight neonates, with a minimum of so that ~~two or more rooms are~~ available to permit cohorting in the presence of infection.
- B) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and equipment shall be provided in a number to exceed obstetric beds by at least 20% to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets shall be separated by a minimum of 3 feet, measuring from the edge of one bassinet to the edge of the adjacent one.
- C) A glass observation window shall be provided through which infants ~~babies~~ may be viewed.
- D) Resuscitation equipment as described in subsection (e)(1)(E)(iii) ~~for~~

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~~the delivery suite and below~~, and personnel trained to use it, shall be available in the nursery at all times.

- E) Each ~~primary care~~ nursery shall have necessary equipment immediately ~~available on hand equipment necessary~~ to stabilize the sick infant prior to transfer. Equipment~~Such equipment~~ shall consist of:
- i) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees (an incubator, or preferably a radiant heat source);
 - ii) Equipment with the ability to monitor bedside blood sugar ~~frequently (Dextrostix)~~;
 - iii) A resuscitation tray containing equipment pursuant to the American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) of Pediatric and Neonatal Patients: Neonatal Resuscitation Guidelines ~~at least a laryngoscope, 0- and 1-size blades, endotracheal tubes of various neonatal sizes, infant size positive pressure bag and appropriate sized masks, gavage tubes, and an umbilical vessel catheterization tray~~; and
 - iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (FI O₂). The oxygen analyzer shall be calibrated and serviced according to the manufacturer's instructions at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.
- F) Consultation and Referral Protocols shall comply with the Regionalized Perinatal Health Care Code.∴
- i) ~~Each primary care nursery shall have a clearly designated Level II or Level III nursery to which it refers patients and from which it seeks consultation and advice. The telephone~~

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- ~~number of the Level II or Level III nursery and the name of the nursery director shall be posted in the nursery. A log of communication between the general nursery and the referral nursery shall be maintained by the head nurse of the general nursery.~~
- ii) ~~Protocols for management of certain disease states, and for consultation and referral shall be developed by the nursery director in conjunction with the director of the Level II or Level III unit to which referrals are sent.~~
- iii) ~~These protocols shall spell out details for local management of disease states and specific transfer criteria. These protocols shall be maintained in the nursery.~~
- 2) ~~Level II and Level III nurseries~~Intermediate and Intensive Care Nurseries shall comply with the Regionalized Perinatal Health Care Code. ~~Cribs~~meet all of the conditions described above except that infant cribs shall be separated by 4 to 6 feet ~~of space~~ to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. New buildings or additions or material alterations to existing buildings that affect the Level II with Extended Neonatal Capabilities nursery shall provide at least 70 square feet of space for each infant. ~~There shall be 80 to 100 square feet of space for each infant cared for in the Level III or Intensive Care area.~~
- 3) A Level III nursery shall be 80 to 100 square feet of space for each infant.
- 4)3) Facilities shall be available for the immediate isolation of all newborn infants who have or are suspected of having an infectious disease.
- 5)4) When an infectious condition exists or is suspected of existing~~is thought to exist~~, the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of the Guidelines for Perinatal Care~~ACOG, AAP,~~ and the Control of Communicable Diseases Code.
- f) The personnel requirements and recommendations set forth in Subpart D apply to the operation of the obstetric~~maternity~~ department, in addition to the following:

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- 1) Each hospital shall have a staffing plan for nursing personnel providing care for obstetric and neonatal patients. The registered nursing components of the plan shall comply with Section 250.1130 of this Part, with requirements for the level of perinatal care, as designated in accordance with the Regionalized Perinatal Health Care Code, the Guidelines for Perinatal Care, the National Association of Neonatal Nurses' (NANN) Position Statement #3009 Minimum RN Staffing in NICUs, and the following parameters~~Nursing Staff—General Requirements:~~
 - A) Nursing supervision by a registered ~~professional~~-nurse shall be provided for the entire 24-hour period for each occupied unit of the ~~obstetricmaternity~~ and neonatal services. This nurse shall have education and experience in ~~obstetricmaternity~~ and ~~/or~~ neonatal nursing.
 - B) At least one ~~registered nurse~~~~maternity or neonatal nurse~~ trained in ~~obstetricmaternity~~ and nursery care shall be assigned to the care of mothers and infants at all times. To prepare for an unexpected delivery~~When infants are present in the nursery~~, at least one ~~registered nurse~~~~person~~ trained to give care to ~~the~~ newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.
 - C) A registered ~~professional~~-nurse shall be in attendance at all deliveries, and ~~shall~~~~must~~ be available to monitor the mother's general condition and that of the fetus during labor, ~~and~~ for at least two hours after delivery, and longer if complications occur.
 - D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When it is necessary for the same nurse to care for both ~~obstetricmaternity~~ and ~~non-obstetric~~~~nonmaternity~~ patients in the gynecologic unit, proper technique shall be followed.
 - E) Obstetric and neonatal department nurses providing input to the hospital's nursing care committee pursuant to Section 250.1130 of

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~~this Part shall, prior to proposing their recommendations for the hospital's written staffing plan, consider the staffing standards listed in subsection (f)(1) of this Section. Nursing personnel are permitted to be assigned to the maternity neonatal division only for an entire shift.~~

F) Temporary relief from outside the ~~obstetric and~~maternity neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.

2) Nursing ~~staff~~Staff – Level I ~~requirements~~or ~~Primary Care~~ for occupied units. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).

A) ~~At least two nursing personnel shall be assigned per shift. Both shall be registered nurses. Labor and Delivery Unit Staffing shall be planned to ensure that the total nursing personnel on each shift is equal to one-half the average number of deliveries per 24 hours. At least half of the personnel on each shift shall be R.N.s, and at no time shall the nursing staff on any shift be fewer than two. The nursing staff of the labor and post delivery recovery area shall not have other responsibilities in the labor/delivery suite except for emergencies.~~

B) ~~Postpartum and General Care Newborn Unit:~~

i) ~~If these units are organized as separate nursing units, staffing shall be based on a formula of one nursing personnel per six to eight patients and shall ensure one R.N. per unit per shift.~~

ii) ~~If the units are combined as a rooming-in or modified rooming-in unit, the nursing staff shall be planned to provide one nursing personnel per four mother baby units and shall never be staffed at fewer than two nursing personnel per shift. One shall be an R.N.~~

B)C) ~~The capability to provide neonatal resuscitation in the delivery room shall be demonstrated by the current completion of a~~

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~~nationally recognized neonatal resuscitation program by medical, nursing and respiratory care staff or a hospital rapid response team, in accordance with the requirements of the Regionalized Perinatal Health Care Code. At least one member of the nursing staff on each shift, who is skilled in cardiopulmonary resuscitation of the newborn, shall be immediately available to the delivery suite and newborn nursery area.~~

C) ~~Hospitals shall have the capability for continuous electronic maternal-fetal monitoring for patients, with staff available 24 hours a day, including physician and nursing, who are knowledgeable of electronic maternal-fetal monitoring use and interpretation. Physicians and nurses shall complete a competence assessment in electronic maternal-fetal monitoring every two years, in accordance with the Regionalized Perinatal Health Care Code.~~

D) ~~Changes in medical staff regulations, where applicable, shall be provided to permit the perinatal medicine service to fully utilize the services of specially trained paramedical and nursing personnel where these personnel are needed and/or desired.~~

3) ~~Nursing staff~~ ~~Staff – Level II Intermediate Perinatal Care requirements for occupied units~~ ~~Requirements.~~ These units shall meet the following requirements ~~for Level I in subsection (f)(2) in addition to General Care Requirements in Section 250.1830(f)(1).~~ Nursery personnel may be shared with the Level I nursery as needed.

4) Nursing staff – Level II With Extended Neonatal Capabilities requirements for occupied units. In addition to the requirements in subsection (f)(3), the obstetric-newborn nursing services shall be directed by a full-time registered nurse experienced in perinatal nursing. Preference shall be given to registered nurses with a master's degree.

A) ~~Labor and delivery shall include at least one registered professional nurse on each shift who must be competent in the use of continuous electronic fetal monitoring techniques.~~

B) ~~Intermediate Care Nursery:~~

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- i) ~~A staffing ratio of one licensed nursing personnel per three or four infants shall be available.~~
- ii) ~~Nursing personnel may be shared with the general care nursery as needed.~~
- iii) ~~There shall never be fewer than two licensed nursing personnel available in the general and intermediate care nurseries, at least one of whom is an R.N.~~

5)4) ~~Nursing staff~~ ~~Staff~~ – Level III ~~requirements for occupied units~~ ~~Tertiary Perinatal Care~~. These units shall meet the following requirements in addition to ~~requirements~~ ~~Intermediate Care Requirements~~ in subsection (f)(3). Half of all neonatal intensive care direct nursing care hours shall be provided by registered nurses who have two years or more of nursing experience in a Level III NICU. All neonatal intensive care direct nursing care hours shall be provided or supervised by registered nurses who have advanced neonatal intensive care training and documented competence in neonatal pathophysiology and care technologies used in the NICU.

A) ~~Staffing patterns on each shift shall be such that a 1:1 ratio between patients who require intensive care during labor and delivery and a registered professional nurse who is competent, by virtue of training and/or experience, in the care of high risk obstetric patients can be maintained as necessary. A ratio of at least one registered professional nurse to 1½ patients shall be maintained at all times.~~

B) ~~Neonatal intensive care nursing on a 1:1 basis shall be available as indicated. A ratio of at least one registered professional nurse to 1½ patients shall be maintained at all times.~~

6)5) ~~Medical personnel~~ ~~Personnel~~

A) Each hospital providing obstetric services shall have an organized obstetric staff with a chief of obstetric service. The chief's level of qualification and expertise shall be appropriate to the hospital's designated level of care. The responsibilities of the chief of

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obstetric services shall include the following requirements, as they relate to the care of obstetric patients:

- i) General supervision of the care of the perinatal patients assigned to the unit;
 - ii) Establishment of criteria for admissions;
 - iii) Adherence to licensing requirements;
 - iv) Adoption, by the medical staff, of standards of practice and privileges;
 - v) Identification of clinical conditions and procedures requiring consultation;
 - vi) Arrangement of conferences, held at least quarterly, to review operations, complications and mortality;
 - vii) Assurance that the clinical records, consultations and reports are properly completed and analyzed; and
 - viii) Provision for exchange of information between medical, administrative and nursing staffs.
- B) Each hospital providing pediatric services shall have an organized pediatric staff with a chief of pediatric service. The chief's level of qualification and expertise shall be appropriate to the hospital's designated level of care. The responsibilities of the chief of pediatric services shall include those listed in subsection (f)(6)(A) of this Section, as they relate to the care of newborn infants.
- C)A) Level I shall comply with the Regionalized Perinatal Health Care Code or Primary Care:
- i) One physician shall be Chief of ~~Obstetrical~~Neonatal Care. He or she shall be a board certified or board qualified obstetric pediatrician. ~~If~~Where this is not possible, a physician with experience and regular practice may be the

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Chief and be responsible for obstetrical~~neonatal~~ care and available on a 24-hour basis, and a source of obstetrical and maternal-fetal medicine ~~pediatric and/or neonatology~~ consultation shall be documented when indicated.

- ii) One physician shall be Chief of Pediatric Service. He or she shall~~The director of obstetrical service shall~~ be a board certified or board qualified pediatrician~~obstetrician~~. If~~Where~~ this is not possible, a physician with experience and regular practice may be the Chief and be responsible for pediatric~~obstetric~~ care and available on a 24-hour basis, and a source of neonatology~~obstetric consultation~~ shall be documented when indicated.

D)~~B)~~ Level II shall comply with the Regionalized Perinatal Health Care Code~~or Intermediate Care~~:

- i) A board certified obstetrician~~pediatrician with special interest and training in neonatal/perinatal medicine or a certified neonatologist~~ shall be Chief of Obstetrical~~Neonatal~~ Care. A board certified pediatrician~~obstetrician~~ shall be Chief of Neonatal~~Obstetrical~~ Care. Obstetrical anesthesia shall be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff shall also include a pathologist and an "on call" radiologist 24 hours a day. Specialized medical and surgical consultation shall be readily available.

- ii) ~~Other staff: Laboratory and X-ray technicians in the hospital shall be readily available at all times. In addition, a respiratory therapist may be part of the staff.~~

E) Level II With Extended Neonatal Capabilities: Staffing shall comply with the Regionalized Perinatal Health Care Code.

F)~~C)~~ Level III ~~or Intensive Care~~: Staffing shall comply with the Regionalized Perinatal Health Care Code.

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- 2) Patients with clean obstetric complications (regardless of month of gestation), such as ~~pregnancy-induced hypertension~~~~toxemia of pregnancy~~ for observation and treatment, placenta ~~previa~~~~praevia~~ for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the ~~obstetric~~~~maternity~~ department and be ~~subject to~~~~under~~ the same ~~requirements~~~~rules~~ as any other ~~obstetric~~~~maternity~~ case. (See Section 250.1820~~(g)~~~~(h)~~~~(6)~~~~(B)~~.)
- 3) The physician shall determine whether a prenatal serological test for syphilis ~~and a test for HIV have~~~~has~~ been done on each mother and the results recorded. If no ~~tests have~~~~such test has~~ been done before the admission of the patients, the ~~test~~~~test~~ shall be performed as soon as possible ~~pursuant to the Perinatal HIV Prevention Act~~. Specimens ~~for a syphilis test~~ may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge. Mothers shall be tested for Group B streptococcus prior to delivery and for Hepatitis B prior to discharge of either mother or infant.
- 4) No ~~obstetric~~~~maternity~~ patient under the effect of an analgesic or an anesthetic, in ~~the second stage of~~~~active~~ labor or delivery, shall be left unattended at any time.
- 5) Fetal ~~lung~~ maturity shall be established and documented prior to elective inductions and ~~caesarean~~~~Cesarean~~ sections. The hospital shall establish a written policy and procedure concerning the administration of oxytocic drugs.
 - A) Oxytocin shall be used for the contraction stress test only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. ~~It is recommended that Oxytocin be administered by controlled infusion.~~
 - B) The oxytocin solution shall be administered intravenously via a controlled infusion device, using both a primary intravenous solution and a secondary oxytocin solution.

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- ~~C)B)~~ Oxytocin shall be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. ~~The~~It is recommended that the following shall be included in these policies:
- i) The attending physician shall evaluate the patient for induction or stimulation, especially with regard to indications.
 - ii) The physician or other individuals starting the Oxytocin shall be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.
 - iii) A qualified physician shall be immediately available as is necessary to manage any complication effectively.
 - ~~iv)~~ ~~The intravenous route is the only acceptable mode of administration. It is recommended that an infusion pump, or other device for accurate control of the rate of flow, and a two-bottle system, one of which contains no Oxytocin substance, be used.~~
 - iv)A) During Oxytocin administration, the fetal heart rate; the resting uterine tone; and the frequency, duration and intensity of contractions shall be monitored electronically and recorded. Maternal blood pressure and pulse shall be monitored and recorded at intervals comparable to the dosage regimen; that is, at 30 to 60 minute intervals, when the dosage is evaluated for maintenance, increase or decrease. Evidence of maternal and fetal surveillance shall be documented.
- 6) Identification of infants:
- A) While the neonate is still in the delivery room, the nurse in the delivery room shall prepare identical identification bands for both the mother and the neonate, as outlined in the hospital's policy.

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Wrist bands alone may be used; however, it is recommended that both wrist and ankle bands be used on the neonate. The hospital shall not use footprinting and fingerprinting alone as methods of patient identification. The bands shall indicate the mother's admission number, the neonate's gender, the date and time of birth, and any other information required by hospital policy. Delivery room personnel shall review the bands prior to securing them on the mother and the neonate to ensure that the information on the bands is identical. The nurse in the delivery room shall securely fasten the bands on the neonate and the mother without delay as soon as he/she has verified the information on the identification bands. The birth records and identification bands shall be checked again before the neonate leaves the delivery room.

- B) If the condition of the neonate does not allow the placement of identification bands, the identification bands shall accompany the neonate and shall be attached as soon as possible, as outlined in the hospital's policy. Identification bands ~~shall be affixed to the bassinet or incubator until they are placed on the infant and~~ shall not be left unattached and unattended in the nursery.
- C) When the neonate is taken to the nursery, both the delivery room nurse and the admitting nursery nurse shall check the neonate's identification bands and birth records, verify the gender of the neonate, and sign the neonate's medical record. The admitting nurse shall complete the bassinet card and attach it to the bassinet.
- D) When the neonate is taken to the mother, the nurse shall checkexamine the mother's and the neonate's identification bands, verify the gender of the neonate and verify that the information on the bands is identical.
- E) The umbilical cord (cords, with multiple births) shall be identified according to hospital policy (e.g., by the use of a different number of clamps) so that umbilical cord blood specimens are correctly labeled. All umbilical cord blood samples shall be labeled correctly with an indication that these are a sample of the neonate's umbilical cord blood and not the blood of the mother.

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- F) The hospital shall develop a newborn infant security system. This system shall include instructions to the mother regarding safety precautions designed to avoid abduction ~~when her newborn infant is rooming in~~. Electronic sensor devices may be included as well.
- 7) Within one hour after delivery, ~~a one percent silver nitrate solution or~~ ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. ~~The eyes shall~~ Do not be irrigated irrigate immediately. ~~This solution may be obtained free of charge from the Department.~~
- 8) A single parenteral dose of vitamin K-1, water soluble 0.5 miligrams, shall be given to the infant, once he or she is weight appropriate, as a prophylaxis against hemorrhagic disorder in the first days of life.
- 9)8) Each infant shall be given complete individual cribside care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent cross-infection.
- 10)9) Artificial feedings and formula changes shall not be instituted except by written order of the attending physician.
- 11)40) Facilities for drug services. See Section 250.2130(a).
- 12)44) ~~Newborn Transport of newborn~~ infants shall be transported from the delivery room to the nursery ~~shall be done~~ in a safe manner. Adequate support systems (heating, oxygen, suction) shall be incorporated into the transport units for ~~these~~ infants (e.g., to x-ray). Chilling of the newborn and cross-infection shall be avoided. ~~If~~ Where travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.
- 13)42) The stay of the mother and the ~~infant~~ baby in the hospital after delivery shall be planned to allow the identification of problems and to reinforce instructions in preparation for the infant's care at home. The mother and infant shall be carefully observed for a sufficient period of time and assessed prior to discharge to ensure that their conditions are stable.

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Healthy infants shall be discharged from the hospital simultaneously with the mother, or to other persons authorized by the mother, ~~(by the mother) personnel~~ if the mother remains in the hospital for an extended stay. ~~Follow-up shall be provided. It is recommended that there be a provision for follow-up~~ for ~~the~~ mothers and infants~~babies~~ discharged within 48~~24~~ hours after delivery, including. ~~This follow-up shall include~~ a face-to-face encounter with a health care provider who will assess the condition of mother and infant~~baby~~ and arrange for intervention if problems are identified.

- ~~14)~~13) When a patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursery or to another nursery that is nearest the home and at which an appropriate level of care may be provided. Transfers shall be conducted pursuant to the Regionalized Perinatal Health Care Code.
- ~~15)~~14) The hospital shall have a policy regarding circumcisions performed by a Mohel. Circumcisions by a Mohel shall be performed under aseptic conditions. Such circumcisions shall not be performed in the delivery room. A registered nurse or physician shall be in attendance, and attendance by visitors shall be limited.
- ~~16)~~15) Circumcisions shall not be performed in the delivery room or within the first six hours after birth. A physician may order and perform a circumcision when the infant is over the age of six hours and, in the physician's professional judgment, is healthy and stable.
- ~~16)~~ ~~A single parenteral dose of vitamin K-1, water soluble 0.5 mgm, shall be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder in the first days of life.~~
- 17) The hospital shall comply with the~~adhere to the practices prescribed in~~ Guidelines for Perinatal Care and Guidelines for Women's Health Care ~~(American College of Obstetricians and Gynecologists)~~ (see Section 250.160).

- h) Medical records~~Records~~
- 1) Obstetric records:

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- A) Adequate, accurate, and complete medical records shall be maintained for each patient. The medical records shall include findings during the prenatal period, which shall be available in the obstetricmaternity department prior to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.
- B) Records shall be maintained in accordance with hospital medical records policies and procedures, including the applicable requirements of the Health Insurance Portability and Accountability Act and the minimum observations and laboratory tests outlined in Guidelines for Perinatal Care and Guidelines for Women's Health Care. The physician director of the obstetricmaternity department shall require all physicians delivering obstetricobstetries care to send copies of the prenatal records, including laboratory reports, to the obstetricobstetrical unit at or before 37 weeks of gestation, including updates from that time until admission.
- 2) Infant records. Accurate and complete medical records shall be maintained for each infant. The medical records shall include:
- A) History of maternal health and prenatal course, including mother's HIV status, if known.
- B) Description of labor, including drugs administered, method of delivery, complications of labor and delivery, and description of placenta and amniotic fluid.
- C) Time of birth and condition of infant at birth, including the Apgar score at one and five minutes, the age at which respiration became spontaneous and sustained, a description of resuscitation if required, and a description of abnormalities and problems occurring from birth until transfer from the delivery room.
- D) Report of a complete and detailed physical examination within 24 hours following birth; report of a medical examination within 24

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hours ~~after~~of discharge and daily during any remaining hospital stay~~one at least every three days during the hospital stay.~~

- E) Physical measurements, including length, weight and head circumference at birth, and weight every day; temperature twice daily.
 - F) Documentation of infant feeding: intake, content, and amount if by formula.
 - G) Clinical course during hospital stay, including treatment rendered and patient response; clinical note of status at discharge.
- 3) The hospital shall keep a record of births that contains data sufficient to duplicate the birth certificate. The requirement may be met by:
- A) ~~by~~ retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or
 - B) ~~by~~ retaining this copy with the individual medical record.
- i) Reports
- 1) Each hospital that provides obstetric and neonatal services~~maternity service~~ shall submit a monthly perinatal activities report to its affiliated Administrative Perinatal Center on forms provided for this purpose by the Department. This report shall be signed by a representative of the department preparing the document and shall be mailed not later than the 15th of the following month.
 - 2) Maternal death report~~Death Report~~
 - A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department, in accordance with the Department's rules titled Maternal Death Review ~~(77 Ill. Adm. Code 657)~~. Maternal death is the death of any woman dying of any cause whatsoever while pregnant or within one year after termination of the pregnancy, irrespective of the duration of the pregnancy at the time of the termination or the method by which it

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was terminated. A death shall be reported regardless of whether the death occurred in the ~~obstetric department~~~~maternity division~~ or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere.

B) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the death on the ~~Perinatal~~~~Maternity~~ Activities Report.

3) The hospital shall comply with the laws of the State and the ~~rules~~~~regulations~~ of the Department ~~in~~~~as regards~~ the preparation and filing of birth, ~~death~~~~stillbirth~~, and ~~fetal~~ death certificates.

4) Epidemic and ~~communicable disease reporting~~~~Communicable Disease Reporting~~

A) The hospital shall develop a protocol for the management and reporting of infections consistent with the Control of Communicable Diseases Code, ~~the Perinatal HIV Prevention Act,~~ ~~and with~~ Guidelines for Perinatal Care and Guidelines for Women's Health Care, and as approved by the ~~infection control committee~~~~Infection Control Committee~~. These policies shall be known to ~~obstetric~~~~maternity~~ and nursery personnel.

B) The facility shall particularly address those infections specifically related to mothers and infants, including but not limited to, methicillin-resistant Staphylococcus Aureus occurring in infants under 61 days of age, ophthalmia neonatorum, and perinatal hepatitis B infection.

j) Formula

~~The hospital shall have a policy for the preparation of formula by hospital staff when hospital-prepared formula is needed in place of commercially-prepared formula. Adequate space, equipment and procedures for processing, handling and storing commercially-prepared formula shall be provided.~~

~~1) If pasteurized, commercially prepared formula is used exclusively and no formula is prepared by the hospital, a formula room and formula room~~

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~~equipment are not required. However, adequate space, equipment and procedures acceptable to the Department for processing, handling and storing of commercially prepared formula shall be provided. Procedures and aseptic techniques shall be established and enforced. Provisions shall be made for the preparation of special formula.~~

~~1)2)~~ All hospitals providing ~~obstetricmaternity~~ or pediatric services that prepare their own formula shall provide a well-ventilated and well-lighted formula room, which shall be adequately supervised and used exclusively for the preparation of formulas.

~~2)3)~~ Equipment shall include hand-washing facilities with hot and cold running water with knee, foot or elbow controlled valves; a double-section sink for washing and rinsing bottles; facilities for storing cleaning equipment, refrigeration facilities; utensils in good condition for preparation of formulas; cupboard and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a 24-hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.

~~k)~~ Breast milk

~~The hospital shall provide the mother with information regarding lactation, the nutritional benefits of breast milk and lactation support organizations within the area. The hospital shall include, at a minimum, a lactation support staff with certification or experience in lactation training. The lactation support staff shall attend annual continuing education in relation to lactation counseling and training.~~

~~l)k)~~ Visiting ~~policyregulations~~

1) The visiting ~~requirementsregulations~~ set forth in Subpart B shall apply to ~~obstetricmaternity~~ departments, except as modified in this subsection.

2) ~~Each obstetric department shall have a visting policy that complies with the Guidelines for Perinatal Care and is approved by the hospital's infection control committee. It is recommended that visitors be limited to two per patient at any one time.~~

3) ~~The visiting policy shall cover all programs in the obstetric department.~~

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~~Contact with the infant shall be restricted to the father, or one other adult selected by the mother, except as provided in subsection (k)(4) of this Section or as part of a rooming-in program as provided in Section 250.1850.~~

- 4) ~~The visiting policy shall comply with the hospital's infection control policy and shall include signage instructing visitors to wash their hands. Siblings and grandparents may have contact with the infant only if the hospital has established specific policies and procedures for such a program. The program shall include:~~
- ~~A) Approval of the program by the hospital's Infection Control Committee and Governing Board;~~
 - ~~B) A requirement for written consent of the mother for visitation by specific siblings or grandparents;~~
 - ~~C) A procedure for hand washing by visitors prior to having contact with the infant; and~~
 - ~~D) A policy on the location where visitation will occur.~~
- 5) ~~The presence of the father or individual selected by the mother in the delivery room shall be discretionary with the individual hospital. If the father or the individual selected by the mother of the baby is to be admitted to the delivery room of any hospital, the hospital shall first have adopted a policy statement on the matter that includes the following conditions:~~
- ~~A) Written consent of both the mother and the attending physician;~~
 - ~~B) Prior orientation preparation of the father of the baby or the selected individual and mother to this experience; and~~
 - ~~C) Application of safeguards against the introduction of infection or other hazard by the father of the baby or selected individual.~~
- 6) ~~Visiting hours shall not correspond with periods during which infants are with the mothers or with periods during which mothers are receiving~~

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~~nursing care, nor interfere with the care of patients.~~

~~7) Visitors shall neither sit nor place their clothing upon the beds.~~

~~m)H~~ Every hospital shall demonstrate to the Department that the following have been adopted:

- 1) *Procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital. The procedures may include, but need not be limited to, architectural plans to control access to infant care areas, video camera observation of infant care areas, and procedures for identifying hospital staff and visitors.*
- 2) *Procedures designed to aid in identifying allegedly abducted infants who are recovered. The procedures may include, but need not be limited to, footprinting infants by staff who have been trained in that procedure, photographing infants, and obtaining and retaining blood samples for genetic testing. (Section 6.15 of the Act)*

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 250.1845 Caesarean Birth

- a) A hospital may permit the father or a support person to be present at a delivery by caesarean birth if the program is part of the hospital's Obstetric and Neonatal Service Plan. Nothing in this Part shall be construed to require a hospital to permit the father or a support person to attend caesarean births. This Part does not vest any right upon any lay person to attend a caesarean birth. The operating physician shall always have the right to exclude a father or support person from a caesarean birth for any reason. For the purposes of this Section, a support person is the husband of the mother, the father of the infant, or any other person selected by the mother, who is acceptable to the physician and meets the requirements of the hospital's policies.
- b) The hospital's Obstetric and Neonatal Service Plan shall include:
 - 1) Criteria for admitting the father or other support person to the delivery by caesarean birth;

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- 2) Education, counseling or other preparation furnished to the mother and father or to the support person attending a caesarean birth; and
- 3) Operating room procedures and assignments for caesarean birth.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 250.1850 Single Room Postpartum Care of Mother and Infant~~Rooming-In Care of Mother and Infant~~

The following requirements apply when postpartum care is provided to a mother and her infant in the same room:

- a) The patient's room shall be of sufficient size and arrangement for the bedside care of the mother and infant.
- b) The patient's room shall be equipped with a toilet, a hand-washing lavatory and a supply of clean towels.
- c) Equipment and supplies shall include:
 - 1) Separate equipment and supplies for the mother and the infant;
 - 2) Separate enclosed storage space for the infant's clean linen, equipment and supplies; and
 - 3) Adequate covered containers for the infant's soiled linen.
- d) Single room postpartum care for the mother and infant shall meet the following requirements:
 - 1) The hospital's obstetric and neonatal service plan shall establish the conditions of the mother and infant that are appropriate for mother and infant postpartum care in the same room.
 - 2) All nursing care of the mother and infant shall be given by the same nurse on each shift.
 - 3) Adequate observation and nursing care shall be assured.

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- 4) The care of mothers and infants shall include procedures to prevent cross-infection, emphasizing conscientious hand washing by parents, visitors and personnel, and the careful handling of soiled linen.
 - 5) Adequate nursery facilities shall be provided for periods when infants are not with their mothers.
- a) ~~Rooming-in care of newborn infants is permissible under these regulations. The rooming-in plan may be either:~~
- 1) ~~continuous—with the infant at the bedside constantly; or~~
 - 2) ~~intermittent—in which the infant is removed from the mother's bedside to the nursery during visiting and night hours.~~
- ~~Programs which permit the presence of the baby's father in the room with the infant, during feeding or otherwise, shall be considered as an intermittent rooming-in program.~~
- b) ~~Whichever plan is used, the following requirements and recommendations apply.~~
- 1) ~~Personnel~~
 - A) ~~There shall be sufficient personnel who understand and can carry out the procedures necessary for a successful rooming-in experience.~~
 - B) ~~It is recommended that all nursing care of the mother and infant unit be given by one nurse.~~
 - 2) ~~Physical facilities~~
 - A) ~~The patient's room must be of sufficient size and arrangement for bedside care of mother and infant.~~
 - B) ~~The room must be equipped with handwashing lavatory, with a supply of soap and clean towels.~~

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- 3) ~~Equipment and supplies~~
 - A) ~~Mother and infant shall have individual equipment and supplies.~~
 - B) ~~Individual enclosed storage space shall be provided for the infant's clean linen, equipment, and supplies.~~
 - C) ~~Adequate covered containers shall be provided for the infant's soiled linen.~~

- 4) ~~Policies and procedures for rooming in~~
 - A) ~~A policy should be established by the medical staff and approved by the governing authority as to the condition of the mother and infant when rooming in may be initiated.~~
 - B) ~~The procedures of individual care of mothers and of infants shall be established to prevent cross-infection, stressing conscientious handwashing by parents and personnel and careful handling of soiled linen.~~
 - C) ~~Adequate observation and nursing care must be assured.~~
 - D) ~~A planned parent education routine is desirable.~~
 - E) ~~Visiting shall be restricted to the father of the infant or one other adult selected by the mother. Grandparents and siblings may visit if the hospital has a program for such visitation which has been approved as provided in Section 250.1830(k)(4).~~
 - F) ~~Visitors must wash their hands.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 250.1860 Special Programs (Repealed)

- a) ~~Attendance at Caesarean Births (Limited waiver of Section 250.1305(a))~~
 - 1) ~~A hospital may permit the father or a support person to be present at a~~

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~~delivery by Caesarean Birth if such a program is approved by the Department as part of the hospital's Maternity and Neonatal Service Plan. However, nothing in these rules shall be construed to require a hospital to permit the father or a support person to attend Caesarean Births. These rules do not vest any right upon any lay person to attend a Caesarean Birth. Presence at Caesarean Birth is a privilege which may be extended only when the best of conditions exist, in accordance with the medical judgment of the responsible physician, and proper education and counseling (a structured formal written orientation as to what is expected to transpire in the surgery) have taken place. At most the acceptance into the program shall be an intent to extend this privilege. The operating physician shall always have the right to exclude a father or support person from a Caesarean Birth for any reason.~~

- 2) ~~Each hospital desiring to implement a program to permit fathers and support persons to attend Caesarean Births shall submit an application to the Department. The application shall include:~~
 - A) ~~a description of the plan to implement the program;~~
 - B) ~~documentation of administration and affected staff approval;~~
 - C) ~~policies and procedures applicable to this program, including:~~
 - i) ~~criteria for admission to the program;~~
 - ii) ~~consent forms;~~
 - iii) ~~education, counseling, and other preparation furnished the mother and father or support person;~~
 - iv) ~~operating room procedures and assignments;~~
 - v) ~~post-delivery evaluations.~~
- 3) ~~Upon submission of the application, the application shall be reviewed by Department program personnel. Based upon the submitted plan, required to be compatible with the approved Maternity and Neonatal Service Plan, the Department shall issue an approval within 30 days of the submission~~

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~~of the application, or notify the hospital in writing of the specific reasons and concerns why the program is disapproved.~~

- 4) ~~A record system (Refer to Section 250.1820(i)) shall be maintained that identifies all patients with the father or a support person present at Caesarean Births and includes provisions for reporting to the Department:~~
- ~~A) the number of patients participating in the program;~~
 - ~~B) the number of patients denied admission to the program and the reasons for denial;~~
 - ~~C) all complications experienced.~~
- 5) ~~For the purposes of this Section, a support person is the husband of the mother, the father of the infant, or any other person selected by the mother, who is acceptable to the physician and meets the requirements of the hospital's policies.~~

b) ~~Birth Room Programs~~

- 1) ~~Establishment of Birth Room Program~~
- ~~A) A hospital may provide a Birth Room program if such a program is approved by the Department as part of the hospital's Maternity and Neonatal Service Plan.~~
 - ~~B) Nothing in these rules shall be construed to require a hospital to provide Birth Rooms. These rules do not vest any right upon any person to admittance to a Birth Room. Admission to a Birth Room is a privilege which may be extended only when the best of conditions exist, in accordance with the medical judgment of the responsible physician, and proper education and counseling (a structured formal written orientation as to what is expected to transpire in the birthing room) have taken place. The attending physician shall always have the right to exclude anyone from a Birth Room for any reason.~~
- 2) ~~Each hospital desiring to implement a Birth Room program shall~~

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~~submit an application to the Department. The application shall include:~~

- ~~A) a description of the plan to implement the program;~~
- ~~B) documentation of administration and affected staff approval;~~
- ~~C) policies and procedures applicable to this program, including:
 - ~~i) criteria for admission to the program;~~
 - ~~ii) consent forms;~~
 - ~~iii) education, counseling, and other preparation furnished the mother, and any other persons (if any) who will be present in the Birthing Room;~~
 - ~~iv) post-delivery evaluations.~~~~
- 3) ~~Upon submission of the application, the application shall be reviewed by Department program personnel. Based upon the submitted plan, required to be compatible with the approved Maternity Neonatal Service Plan and appropriate physical location of the Birthing Room, the Department shall issue an approval within 30 days of the submission of the application, or notify the hospital in writing of the specific reasons and concerns why the program is disapproved.~~
- 4) ~~A record system (Refer to Section 250.1820(i)) shall be maintained that identifies all patients using the Birthing Room and those in attendance. It shall include provisions for reporting to the Department:
 - ~~A) the number of patients participating in the program;~~
 - ~~B) the number of patients denied admission to the program and the reasons for denial;~~
 - ~~C) all complications experienced.~~~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

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Section 250.1870 Labor, Delivery, Recovery and Postpartum~~Single Room Maternity~~ Care

- a) Hospitals may establish a labor, delivery, recovery and postpartum~~single room maternity~~ care program in compliance with this Section. The labor, delivery, recovery and postpartum~~single room maternity~~ care program may include the hospital's entire obstetric~~maternity~~ service or a specific portion of the hospital's obstetric~~maternity~~ service.
- b) General Description
- 1) A labor, delivery, recovery and postpartum~~single room maternity~~ care program provides labor, delivery, recovery, and postpartum care for a mother in one a single room. The combination of functions in one a single room is designed to reduce the movement of the mother within the hospital.
 - 2) The labor, delivery, recovery and postpartum~~single room maternity~~ care program ~~shall~~must be coordinated with other obstetric~~maternity~~ services of the hospital. Facilities for emergency caesarean~~Cesarean~~ deliveries ~~shall~~must be available. Labor, delivery, recovery and postpartum~~Single~~ rooms may be used in hospitals at all Level designations~~for all levels of maternity care, except for caesarean~~other than Cesarean deliveries, based on the hospital's program.
 - 3) Rooms used for labor, delivery, recovery and postpartum~~single room maternity~~ care ~~shall~~must include facilities for care of the infant during delivery and ~~immediately~~ after birth. ~~Such rooms may also include facilities for rooming-in of the infant.~~
- c) Program Operation~~Establishment~~
- 1) The labor, delivery, recovery and postpartum~~obstetric~~single room maternity service program shall be part of submitted to the Department as an amendment to the hospital's maternity and neonatal services plan and shall. ~~The amendment shall~~ include all of the policies and procedures that for operation of the program which are required by this Section.
 - 2) The hospital shall have policies and procedures for assessing the level of risk for each patient, for determining which patients may not qualify for

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- labor, delivery, recovery and postpartum care, and for referring patients to another hospital.
- ~~2) The program shall be approved by the Board of the hospital prior to submission to the Department.~~
- ~~3) Architectural plans for any remodeling or changes in room functions which are required for operation of the program shall be submitted to the Department for review as provided in Section 250.2420.~~
- ~~3)4) Any increases or decreases in the number of beds in the hospital's obstetricmaternity service thatwhich occur as a result of the establishment of a labor, delivery, recovery and postpartumsingle room maternity care program may also require the approval of the Illinois Health Facilities and Services ReviewPlanning Board. (SeeRefer to the rules of the Illinois Health Facilities Planning Board at 77 Ill. Adm. Code 1100 and 1110.).-~~
- ~~5) The hospital shall not implement the program prior to approval of the program and any architectural plans by the Department.~~
- d) Designation of Rooms. The labor, delivery, recovery and postpartumsingle room maternity care program shall designatespecify the specific rooms thatwhich will be used for labor, delivery, recovery and postpartumsingle room maternity care. These rooms may be used as patient rooms for other obstetricmaternity patients in the obstetric departmentmaternity unit at times when they are not being used for labor, delivery, recovery and postpartumsingle room maternity care.
- e) Staffing Requirements
- 1) The program shall include a staffing plan thatwhich meets the nursing needs of the patients.
- 2) The program shall include provisions for specialized orientation and training for nurses and other health care personnel in the operation of the labor, delivery, recovery and postpartumsingle room maternity care program, including the care of both mothers and infants.
- ~~f) Visiting Requirements. The program shall include specific policies and procedures concerning visiting. These policies and procedures shall include the~~

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following:

- 1) ~~A requirement that the consent of the mother and the physician be obtained for each visitor who will be permitted in the room during delivery.~~
- 2) ~~Provisions for prior orientation and education for visitors who will be permitted in the room during delivery.~~
- 3) ~~A requirement for gowning and handwashing by all visitors who are present in the room during delivery.~~
- 4) ~~Provisions for visiting during labor, recovery, and postpartum care of the mother which comply with Section 250.1830(k).~~
- 5) ~~Provisions for visiting during rooming in of the infant which comply with Section 250.1850.~~

~~(f)(g)~~ Physical Plant Requirements

- 1) Each room used for ~~labor, delivery, recovery and postpartum~~single room maternity care shall be ~~considered a private room. Occupancy by two patients, the mother and the infant, shall be permitted a single patient room.~~ Rooms for multiple patients are not ~~otherwise permitted~~ for labor, delivery, recovery and postpartum care.
- 2) ~~Architectural plans for new construction or remodeling that are required for the establishment or continued operation of a labor, delivery, recovery and postpartum care program shall be submitted to the Department for review and approval pursuant to the requirements of this Section and Section 250.2420. The hospital shall not implement the program prior to the Department's approval of the program and of the architectural plans.~~
~~Minimum Room Sizes~~
- 3)A) Each room used for ~~labor, delivery, recovery and postpartum~~single room maternity care shall include a minimum dimension of 12 feet and a minimum clear area of 250 square feet except as provided in ~~subsections~~subsections ~~(f)(4)(g)(2)(B) or (f)(6)(g)(2)(C)~~ of this Section.

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- 4)B) Rooms ~~that~~which were approved for use as "birthing rooms" by the Department prior to September 1, 1990, may continue to be used for labor, delivery, recovery and postpartum~~single room maternity care~~. The hospital ~~shall continue to comply with~~must follow the requirement of this~~Part~~policies and procedures under which the rooms were approved.
- 5) At least one delivery room with a minimum clear area of not less than 300 square feet shall be available for more complex deliveries and unanticipated risks. The delivery room shall be in the obstetric unit, on the same level as the rooms in which labor, delivery, recovery and postpartum care is provided, and accessible without passing through any areas used for functions other than labor, delivery, recovery and postpartum care, and without traversing any obstacles. In determining the accessibility of the delivery room, the Department will consider factors including, but not limited to, traffic patterns, corridor width, corridor width changes and the number of turns.
- 6)C) The Department will approve rooms that~~Rooms which~~ contain a minimum dimension of 10 feet and a minimum clear area of 180 square feet ~~will be approved by the Department~~ for labor, delivery, recovery and postpartum~~single room maternity care~~, when the hospital demonstrates that all of the following conditions are met:
- A)i) Policies and procedures for assessing the level of risk for each patient, for determining which patients may not qualify for labor, delivery, recovery and postpartum ~~utilize single room maternity care~~, and for referring patients to other hospitals~~facilities~~ have been established and are being followed.
- B)ii) The hospital participates in a Regional Perinatal Network and has been approved for Level I, ~~or~~ Level II, or Level II extended neonatal care. The hospital does not provide Level III care as described in the ~~Department's rules entitled "Regionalized Perinatal Health Care Code" (77 Ill. Adm. Code 640).~~
- iii) ~~At least one delivery room with a minimum clear area of not less than 300 square feet is available for more complex deliveries and unanticipated risks. The delivery room must be in the maternity unit, on the same level as the rooms in~~

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~~which single room maternity care is provided, and accessible without passing through any areas used for functions other than single room maternity care, labor, or delivery, and without traversing any obstacles. In determining the accessibility of the delivery room the Department will consider factors such as traffic patterns, corridor width, corridor width changes, and number of turns.~~

~~C)iv)~~ The medical staff of the hospital has approved the use of the rooms for ~~labor, delivery, recovery and postpartum~~ ~~single room maternity~~ care based on ~~the~~ ~~their~~ medical ~~staff's~~ judgment that ~~this~~ ~~such~~ care can be provided safely within the rooms.

~~7)D)~~ For the purposes of this subsection ~~(f)(g)~~, clear area shall include only useable space within the patient room and shall not include entry or vestibule areas, ~~space required for door swings,~~ or space for fixed, immovable furniture. The bathroom shall not be included in calculating the clear area of the patient room.

~~8)3)~~ Staff ~~hand-washing sink~~ ~~Handwashing Sink~~

A) Each room used for ~~labor, delivery, recovery and postpartum~~ ~~single room maternity~~ care shall have direct access to a ~~hand-washing~~ ~~handwashing~~ sink for the exclusive purpose of staff ~~hand washing~~ ~~handwashing~~ prior to and during the delivery process. The sink may be used for other purposes at other times.

B) The staff ~~hand-washing~~ ~~handwashing~~ sink ~~shall~~ ~~must~~ be adequate in size and appropriately equipped to allow thorough ~~hand washing~~ ~~handwashing~~.

C) The staff ~~hand-washing~~ ~~handwashing~~ sink may be located in the room, in the adjacent bathroom (if the bathroom is not shared with another patient room), or directly outside the room.

~~9)4)~~ Bathroom

A) Each room used for ~~labor, delivery, recovery and postpartum~~ ~~single~~

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~~room maternity~~ care shall include a bathroom equipped with a toilet and ~~with~~ a shower or bathtub. The bathroom shall also include a sink, unless a sink is located in the patient room.

B) The bathroom shall be directly accessible from the patient room without going through the corridor.

~~C) Bathrooms may be shared by no more than two patient rooms.~~

~~10)5)~~ An area for gowning by staff and visitors prior to delivery shall be provided within or immediately adjacent to each room used for labor, delivery, recovery and postpartum~~single room maternity~~ care.

~~11)6)~~ Rooms used for postpartum care of the mother shall also comply with the patient room requirements of Section 250.2630(d)(1) ~~or~~ Section 250.2440(d)(1), as applicable.

~~12)7)~~ Adequate nursery facilities shall be provided for periods when infants are not with their mothers. ~~rooming-in of infants is not utilized, when individual mothers choose not to participate in rooming-in of the infant, and when intermittent rooming-in of infants is utilized. (See Sections 250.1830(e), 250.1850, 250.2440(h), and 250.2630(h).)~~

~~13)8)~~ Each room used for labor, delivery, recovery and postpartum~~single room maternity~~ care shall also comply with the following requirements:

A) ~~The mechanical~~Meechanical requirements for patient rooms in Section 250.2480(e)(8) or Section 250.2660.

B) ~~The electrical~~Electrieal requirements for patient rooms in Section 250.2500 or Section 250.2680.

~~14)9)~~ Wall, floor, and ceiling finishes shall be cleanable. All finishes shall be able to withstand cleaning and treatment with chemicals and disinfectants.

~~g)h)~~ Equipment Requirements

1) All equipment necessary for delivery, for emergency care of the mother, for infant care, and for infant resuscitation shall be available to each room

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used for labor, delivery, recovery and postpartum~~single room maternity~~ care.

- 2) A complete set of delivery and infant care equipment shall be provided for every four or fewer rooms used for labor, delivery, recovery and postpartum~~single room maternity~~ care. For example: if four rooms are used, one complete set of equipment shall be provided; if five to eight rooms are used, two sets of equipment shall be provided; if nine to twelve rooms are used, three sets of equipment shall be provided.
- 3) Equipment may be stored in an equipment alcove or closet in the room, or in a separate equipment storage room. ~~The~~However, the equipment ~~shall~~must be accessible for use without passing through another patient room. Each equipment storage area shall be located on the same floor and not more than 75 feet from each of the rooms served by the equipment storage area.

i) ~~The policies and procedures approved by the Department in the amendment to the hospital's maternity and neonatal services plan shall be followed in the operation of the program. The program shall also be operated in accordance with all other requirements of this Part, unless specifically modified by this Section.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Health and Hazardous Substances Registry
- 2) Code Citation: 77 Ill. Adm. Code 840
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
840.10	Amend
840.20	Amend
840.30	Amend
840.40	Amend
840.60	Amend
840.210	Amend
840.220	Amend
840.230	New
840.300	Amend
840.305	Amend
840.310	Amend
840 APPENDIX C	Repeal
840.APPENDIX C.EXHIBIT A	Repeal
840.APPENDIX C.EXHIBIT B	Repeal
840.APPENDIX C.ILLUSTRATION A	Repeal
840.APPENDIX C.ILLUSTRATION B	Repeal
- 4) Statutory Authority: Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 2310-365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365], the Developmental Disability Prevention Act [410 ILCS 250], and the Lead Poisoning Prevention Act [410 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments proposed for Subpart B pertaining to the Illinois State Cancer Registry (ISCR) clarify the methods of determining whether data are confidential and meet thresholds for data release.

The amendments proposed for Subpart C pertaining to the Adverse Pregnancy Outcomes Reporting System (APORS) provide the mechanism for referral of cases to service-providing agencies and to clarify reporting requirements.

The amendments proposed for Subpart D pertaining to the Occupational Disease Registry (ODR) lower the threshold for reporting adult cases of elevated blood lead to reflect the federal requirements for reporting and update operational processes for data collection.

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Appendix C is being repealed. The Department will be initiating an electronic reporting system, and reportable information is being added to the main portion of the rules.

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: North American Association of Central Cancer Registries (NAACCR) Disk 7 of Fundamentals of Registry Operations: Data Collection and Coding: Race and Ethnicity Procedures for Central Registries, May 2005.

NAACCR Record Uniqueness Software, May 2004.

NAACCR Record Uniqueness Analysis Software Version 1.5. Springfield, Ill.: North American Association of Central Cancer Registries, May 2004.

Public Health Reporting and National Notification for Elevated Blood Lead Levels, Position Statement 09-OH-02 Council of State and Territorial Epidemiologists, June 2009.

- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create 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

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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: There are no small businesses, small municipalities and not for profit corporations directly affected. The following entities may have an interest in the proposed changes: Physicians, hospitals, laboratories, media, researchers and the March of Dimes
 - 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 2010

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 840

~~ILLINOIS~~ HEALTH AND HAZARDOUS SUBSTANCES REGISTRY CODE

SUBPART A: GENERAL REGISTRY PROVISIONS

Section	
840.5	Purpose
840.10	Definitions
840.20	Incorporated and Referenced Materials
840.30	Availability of Registry Information
840.40	Administrative Hearings
840.50	Quality Control
840.60	Fee Assessment

SUBPART B: ILLINOIS STATE CANCER REGISTRY

840.100	Entities Required to Submit Information
840.110	Information Required to be Reported
840.115	Methods of Reporting Cancer Registry Information
840.120	Quality Control (Repealed)

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

840.200	Adverse Pregnancy Outcome
840.210	Newborn <u>Infant</u> Case Reporting
840.215	Methods of Reporting APORS Information (Repealed)
840.220	Birth Defect Surveillance of Young Children
<u>840.230</u>	<u>Referral of APORS Cases</u>

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

840.300	Entities Required to Submit Information
840.305	Information Required to be Reported
840.310	Methods of Reporting Occupational Disease

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- 840.APPENDIX A ISCR Incidence Report Form (Repealed)
- 840.APPENDIX B Instructions for APORS Reporting (Repealed)
- 840.EXHIBIT A Instructions for Completing Infant Discharge Record (Repealed)
- 840.ILLUSTRATION A Infant Discharge Record (Repealed)
- 840.EXHIBIT B Instructions for Completing Maternal Supplement (Repealed)
- 840.ILLUSTRATION B Maternal Supplement Abstract (Repealed)
- 840.APPENDIX C Forms and Instructions for Occupational Disease Registry ([Repealed](#))
- 840.EXHIBIT A Instructions for completing The Laboratory Based Report of Adult Blood Lead Analysis ([Repealed](#))
- 840.EXHIBIT B Instructions for completing the Health Department Follow-Up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form) ([Repealed](#))
- 840.ILLUSTRATION A Health Department Laboratory Report of Adult Elevated Blood Lead Analysis 25 mcg/dl and Above ([Repealed](#))
- 840.ILLUSTRATION B Health Department Follow-up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above ([Repealed](#))
- 840.ILLUSTRATION C Occupational Disease Registry Abstract Information from the Illinois Health Care Cost Containment Council (Repealed)

AUTHORITY: Implemented and authorized by the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 2310-365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365], the Developmental Disability Prevention Act [410 ILCS 250], and the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted at 10 Ill. Reg. 7842, effective May 19, 1986; amended at 12 Ill. Reg. 13173, effective August 1, 1988; amended at 14 Ill. Reg. 5495, effective April 1, 1990; amended at 17 Ill. Reg. 2319, effective February 10, 1993; amended at 24 Ill. Reg. 3685, effective February 16, 2000; amended at 31 Ill. Reg. 12207, effective August 2, 2007; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL REGISTRY PROVISIONS

Section 840.10 Definitions

"Act" means the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525].

"Adverse pregnancy outcomes" includes but is not limited to birth defects, fetal

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loss, infant mortality, low birth weight, selected life-threatening conditions, and other developmental disabilities as defined in Section 840.200 of this Part. (Section 3(1) of the Act)

"Adverse Pregnancy Outcomes Reporting System" or "APORS" means the Illinois Department of Public Health program established to compile a registry of adverse pregnancy outcomes.

~~"Ambulatory Surgical Treatment Center" means any facility subject to licensure pursuant to the Ambulatory Surgical Treatment Center Act [210 ILCS 5] and any other institution, place, or building devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures that is maintained by the State or local government bodies.~~

~~"APORS" means Adverse Pregnancy Outcomes Reporting System.~~

"Birth center" means a facility as defined under the Alternative Health Care Delivery Act and licensed by the Department under the Birth Center Demonstration Program Code (77 Ill. Adm. Code 265) to provide birth services.

"Birth defect" means a condition of abnormal development related to body structure, body function, body metabolism, or an error of body chemistry that typically is identified at birth but can be diagnosed during pregnancy or following birth. Birth defects~~A birth defect~~ can originate in a number of ways, including having ~~abe of~~ genetic ~~and/or~~ metabolic origin.

~~"CPT Coding Index" means the Current Procedural Terminology Coding Index, Version 2007, developed by the American Medical Association.~~

"Cancer" means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia. (Section 3(e) of the Act)

"Cancer-confirming report" means the simple biopsy, excision biopsy or surgical pathology ~~report~~reports that confirms the morphologic (histologic) type of cancer, primary site, and the stage or extent of disease.

"Cancer incidence" means a medical diagnosis of cancer, consisting of a record of cases of cancer and specified cases of tumorous or precancerous diseases which occur in Illinois, and such other information concerning these cases as the

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Department deems necessary or appropriate in order to conduct thorough and complete epidemiological surveys of cancer and cancer-related diseases in Illinois. (Section 3(f) of the Act) Other information concerning cancer incidence may include, but is not limited to, diagnosis, staging, treatment, follow-up and survival information.

"Cancer surveillance" ~~means~~ the ongoing and systematic collection and analysis of information on new cancer cases, cancer deaths, extent of disease at diagnosis, treatment, clinical management, and survival.

"Clinical laboratory" means any clinical laboratory as defined in the Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25].

"Company profile" includes but is not limited to the name of any company operating in the State of Illinois which generates, uses, disposes of or transports hazardous substances, identification of the types of permits issued in such company's name relating to transactions involving hazardous substances, inventory of hazardous substances handled by ~~the~~ company, and the manner in which ~~the~~ hazardous substances are used, disposed of, or transported by the company. (Section 3(j) of the Act)

"Confidential data" means Health and Hazardous Substances Registry data containing identifiers or variables that, alone or in combination, can lead to identification of individuals, physicians, or facilities (see Section 840.30(h)).

"Congenital" means present at birth, referring to certain mental or physical traits, anomalies, malformations, diseases, etc., that may be either hereditary or caused by an influence occurring during fetal development or pregnancy, up to the moment of birth.

"Council" means the Health and Hazardous Substances Coordinating Council created by ~~the~~ Act. (Section 3(c) of the Act)

"Current Procedural Terminology" or "CPT" or "Coding Index Version 2007" means the coding index developed by the American Medical Association (see Section 840.115).

"Death certificate clearance" means the process by which incident cases are added to the database through review of the cause of death on death certificates and

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subsequent follow-up with medical providers.

"Department" means the Illinois Department of Public Health. (Section 3(a) of the Act)

"Director" means the Director of the Illinois Department of Public Health. (Section 3(b) of the Act)

"Elevated blood lead level" means a concentration of lead in whole blood equal to or in excess of 1025 micrograms per deciliter.

"Ethnicity" means the group of human kind to which an individual belongs, either Hispanic (Latino) or not Hispanic (not Latino).

"Facility" ~~means~~ is a hospital, clinical laboratory, ambulatory surgical treatment center, independent radiation therapy center, independent pathology laboratory, reference pathology laboratory, nursing home, physician's office and/or any other diagnostic or treatment center or other entity that is required by this Part to make reports to the Department. "Facility" also includes any other institution, place or building devoted primarily to the performance of medical care or surgical procedures that is maintained by the State or local government bodies.

"Facility-identifying information" means any information, collection or grouping of data from which the identity of the facility to which it relates may be discerned, e.g., name, address or Department-assigned facility identification number~~Facility I.D.~~

"Fetal death" means the demise of a fetus at gestation greater than 20 weeks; the death is indicated ~~if by the fact that~~ the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles at delivery.

"Follow-up" means the reporting of or Registry-initiated obtainment of patient's survival information after the first diagnosis of the medical conditions defined by the Registry~~and/or~~.

"Follow-up services" means medical, educational, social and family support services provided to infants and children with adverse pregnancy outcomes.

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"Hazardous nuclear material" means:

any source or special nuclear material intended for use or used as an energy source in a production or utilization facility as defined in Sec. 11.v. or 11.cc. of the Federal Atomic Energy Act of 1954 as amended;

any fuel which has been discharged from such a facility following irradiation, the constituent elements of which have not been separated by reprocessing; or

*any by-product material resulting from operation of such a facility.
(Section 3(k) of the Act)*

"Hazardous substances" means a hazardous substance as defined in Section ~~3.2153~~ of the Environmental Protection Act [415 ILCS 5]. (Section 3(h) of the Act)

"Hazardous substances incident" includes but is not limited to spill, fire or accident involving hazardous substances, illegal disposal, transportation, or use of hazardous substances, and complaints or permit violations involving hazardous substances. (Section 3(i) of the Act)

"Hospital" means any facility subject to licensure pursuant to the Hospital Licensing Act [210 ILCS 85], ~~and any other institution, place or building devoted primarily to the maintenance and operation of facilities for the performance of medical or surgical care that is maintained by the State or local government bodies.~~

"Hospital Cancer Registry" ~~means~~ is a data collection system that monitors all types of cancer diagnosed or treated at that facility by collecting case identification, a description of the patient and the cancer, treatment, and follow-up data.

~~"ICD-9-CM" means International Classification of Diseases, 9th Revision Clinical Modification, World Health Organization, Geneva, Switzerland.~~

~~"ICD-10-CM" means International Classification of Diseases, 10th Revision Clinical Modification, World Health Organization, Geneva, Switzerland.~~

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~~"ICD-O 3" means International Classification of Diseases for Oncology, Third Edition, World Health Organization, Geneva, Switzerland.~~

"Infant discharge record" ~~means documentation of one or more identified~~ ~~is a form provided by the Department for identifying and reporting~~ adverse pregnancy outcomes ~~reported~~ by a ~~reporting~~ facility to the Department.

~~"Insitutional IRB" means institutional~~ review board" or "IRB" ~~means, which is~~ a specially constituted review body established or designated by an institution to protect the welfare of human subjects participating in research.

"Lead hazard" means a lead-bearing substance that, because of its accessibility, poses a health hazard to humans.

"Local health authority" means the full-time official health department or board of health, as recognized by the Department, that has jurisdiction over a particular geographical area.

"mcg/dl" means micrograms per deciliter.

"Morphology" means a concise diagnostic description of a tumor that includes the kind of tumor, the behavior of the tumor (e.g., benign, in-situ, malignant, or malignant uncertain, whether primary or metastatic), and the grade or degree of differentiation of the cells.

~~"NAACCR Standard for Cancer Registries" means the standards set forth by the North American Association of Central Cancer Registries (NAACCR) that measure a central registry's data completeness, quality and timeliness.~~

"National Birth Defects Prevention Network" means a national organization dedicated to improving the quality of birth defect surveillance and providing technical assistance for the development of uniform methods of data collection.

"Neonatal" means related to the period immediately succeeding birth and continuing through the first 28 days of life.

"Neonate" means an infant less than 28 days of age.

"Newly diagnosed" means a condition or disease first discovered or diagnosed by

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a licensed physician or dentist in a resident of the State of Illinois or a non-resident receiving medical diagnosis or treatment in the State of Illinois.

"North American Association of Central Cancer Registries" or "NAACCR" means the organization that sets standards that measure a central registry's data completeness, quality and timeliness.

"Occupational disease" includes but is not limited to all occupational diseases covered by the Workers' Occupational Diseases Act [820 ILCS 310]. (Section 3 (g) of the Act)

"Other facility" means any person, organization, institution, corporation, partnership or other entity not required to be licensed as a health care facility by the State of Illinois, which maintains and operates facilities for the performance of diagnostic, laboratory or therapeutic services for the identification and treatment of cancer.

"Patient contact" means contacting patients based on collected Registry data.

"Patient-identifying information" means any information or collection or grouping of data from which the identity of the person to whom it relates may be discerned, e.g., name, address and social security number.

"Perinatal" means the period of time between the conception of an infant and the end of the first month of life. (Section 2(a) of the Developmental Disability Prevention Act)

"Perinatal center" means a referral facility intended to care for the high risk patient before, during or after labor and delivery and characterized by sophistication and availability of personnel, equipment, laboratory, transportation techniques, consultation and other support services. (Section 2(e) of the Developmental Disability Prevention Act)

"Prenatal" means preceding birth.

"Primary site" means the anatomic location in a cancer patient that identifies the site of origin of a tumor (i.e.e.g., where the cancer first began).

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"Public health surveillance" means the ongoing systematic collection, analysis and interpretation of health data for purposes of improving health and safety.

"Race" means the major group of human kind to which an individual belongs, having distinct physical characteristics. These groups include, but are not limited to: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White.

"Rapid case ascertainment" means special case-finding procedures that require early or preliminary reporting of certain types of cancer cases. The procedure may include the review of patient medical records, pathology report forms, radiology reports, ~~laboratory~~ reports and other diagnostic tests.

"Record uniqueness" means the quantification of the risk of a breach of confidentiality of electronic health databases, including the identifiability of cases through triangulation of information or linkage with other electronic databases.

"Regional Perinatal Network" means any number and combination of hospitals providing maternity and newborn services at a designated level~~hospital-based maternity and newborn facilities functioning at one of three levels~~ of perinatal care.

"Registry" means the Illinois Health and Hazardous Substances Registry established by the Department of Public Health under Section 6 of the Act. (Section 3(d) of the Act)

"Work" ~~means defined as~~ duties, activities, or tasks that produce a product or result; that are done in exchange for money, goods, services, profit, benefit, or as a volunteer; and that are legal activities in the United States.

"Work-related injury or illness" ~~means defined as~~ an event or exposure in the work environment that caused or contributed to the condition or significantly aggravated a preexisting condition. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the workplace.

"Workplace fatality" ~~means is~~ a fatality that occurs to an employee (working for pay, compensation, or profit) or volunteer (exposed to the same work hazards and performing the same duties or functions as paid employees) while engaged in a legal work activity, or present at the site of the incident as a requirement of his or

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her job. A work relationship exists if an event or exposure results in a fatal injury to a person on or off the employer's premises and the person was there to work; or ~~if off the employer's premises and the person was there to work; or~~ the event or exposure was related to the person's work or status as an employee.

"Workplace nonfatal injury or illness" ~~means~~ is an occupational injury resulting from a work-related event or from exposure in the work environment. Injuries or illnesses are reported if they result in lost work time; if they require medical treatment (other than first aid); or if the worker experiences loss of consciousness, restriction of work activities or motion, or is transferred to another job.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 840.20 Incorporated and Referenced Materials

- a) The following materials are ~~incorporated and~~ referenced in this Part:
- 1) State of Illinois Statutes
 - A) Illinois Health and Hazardous Substances Registry Act [410 ILCS 525]
 - B) Developmental Disability Prevention Act [410 ILCS 250]
 - C) Section 2310-365 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-365]
 - D) Lead Poisoning Prevention Act [410 ILCS 45]
 - E) Ambulatory Surgical Treatment Center Act [210 ILCS 5]
 - F) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]
 - G) Hospital Licensing Act [210 ILCS 85]
 - H) Freedom of Information Act [5 ILCS 140]
 - I) Part 21 of Article 8 of the Code of Civil Procedure, commonly known as the Medical Studies Act [735 ILCS 5/Art. 8, Part 21]

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- J) State Records Act [5 ILCS 160]
- K) Vital Records Act [410 ILCS 535]
- L) Environmental Protection Act [415 ILCS 5]
- M) Workers' Occupational Diseases Act [820 ILCS 310]
- N) Alternative Health Care Delivery Act [210 ILCS 3]

2) State of Illinois Rules:

- A) Freedom of Information Code (2 Ill. Adm. Code 1126)
- B) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- C) Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- D) Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)
- E) Birth Center Demonstration Program Code (77 Ill. Adm. Code 265)

~~3) Federal Regulations~~

- ~~A) Protection of Identity – Research Subjects, 42 CFR 2A, pars. 4a-j, 6a-b, 7a-b1 (Revised October 1, 2004)~~
- ~~B) Occupational Safety and Health Standards, 29 CFR 1910.1025 (amended April 23, 1998)~~

~~3)4) Federal Statutes~~

- A) Occupational Safety and Health Act of 1970 [29 USC 15], ~~PL 91-596~~
- B) The Birth Defects Prevention Act of 1998 [42 USC 201], ~~PL 105-~~

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C) Public Health Service Act, [42 USC 247b-4]

D) Federal Atomic Energy Act of 1954 [42 USC 2011]

b) The following materials are incorporated by reference in this Part:

1) Federal Regulations

A) Protection of Identity – Research Subjects, 42 CFR 2a.4(a)-(j), 2a.6(a)-(b) and 2a.7(a)-(b)(1) (October 1, 2009)

B) Occupational Safety and Health Standards, 29 CFR 1910.1025 (July 1, 2009)

2) Other Guidelines and Materials

A) International Classification of Diseases, 9th Revision Clinical Modification (1986), World Health Organization, Avenue Appia 20, 1211 Geneva ZT, Geneva, Switzerland ~~(1986)~~

B) International Classification of Diseases for Oncology (ICD-O), Third Edition (2000), World Health Organization, Avenue Appia 20, 1211 Geneva ZT, Geneva, Switzerland

C) International Classification of Diseases, 10th Revision (1992), World Health Organization, Avenue Appia 20, 1211 Geneva ZT, Geneva, Switzerland ~~(1992)~~

D) NAACCR Standards for Cancer Registries, Volume II, Data Standards and Data Dictionary, 11th Edition, April 2006 (effective January 2007), North American Association for Central Cancer Registries, 2121 W. White Oaks Dr., Suite C, Springfield, ILllinois 62704

E) NAACCR Standards for Cancer Registries, Volume III, Standards for Completeness, Quality, Analysis, and Management of Data, October 2004, North American Association of Central Cancer

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Registries, 2121 W. White Oaks Dr., Suite C, Springfield,
[IL](#) 62704

- F) NAACCR Standards for Cancer Registries, Volume V, Pathology Laboratory Electronic Reporting, Version 2.0, November 2005, North American Association of Central Cancer Registries, 2121 W. White Oaks Dr., Suite C, Springfield, [IL](#) 62704
- G) Current Procedural Terminology (CPT) Coding Index, 2007 Version, American Medical Association, P.O. Box 930876, Atlanta, [GA](#) 31193
- H) National Birth Defects Prevention Network (NBDPN), Guidelines for Conducting Birth Defects Surveillance, [June 2004](#), Sever, LE, ed., 1600 Clifton Rd., Atlanta, [GA](#) 30333: [National Birth Defects Prevention Network, Inc., June 2004](#).
- D) [NAACCR/NPCR Disk 7 of Fundamentals of Registry Operations: Data Collection and Coding: Race and Ethnicity Procedures for Central Registries, May 2005, North American Association of Central Cancer Registries, 2121 W. White Oaks Dr., Suite C Springfield IL 62704](#)
- J) [NAACCR Record Uniqueness Analysis Software Version 1.5, May 2004, North American Association of Central Cancer Registries, 2121 W. White Oaks Dr., Suite C, Springfield IL 62704](#)
- K) [Public Health Reporting and National Notification for Elevated Blood Lead Levels, Position Statement 09-OH-02, June 2009, Council of State and Territorial Epidemiologists, 2872 Woodcock Blvd., Atlanta GA 30341](#)

c)b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any later amendments or editions.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 840.30 Availability of Registry Information

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- a) All reports issued by the Department that are aggregated or recorded to make it impossible to identify any patient or reporting physician or facility, including the annual report, shall be made available to the public pursuant to the Department's Freedom of Information ~~Code~~rules (2 Ill. Adm. Code 1126) and the Freedom of Information Act.
- b) All requests by medical or epidemiologic researchers for confidential Registry data ~~shall~~must be submitted in writing to the Department. The request ~~shall~~must include a study protocol that contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of study forms, questionnaires, and consent forms used by researchers to contact facilities, physicians or study subjects; methods for documenting compliance with 42 CFR 2a.4(a)-(j), 2a.6(a)-(b), and 2a.7(a)-(b)(1); methods for processing data; storage and security measures taken to ensure confidentiality of patient-identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); and the curriculum vitae of the principal investigator and collaborators. In addition, the research request ~~shall~~must include a copy of the current IRB approval from the researcher's institution, signed assurance forms for all parties participating in the project and a completed application for the Department's internal IRB review process.
- c) All requests to conduct research and modifications to approved research proposals involving the use of data that ~~include~~includes patient- or facility- identifying information shall be subject to a review by the Department before approval to determine compliance with the following conditions:
- 1) The request for patient or facility-identifying information contains stated goals or objectives.
 - 2) The request documents the feasibility of the study design in achieving the stated goals and objectives.
 - 3) The request documents the need for the requested data or interventions to achieve the stated goals and objectives.
 - 4) The requested data can be provided within the time frame set forth in the request.

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- 5) The request documents that the researcher has qualifications relevant to the type of research being conducted.
- 6) ~~The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research.~~
- 6)7) ~~The request includes~~Other such conditions relevant to the patient's confidentiality rights and the need for the patient- or facility- identifying information. ~~The and the patient's confidentiality rights because the~~ Department will only release only the patient- or facility- identifying information that is necessary for the research.
- 7)8) Appropriate exemptions, IRB approvals and waivers have been obtained.
- 8)9) The request documents the researcher's commitment to provide updated status reports.
- d) Research Agreements
- 1) The Department will enter into research agreements for all approved research requests. ~~The agreement~~These agreements shall specify the exact~~exactly what~~ information that is being released and how it can be used in accordance with the conditions~~standards~~ in subsection (c). In addition, the researcher shall include an assurance that:
- A) Use~~use~~ of data is restricted to the specifications of the protocol;
- B) Any~~any and all~~ data that may lead to the identity of any patient, research subject, physician, other person, or hospital are~~is~~ strictly privileged and confidential. The researcher shall agree and agrees to keep this~~all such~~ data strictly confidential at all times;
- C) All~~all~~ officers, agents and employees will keep all such data strictly confidential; will communicate the requirements of this Section to all officers, agents, and employees; will discipline all persons who may violate the requirements of this Section; and will

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notify the Department in writing within 48 hours after any violation of this Section becomes known to the researcher or officers, agents and employees of the institution, including full details of the violation and corrective actions to be taken;

- D) All data provided by the Department pursuant to the agreement shall be used only for the purposes named in the agreement, and that any other or additional use of the data will result in immediate termination of the agreement by the Department and the violation will be reported to federal authorities if HIPAA is applicable;
- E) All data provided by the Department pursuant to the agreement are the sole property of the Department and shall not be copied, or reproduced or re-released in any form or manner. If required by the Department, the researcher shall agree and agrees to return all data and all copies and reproductions of the data to the Department upon termination of the agreement.
- 2) Any departures from the approved protocol shall be submitted in writing and approved by the Director in accordance with subsection (c) prior to initiation. A researcher shall not release any patient- or facility-identifying information may be released by a researcher to a third party.
- e) The Department will disclose individual patient or facility information to the reporting facility that originally supplied that information to the Department, upon written request of the facility.
- f) The Department, by signed and reciprocating agreement, will disclose individual patient information concerning residents of another state to the registry in the individual's state of residence only if the recipient of the information is legally required to hold the information in confidence and provides protection from disclosure of patient-identifying information equivalent to the protection afforded by the Illinois law.
- g) The patient-identifying information submitted to the Department by those entities required to submit information under the Act and this Part will be used in the

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course of medical study under Part 21 of Article 8 of the Code of Civil Procedure. Therefore, this information is privileged from disclosure by Part 21 of Article 8 of the Code of Civil Procedure.

- h) *The identity, or any group of facts that tends to lead to the identity, of any facility or of any person whose condition or treatment is submitted to the Illinois Health and Hazardous Substances Registry is confidential and shall not be open to public inspection or dissemination and is exempt from disclosure under Section 7 of the Freedom of Information Act. The following data elements, alone or in combination, are confidential, shall not be open to public inspection or dissemination, and are exempt from disclosure under Section 7 of the Freedom of Information Act: name, social security number, street address, email address, telephone number, fax number, medical record number, certificate/license number, reporting source (unless permitted by the reporting facility), age (unless aggregated for 5 or more years), ZIP code (unless aggregated for 5 or more years), and diagnosis date (unless aggregated for one or more years for the entire State or for 3 or more years for a single county). Data defined by geographic areas that are smaller than ZIP code, such as census tract or census block groups, are considered confidential, and theSuch information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. InformationInformation for specific research purposes may be released in accordance with procedures established by the Department in this Section. (Section 4(d) of the Act)*
- i) *Hospitals, laboratories, other facilities or physicians shall not be held liable for the release of information or confidential data in accordance with the Act. The Department shall protect any information made confidential or privileged under law. (Section 4(e) of the Act)*
- j) *Every reporting facility shall provide the Department or entities authorized to represent the Department with access to information from all medical, pathological, and other pertinent records and logs related to reportable ~~Registry~~registry information in order for the Department to conduct rapid case ascertainment; death certificate clearance; patient follow-up; or any other review that is required to ensure data completeness, quality, and timeliness. The mode of access and the time during which this access will be provided shall be by mutual agreement between the facility and the Department (see Section 10 of the Act).*
- k) *Every reporting facility shall provide access to diagnostic, treatment, follow-up*

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and survival information ~~for regarding specified patients with specific medical conditions identified through Department-approved research studies involving or other patients specified through~~ rapid case ascertainment ~~for research studies conducted by the Department. The mode of access and the time during which this access will be provided shall be by mutual agreement between the facility and the Department (see Section 10 of the Act). Any disputes as to access to information shall be resolved by the reporting facility in consultation with the Department within 30 days after requests for access have been denied.~~

- l) The Department ~~will release~~~~shall disclose~~ individual patient or facility APORS information obtained from each Regional Perinatal Network facility to the Regional Perinatal Network's Administrative Perinatal Center, upon written request of that ~~Administrative~~~~particular~~ Perinatal Center's Clinical Director. The patient-and facility-identifying information ~~released~~~~submitted~~ to the Perinatal Center by the Department as required under this Part ~~shall is to~~ be used in the course of medical study under Part 21 of Article 8 of the Code of Civil Procedure and is, ~~therefore,~~ privileged from further disclosure. The Administrative Perinatal Center's request for APORS data ~~shall should~~ clearly indicate the purpose for which the data will be used. The Department ~~will shall~~ release data only for internal quality control or medical study for the purpose of reducing morbidity or mortality, or for improving patient care. The Department ~~will shall~~ provide a copy of the original request and the data that are released to the hospital that originally reported ~~the these~~ data.
- m) The Department ~~will release APORS~~~~shall disclose~~ summary and statistical reports containing information that identifies individual patients or individual hospitals to the hospital that reported the patient, to the Administrative Perinatal Center with which ~~the hospital~~~~it~~ is affiliated, and to the local health agency designated by the Illinois Department of Human Services~~Department~~ to provide follow-up services to patients. ~~The Such~~ reports may contain information provided by the referring hospital and information provided by the follow-up agency. ~~Data Patient and reporting facility specific data~~ provided ~~to the appropriate designee~~ under this Section ~~that are specific to the patient and reporting facility~~ are confidential and shall not be otherwise disclosed.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 840.40 Administrative Hearings

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All administrative hearings shall be conducted pursuant to ~~the Department's Rules of Practice and Procedure~~Procedures in Administrative Hearings. (~~77 Ill. Adm. Code 100~~)

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 840.60 Fee Assessment

The Department ~~will~~shall charge persons or organizations, other than local health departments, State agencies or other units of ~~State~~state government, including the Illinois General Assembly and ~~staff~~Staff, for requested summaries or analyses of data ~~that~~which are not included in any report, survey or compilation of data prepared by the Department.

- a) All requests for summaries or analyses of data not included in any report, survey or compilation of data prepared by the Department shall be in writing and include a protocol ~~that~~which meets the requirements of Section 840.30(b) of this Part.
- b) Fees shall be assessed based upon the following:
 - 1) Cost of data processing and programming;
 - 2) Cost of administrative and clerical processing;
 - 3) Cost of supplies and materials, if any; and
 - 4) Cost of postage.
- c) Upon receipt of the written request, the Department ~~will~~shall estimate the amount of the fee calculated in accordance with subsection (b) and will issue a statement of fee assessment to the requestor. Payment of 50 percent of the estimated fee shall be rendered prior to initiating the project requested. All payments are nonrefundable.
- d) Full payment of the final assessed fee shall be rendered upon receipt of the final statement of fee assessment and prior to receipt of the requested data.
- e) Failure to submit the full assessed fee within 60 days after the receipt of the final statement of fee assessment ~~will~~shall be deemed a withdrawal of the request. The Department ~~will~~shall refuse future requests from a requestor who has not paid assessed fees.

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(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

Section 840.210 Newborn Infant Case Reporting

- a) Entities required to report newborn infant cases:
- 1) The Department requires all hospitals and birth centers licensed by the State of Illinois to report adverse pregnancy outcome information for cases identified during ~~the~~ newborn infant hospitalization or care.
 - 2) The Department requests, but does not require, hospitals outside Illinois, ~~except the St. Louis perinatal centers,~~ and hospitals maintained by the federal government or other governmental agencies of~~with~~ the United States, to report adverse pregnancy outcome information identified during the newborn hospital stay of infants whose mothers were Illinois residents at the time of delivery concerning present or past residents of Illinois.
 - 3) The Department requires clinical laboratories licensed by the State of Illinois to report newborn infants~~newborns~~ who have positive toxicology for controlled substances ~~on a meconium test~~.
 - 4) The Department requires all hospitals and birth centers that are members of an Illinois Perinatal Network to report adverse pregnancy outcome information for cases identified during newborn infant hospitalization or care.
- b) Reporting newborn infant cases by hospitals:
- 1) ~~Hospital units providing perinatal and neonatal care are responsible for reporting adverse pregnancy outcome cases.~~
 - 1)2) Every hospital shall develop procedures and policies for identifying newborn infants who meet an APORS case criterion (see Section 840.200) and shall report these newborn infants to APORS.
 - 2)3) When a newborn infant meets a case criterion (see Section 840.200) and is

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transferred to another hospital for a higher level of care, the hospital providing the highest level of care shall report the case.

- 3)4) Hospitals are required to report newborn infant cases in the format ~~forms~~ provided by the Department.
- A) Hospitals ~~shall~~must use the Department's format for APORS reports and shall report the following information: ~~paper form (Infant Discharge Record).~~
- i) Reporting hospital four-digit facility identification number, name and city and state if not Illinois;
 - ii) Delivery hospital four-digit facility identification number, name and city and state if not Illinois; for births that do not occur in a hospital, the location should be provided by address or by description;
 - iii) Infant's patient identification number;
 - iv) Date the infant was admitted to the reporting hospital;
 - v) Infant's date of birth;
 - vi) Infant's discharge date from the reporting hospital;
 - vii) Infant's four-digit facility identification number and first and last name;
 - viii) Other names by which the infant may be known;
 - ix) Infant's sex;
 - x) Infant's race;
 - xi) Infant's ethnicity;
 - xii) Whether the infant was admitted to the Intensive Care Unit;

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- xiii) Whether the infant was exposed to drugs prenatally and, if applicable, what type;
- xiv) Birth mother's hepatitis B status;
- xv) Dates infant's hepatitis B immunizations were provided, if applicable;
- xvi) Infant's gestational age at delivery in whole weeks;
- xvii) Infant's birth weight in grams;
- xviii) Infant's birth order;
- xix) Pregnancy plurality;
- xx) Infant's diagnoses made prior to the newborn discharge;
- xxi) Birth mother's first and last name;
- xxii) Birth mother's maiden name;
- xxiii) Birth mother's address at delivery, including number, direction, street name, type of street, apartment number, city, state and ZIP code;
- xxiv) Birth mother's county of residence at delivery;
- xxv) Birth mother's medical record number;
- xxvi) Birth mother's social security number;
- xxvii) Birth mother's date of birth;
- xxviii) Birth mother's telephone number, including the area code;
- xxix) Father's first and last name;

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- xxx) Number of the birth mother's pregnancies, including the pregnancy resulting in this infant;
- xxxi) Number of pregnancies that produced: full-term infants, premature infants, abortions (spontaneous and induced), currently living children;
- xxxii) Infant's status on discharge: deceased, going home with parents or other family member, transferring to another hospital, transferring to a long-term care facility, being adopted, going to foster care, or in Department of Children and Family Services (DCFS) custody;
- xxxiii) Name, city and four-digit facility identification number of facility to which child was discharged, if applicable;
- xxxiv) Name and address of the person to whom the infant was discharged if the infant did not go home with the birth mother;
- xxxv) Delivery type, either vaginal or caesarean section;
- xxxvi) Feeding type, either breast, bottle or tube;
- xxxvii) If applicable, formula type, frequency and amount;
- xxxviii) Infant's discharge weight in grams;
- xxxix) Infant's head circumference, in centimeters, at the time of birth;
- xl) Infant's length, in centimeters, from crown to heel at the time of birth;
- xli) Treatments prescribed for the infant at discharge;
- xlii) Medication name, dosage and route of administration prescribed for the infant at discharge;

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- xliv) Other health, social and developmental concerns;
 - xliv) Name and telephone number (including area code) of registered nurse who can be contacted by the public health nurse making home visits to the infant;
 - xliv) Name, address and telephone number (including area code) of a relative, friend or other person who would know how to contact the infant's parents and the relationship of that person to the birth parents;
 - xlvi) Whether the infant's family has been informed that a local public health nurse will contact them to offer follow-up services in their home after the infant is discharged from the hospital;
 - xlvi) Name and the four-digit identification code of the local health agency that serves families in the county or city where the infant will be located;
 - xlvi) Indication of whether the infant or the infant's family is receiving services from a community social service agency, Division of Specialized Care For Children (DSCC), DCFS, or other agency;
 - xlvi) Name of the infant's primary care physician;
 - l) Name and title of the person providing the information;
 - li) Date the report is completed.
- ~~B)~~ ~~When the Department provides an electronic system for hospitals to report birth related data, including APORS information, hospitals shall use the electronic system rather than the form referred to in subsection (b)(4)(A). If a hospital is technically unable to make electronic reports, it may submit case reports on a paper form provided by the Department.~~
- B)C) The Department will provide the hospitals with written instructions

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for completing an APORS report.

- 4)5) Hospitals are required to fully complete all sections of the report form and to send the report to the Department within seven days after the newborn infant's discharge or death.
- 5)6) When hospital-submitted reports are incomplete, the Department will contact the hospital within 30 days after receiving the report. The hospital shall supply the missing information to the Department within 30 days after receiving the request.~~returns incomplete forms, hospitals shall supply the missing information and return the form to the Department within 60 days.~~
- 6) When a newborn infant is discharged, the hospital shall notify the infant's parents or legal guardian that the infant was reported to the Department and that the infant will be referred to health agencies for services.
- 7) Hospitals shall provide the parents or legal guardian with materials provided by DHS that explain the follow-up services that will be offered to the family.
- 8) Hospitals shall provide copies of the report submitted to the Department to the parents or legal guardian if requested. All other requests for copies shall be denied.
- 9)7) Hospitals shall distribute the original report and three copies in the following manner:
 - A) The original report form shall be sent to the Department's Division of Epidemiologic Studies, 535605 West Jefferson, 3rd Floor, Springfield, Illinois 62761;
 - B) One copy shall be sent to the local health department or health agency in the county where the infant resides so that the infant's family can be offered follow-up public health services~~infant is referred for services provided by the High risk Follow-up Program (77 Ill. Adm. Code 640.100);~~
 - C) One copy shall be sent to the infant's newborn's primary care

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physician; and

D) One copy shall be retained by the reporting hospital.

c) Reporting newborn infant cases by clinical laboratories:

1) Clinical laboratories are required to develop procedures and policies to report newborn infant cases of positive toxicology for controlled substances. Negative results are not reported to the Department.

2) Clinical laboratories are required to submit~~send~~:

A) Infant's~~The infant's~~ name (first and last);

B) Infant's date of birth;

C) Residential address, including street address, city, county, state and ZIP~~postal~~ code;

D) Unique identification number assigned by the submitting facility;

E) Name of the facility submitting the test;

F) Address of the facility submitting~~that submitted~~ the test;

G) Test results, including the type of controlled substance found ~~in the meconium~~; and

H) Date of the test;~~;~~

~~I) Date of the laboratory results.~~

3) The clinical laboratory shall send the test results ~~are to be sent~~ to the Department within seven days after the laboratory completes ~~testing~~results.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 840.220 Birth Defect Surveillance of Young Children

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- a) Facilities required to provide data:
- 1) Hospitals;
 - 2) Prenatal and obstetric centers;
 - 3) Specialty health clinics that treat or provide services to children with birth defects;
 - 4) Genetics centers;
 - 5) Laboratories, including cytogenetic, prenatal diagnostic and metabolic; and
 - 6) Physicians who provide prenatal or pediatric care or treat young children ~~who have been discharged~~ with a birth defect diagnosis.
- b) Provision of data by hospitals:
- 1) All hospitals licensed by the State of Illinois shall provide to the APORS program reports of children up to two years of age who have been ~~diagnosed with a birth defect and~~ discharged from that hospital with a birth defect diagnosis.
 - A) Hospitals with perinatal designation levels of III, II with extended neonatal capabilities, and II (see Section 640.40 of the Regionalized Perinatal Health Care Code, 77 Ill. Adm. Code 640.40) shall provide quarterly reports to the Department. The hospitals shall generate electronic reports from computerized hospital discharge data sets. The electronic reports ~~shall~~must be in the standard format required by the Department.
 - B) Hospitals with a perinatal designation level of I (see Section 640.40 of the Regionalized Perinatal Health Care Code, 77 Ill. Adm. Code 640.40) shall provide annual reports to the Department. The hospitals shall generate electronic reports from computerized hospital discharge data sets. The electronic reports ~~shall~~must be in the standard format required by the Department. If

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a hospital is technically unable to generate an electronic report, a paper report will be acceptable.

- C) Children's hospitals shall provide quarterly reports to the Department. The hospitals shall generate electronic reports from computerized hospital discharge data sets. The electronic reports ~~shall~~must be in the standard format required by the Department.
- c) Provision of data by cytogenetic laboratories and ~~genetic prenatal diagnostic~~ clinics:
- 1) All cytogenetic laboratories and ~~genetic prenatal diagnostic~~ clinics shall report ~~abnormal cytogenetic test results for prenatal and postnatal testing. Birth defect diagnoses of genetic origin to the Department.~~ Negative results or normal results are not reported to the Department.
 - 2) The cytogenetic laboratories and prenatal diagnostic clinics shall ~~submit~~send:
 - A) ~~Patient's name~~Mother's name (first and last);
 - B) Date of birth;
 - C) Residential address, if available, including street address, city, county, state and postal code;
 - D) Unique identification number assigned by the submitting facility or physician;
 - E) Name of the facility or physician submitting the test;
 - F) Address of the facility or physician submitting the test;
 - G) Test results; and
 - H) Date of the test; ~~and~~
 - I) ~~Date of the laboratory results.~~

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- 3) The test results shall be sent to the Department within seven days after the testing is complete~~laboratory results~~.
- d) Provision of data by other medical facilities:
 - 1) Prenatal and obstetric centers; specialty health clinics that treat or provide services to children with birth defects; genetics centers; laboratories, including cytogenetic, prenatal diagnostic and metabolic; and physicians who provide prenatal or pediatric care or treat young children who have birth defects shall provide data about prenatally diagnosed birth defects and birth defects in young children up to two years of age.
 - 2) Upon the request of the Department, the facilities listed in subsections (a)(2)-(6) shall provide birth defects surveillance information to the Department.
- e) Availability of information for birth defect surveillance of young children:
 - 1) All ~~facilities~~hospitals listed in subsection (a)~~Section 840.220(b)~~ shall make medical records of mothers and children having a birth defect diagnosis or a risk factor for a birth defect available to the Department. The medical records will be reviewed by APORS staff to ascertain birth defect cases and collect pertinent data.
 - 2) The facilities shall make electronic medical records of children having a birth defect diagnosis or a risk factor for a birth defect available to the Department through remote computer access.~~The facilities shall make medical records of the affected mothers and children available to the Department. The medical records will be reviewed by APORS staff to ascertain birth defect cases and collect pertinent data.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 840.230 Referral of APORS Cases

Based on information reported pursuant to Section 840.210, infants diagnosed with the following conditions shall be referred for follow-up services and public health surveillance:

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- a) APORS staff will report infants diagnosed with the following craniofacial anomalies to the Department's Division of Oral Health, Craniofacial Anomaly Program, for referral to follow-up medical services:
- 1) Cleft lip;
 - 3) Cleft palate; and
 - 3) Cleft palate with cleft lip.
- b) Hospitals shall refer all infants meeting APORS reporting criteria (see Section 840.200) to the local health department or health agency in the county where the infant resides for services. The services provided by the local health department or health agency are not mandatory, and parents or legal guardians of the infant may decline follow-up services.
- c) APORS staff will refer infants diagnosed with selected conditions to DSCC. DSCC will determine these conditions in consultation with APORS. Referrals will be made at an interval and in a format that is agreed upon by APORS and DSCC. The services offered by DSCC are not mandatory, and parents or legal guardians of the infant may decline follow-up services. The conditions will include, but are not limited to:
- 1) Newborn metabolic disorders;
 - 2) Severe retinopathy of prematurity;
 - 3) Spina bifida;
 - 4) Congenital hydrocephalus;
 - 5) Cataracts;
 - 6) Ear defects causing hearing impairment;
 - 7) Transposition of the great vessels;
 - 8) Tetralogy of Fallot;

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- 9) Ventricular septal defects;
 - 10) Heart valve atresia or stenosis;
 - 11) Cleft lip or palate;
 - 12) Clubfoot; and
 - 13) Limb reduction defects.
- d) APORS staff will refer infants diagnosed with selected conditions to the DHS Early Intervention Program. The Early Intervention Program will determine these conditions in consultation with APORS. Referrals will be made at an interval and in a format that is agreed upon by APORS and the Early Intervention Program. The services provided (or offered) by the Early Intervention Program are not mandatory, and parents or legal guardians of the infant may decline follow-up services. The conditions will include, but are not limited to:
- 1) Newborn metabolic disorders;
 - 2) Retinopathy of prematurity;
 - 3) Spina bifida;
 - 4) Congenital hydrocephalus;
 - 5) Brain anomalies;
 - 6) Microphthalmos;
 - 7) Cataract;
 - 8) Cleft lip or palate; and
 - 9) Trisomy 13, 18 or 21.
- e) APORS staff will refer infants diagnosed with the following congenital infections to the Department's Division of Infectious Diseases within seven days after the information is entered into the APORS data system:

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- 1) Prenatal exposure to syphilis or a diagnosis of congenital syphilis;
- 2) Prenatal exposure to hepatitis B;
- 3) Prenatal exposure to chlamydia or a diagnosis of a chlamydial infection;
- 4) Prenatal exposure to herpes or a diagnosis of congenital herpes; or
- 5) Gonococcal conjunctivitis (neonatorum).

(Source: Added at 36 Ill. Reg. _____, effective _____)

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

Section 840.300 Entities Required to Submit Information

- a) The Department requires the following facilities to report ~~the case's~~ occupational disease incidence information:
 - 1) Clinical laboratories and hospital laboratories registered, permitted or licensed by the State of Illinois ~~and hospital laboratories~~ for ~~the~~ blood lead level testing and data collection. Clinical laboratories are required to submit:
 - A) Date of report, including month, day and year the report is completed, in the format mo/day/year, using two digits for month and day and four digits for year;
 - B) Last name of the case;
 - C) First name of the case;
 - D) Middle initial of the case;
 - E) Maiden name of the case, if applicable;
 - F) Complete address where the case resides on a permanent basis (refers to domicile, i.e., the address from which the case may

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lawfully register to vote if proper age is attained), including number, direction, street name, apartment number, type of street, city, state and ZIP code;

- G) County where the case currently resides;
- H) Telephone number of the case, including area code;
- I) Date of birth of the case, using two digits for the month, two digits for the day and four digits for the year;
- J) Gender: the appropriate number for the gender of the case, if available, as 1=male, 2=female, 3=other (includes persons with both male and female reproductive organs and persons who have undergone sex change) or 9=unknown;
- K) Social security number of the case;
- L) Name of submitting party, including the name of the person, industry, physician, hospital, laboratory, clinic or other facility submitting the blood lead sample to the laboratory to be analyzed;
- M) Title, if applicable, of the person submitting the blood lead sample to the laboratory to be analyzed;
- N) Telephone number of the submitting party (area code and seven digit number);
- O) Submitting party type: as either physician, industry (employer), hospital, laboratory (private or public), clinic or other (e.g., nurse, other health care professional, judge);
- P) Testing facility name: name of the laboratory analyzing the blood lead sample;
- Q) Testing facility address: address of the laboratory analyzing the blood lead sample, including number, street name, direction and type of street, city, state and ZIP code;

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- R) Testing facility phone number, including area code;
 - S) Test results: blood lead level of the sample in micrograms per deciliter (mcg/dL);
 - T) Date of sample collection, using two digits for month and day and four digits for year;
 - U) Date of sample receipt by the laboratory, using two digits for month and day and four digits for year;
 - V) Date of sample analysis by the laboratory, using two digits for month and day and four digits for year;
 - W) Specimen type provided to the laboratory, as either venous, capillary or unknown;
 - X) Methodology used to analyze the blood lead sample, as either delves cup, extraction-atomic absorption spectrometry, carbon rod-atomic absorption spectrometry, graphite furnace-atomic absorption spectrometry, anodic stripping voltammetry, hematofluorometry or other.
- 2) Local health authorities and other facilities for ~~the~~ blood lead level testing and data collection shall be required to provide information on cases of elevated blood lead levels as contracted by or upon request of the Department.
- 3) Physicians' offices or clinics shall be required to provide information on cases of elevated blood lead levels upon request of the Department.
- b) The Department requests that clinical or hospital laboratories maintained by the federal government or other facilities within the United States report all incidence of the occupational disease being collected from ~~theits~~ facility or from other data base sources to the Department. An agreement will be established between the Department and ~~thesaid~~ facility for the purpose of collecting data on Illinois residents known to have the specified occupational disease determined by the Department to be reported or collected for the Registryregistry. These facilities, hospitals or clinical laboratories, include all those out-of-state certified by the

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Department or by the Occupational Safety and Health Administration (OSHA) to conduct elevated blood lead levels.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 840.305 Information Required to be Reported

- a) The Occupational Disease Registry shall consist of information on the following occupational disease incidences:
 - 1) Elevated blood lead levels (lead poisoning);
 - 2) Workplace fatalities;
 - 3) Workplace nonfatal injuries and illnesses; and
 - 4) Other specific illnesses such as asbestosis, silicosis, and coal worker's pneumoconiosis.
- b) Information on the occupational disease incidences shall be collected in four ways.
 - 1) Information concerning elevated blood lead levels (lead poisoning) shall be reported to the Department by the facilities specified in Section 840.300 of this Part.
 - A) The Department will follow up with attending physicians or patients/cases or will contract with the local health authorities that agree to conduct interviews with patients/cases, or attending physicians as needed, to assure the accuracy and completeness of reports. The Department or contracted local health authority ~~and~~ will perform the activities or case follow-up for elevated blood lead levels equal to or in excess of 1025 mcg/dl set forth in subsection (b)(1)(B).
 - B) The agreement with local health authorities ~~This agreement~~ will contain requirements for the performance of the following activities or patient follow-up:

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- i) ~~Trace~~Trace the patient or case;⁵
 - ii) ~~Counsel~~Counsel the patient or case;⁵
 - iii) ~~Educate~~Educate the patient or case;⁵
 - iv) ~~Interview~~Interview the patient or case for purposes of collecting, verifying or completing the information identified in subsection (b)(1) of this Section;⁵ and
 - v) ~~Submit~~Submit completed reports to the Department within 30 business days after receipt of the laboratory report for adult elevated blood lead analysis ~~form~~.
- 2) Information concerning fatal occupational injuries and illnesses shall be collected from various reporting sources, including, but not limited to, death certificates, newspaper clipping services, ~~OSHA Occupational Safety and Health Administration~~ reports and coroner's reports.
 - 3) Information concerning nonfatal occupational injuries and illnesses shall be collected using the U.S. Department of Labor, Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses, an annual sample survey of Illinois companies and governmental units.
 - 4) Information concerning specific illnesses shall be collected from existing data sources such as the hospital discharge database or medical records.
- c) ~~Reports of elevated blood lead levels shall be reported by facilities to the information to be reported shall be provided upon forms supplied by the Department by manual submission (paper) or by electronic submission. The facility shall abstract information for the occupational disease case's record onto the standard forms supplied by the Department. (See Appendix C.) The information required in this Section does not apply to data supplied through existing data base sources.~~
 - d) All completed ~~elevated blood lead level submissions~~forms are to be mailed to the Illinois Department of Public Health, Division of Epidemiologic Studies, Occupational Disease Registry, ~~535605~~ West Jefferson Street, 3rd floor, Springfield, Illinois 62761 or submitted electronically.

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- e) Each case's ~~elevated blood lead level~~~~occupational disease~~ incidence report ~~form~~ shall be sent/~~submitted~~ to the Department within seven days after the date of laboratory results. ~~A local health authority or other facility shall submit all~~ data received from a registered, permitted or licensed clinical laboratory or hospital laboratory ~~sent to a local health authority in Illinois or other facility shall be submitted~~ to the Department within three business days after the date ~~the data are received~~~~it is received by the local health authority or other facility~~.
- f) Every hospital, clinical or hospital laboratory, or other facility shall provide representatives of the Department with access to information including specified occupational disease cases or other cases specified for research studies related to occupational disease prevention and control. The Department will conduct studies of all medical, pathological, or other pertinent records and logs related to occupational disease incidence.
- g) Every hospital, clinical or hospital laboratory, or other facility shall provide the Department representatives with ~~the~~ patient's name and attending physician's name for the ~~purpose~~~~purposes~~ of follow-up on all laboratory and existing data base reports received by the Department.
- h) The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital, other reporting facilities and the Department. The Department ~~will~~~~shall~~ not require hospitals and other reporting facilities to provide information on cases that are dated more than two years before the Department's request for further information. ~~Any disputes regarding access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 840.310 Methods of Reporting Occupational Disease

- a) All registered, permitted, or licensed hospital laboratories, clinical laboratories, local health authorities or other facilities shall provide the Department with information on elevated blood lead level cases within ~~seven~~~~7~~ business days ~~after~~~~of~~ receipt of ~~the~~ results.

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- b) Physicians' offices shall provide the Department with information on elevated blood lead level cases upon request of the Department or local health department.
- c)b) Any person, clinical or hospital laboratory, hospital, or other facility required to report to the Department the ~~specified~~ occupational diseases specified in this Section, shall use the ~~terminology the Department has established. Otherwise, the following terminology to indicate~~shall be interpreted as indicating a reportable occupational disease:
- 1) Probable;
 - 2) Consistent with;
 - 3) Compatible with;
 - 4) Suspected;
 - 5) Extension or invasion "to", "onto", "into", "out onto" ~~'to', 'onto', 'into', 'out onto'~~.
- d)e) If the following terminology would be used to report an occupational disease specified by the Department to be collected and submitted ~~on forms in Appendix C~~, the disease ~~it~~ shall be interpreted as ~~being of a nature that is not~~ being necessary for reporting to the Department:
- 1) Questionable;
 - 2) Possible;
 - 3) Suggests;
 - 4) Equivocal;
 - 5) Rule out;
 - 6) Very close to;
 - 7) Worrisome.

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~~e)~~d) Determination of whether ~~or not~~ a given condition is reportable shall be made by the use of the International Classification of Diseases – 9th Revision – Clinical Modification (ICD-9-CM) codes.

~~f)~~e) The specified ~~diagnoses~~ diagnosis of occupationally related diseases ~~that which~~ shall be collected from existing ~~IDPH databases~~ sources data base are:

- 1) Asbestosis, ICD-9-CM code 501;
- 2) Coal Worker's Pneumoconiosis, ICD-9-CM code 500;
- 3) Lead Poisoning - (Elevated Blood Lead Level), ICD-9-CM code 984.0 - 984.9; and
- 4) Silicosis, ICD-9-CM code 502.

~~g)~~f) All existing ~~IDOH databases will reporting sources data base provided to the Department shall~~ use ~~the these~~ ICD-9-CM codes ~~specified in subsection (f) for the purpose in~~ consistency of data collection.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

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**Section 840.APPENDIX C Forms and Instructions for Occupational Disease Registry
(Repealed)****Section 840.EXHIBIT A Instructions for completing The Laboratory Based Report of
Adult Blood Lead Analysis (Repealed)**

~~The Adult Elevated Blood Lead Analysis form should be completed for all blood lead test with concentrations 25 mcg/dl or greater on all persons 16 years of age and older. All laboratories in Illinois certified by the Illinois Department of Public Health and Occupational Safety and Health Administration (OSHA) to conduct a blood lead analysis are required to complete the Adult Elevated Blood Lead Analysis form.~~

- ~~1. THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH CASE NUMBER: The case number will be completed by the Illinois Department of Public Health.~~
- ~~2. DATE OF REPORT: Enter the month, day and year the form is being completed. Use two digits, e.g., 08/03 for month and date. For example, use four digits for year 1989.~~

CASE DATA

- ~~3. Complete the following information on the case's complete name (if unknown enter slashes in the space provided):~~
 - ~~• LAST NAME: Enter the case's complete last name.~~
 - ~~• FIRST NAME: Enter the case's complete first name.~~
 - ~~• MIDDLE INITIAL: Enter the case's middle initial.~~
 - ~~• MAIDEN NAME: If applicable, enter the case's complete maiden name.~~

~~ADDRESS OF CASE: If information is available, complete the following elements on the form. Slashes should be entered in the space provided if unknown. All elements refer to domicile, i.e., the address from which the case may lawfully register to vote if proper age is attained.~~

- ~~• NUMBER: Enter the number of case's current street address.~~
- ~~• DIRECTION: Enter the direction which appears in the case's current street address, e.g. North, West.~~

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- ~~STREET NAME: Enter the name of the case's current street address.~~
 - ~~APARTMENT NUMBER: If applicable, enter the apartment number of the case's domiciled address.~~
 - ~~TYPE: Enter the applicable type of street address, e.g. avenue, street, boulevard.~~
 - ~~CITY: Enter the complete name of the city in which the case currently is domiciled.~~
 - ~~STATE: Enter the state where the case currently is domiciled. Use the standard two digit abbreviations.~~
 - ~~ZIP CODE: Enter the five digit zip code where the case currently is domiciled.~~
4. ~~COUNTY: Enter the complete name of the county where the case currently is domiciled.~~
- ~~CODE: The Illinois Department of Public Health will complete the code.~~
5. ~~TELEPHONE NUMBER: If available, enter the case's telephone number (area code and seven digit number). If unknown, enter slashes in boxes provided.~~
6. ~~DATE OF BIRTH: If available, enter the data of birth for the case. Use two digits for the month and the date. Use four digits for the year. If unknown, enter slashes in boxes provided.~~
7. ~~SEX: If available, enter the appropriate number for the sex of case in the box provided. Record 1 for a male, 2 for a female, 3 for other (includes hermaphrodites and instances of definitive sex change) and a 9 for unknown.~~

SUBMITTING PARTY DATA

8. ~~NAME: Enter the name of the person, industry, physician, hospital, laboratory, clinic or other submitting the elevated blood lead sample to the laboratory to be analyzed.~~

~~TITLE: Enter the title if applicable of person submitting the elevated blood lead sample to the laboratory to be analyzed.~~

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9. ~~TELEPHONE NUMBER: Enter the telephone number of the submitting party (area code and seven digit number).~~
10. ~~TYPE: Enter the type of party submitting the sample in the box provided. If a physician submits the elevated blood lead sample indicate by marking 1 in box. For industry mark 2 in box; for a hospital mark 3 in box; for a laboratory (private or public) mark 4 in box; for a clinic mark 5 in box; for other, e.g., nurse, other health care professional, judge; mark 6 in box and specify on the line provided.~~

~~TESTING FACILITY DATA~~

11. ~~NAME OF LABORATORY: Enter the name of the laboratory analyzing the blood lead sample. The laboratory code number will be completed by the Illinois Department of Public Health.~~
12. ~~ADDRESS: Enter the address of the laboratory analyzing the blood lead sample including street number, direction and name.~~
- ~~CITY: Enter the complete name of the city of laboratory analyzing the blood lead sample.~~
- ~~STATE: Enter the two digit abbreviation of the state of the laboratory analyzing the blood lead sample.~~
- ~~ZIP CODE: Enter the five digit zip code of the laboratory analyzing the blood lead sample.~~
13. ~~LABORATORY TELEPHONE NUMBER: Enter the telephone number of the laboratory analyzing the blood lead sample.~~
14. ~~TEST RESULTS: Enter the blood lead level of the sample in micrograms per deciliter (meg/dl).~~
15. ~~DATE SAMPLE COLLECTED: Enter the month, day and year the blood lead sample was collected, e.g., 08/03/1989. Use two digits for month and day. Use four digits for the year.~~

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16. ~~DATE SAMPLE RECEIVED: Enter the month, day and year the blood lead sample was received by the laboratory, e.g., 08/03/1989. Use two digits for month and day. Use four digits for the year.~~
17. ~~DATE SAMPLE ANALYZED: Enter the month, day and year the blood lead sample was analyzed by the laboratory, e.g., 08/03/1989. Use two digits for month and day. Use four digits for the year.~~
18. ~~SPECIMEN TYPE: Enter a 1 in the box provided if the specimen type is venous; and 2 if capillary and a 9 if unknown.~~
19. ~~METHODOLOGY: Enter appropriate methodology used. Enter a 1 in the box for delves cup; a 2 for extraction AAS; a 3 for carbon rod AAS; a 4 for graphite furnace AAS; a 5 for anodic stripping voltammetry; a 6 for hematoflourometry; a 7 for other methodology used and specify on the line provided.~~

~~On the line provided on the form, the signature of the person (first & last name), completing the form should be affixed. Enter the title of the person completing the form. Enter the date the completed form is mailed.~~

~~Mail completed report within 7 business days to:~~

~~Illinois Department of Public Health
Division of Epidemiologic Studies
Occupational Disease Registry
605 West Jefferson Street
Springfield, IL 62761~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

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**Section 840.APPENDIX C Forms and Instructions for Occupational Disease Registry
(Repealed)****Section 840.EXHIBIT B Instructions for completing the Health Department Follow-up Report of Adult Blood Lead Level Analysis For Results of 25 mcg/dl and Above (Local Health Authorities will use this form) (Repealed)**

~~The follow-up form should be completed for all persons 16 years of age and older having had a blood lead test done and analyzed at 25 mcg/dl or higher. Information from this form will be matched with the laboratory report of adult elevated blood lead level analysis form.~~

- ~~1. ILLINOIS DEPARTMENT OF PUBLIC HEALTH CASE NUMBER: The case number will be completed by the Illinois Department of Public Health.~~
- ~~2. DATE OF REPORT: Enter the month, day and year the form is being completed, e.g., 08/03/1989. Use two digits for month and date and four digits for the year.~~
- ~~3. HEALTH DEPARTMENT FOLLOW-UP: If not already computer printed, enter the name of the health department completing the report, e.g., Cook County Health Department.~~

CASE DATA

- ~~4. NAME: Information for the case name will be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct or complete the information at the time of the case interview.~~

- ~~• LAST NAME: Enter the complete last name of the case.~~
- ~~• FIRST NAME: Enter the complete first name of the case.~~
- ~~• MIDDLE INITIAL: Enter the middle initial of the case.~~
- ~~• MAIDEN NAME: If applicable, enter the maiden name of the case.~~

~~ADDRESS: Information for the case address will be extracted from the Laboratory Based Report of Adult Blood Lead Analysis form. The health department conducting the follow-up activities should verify, correct, or complete the information at the time of the~~

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~~case interview. All elements refer to domicile, i.e., the address from which the case may lawfully register vote if proper age is attained.~~

- ~~NUMBER: Enter the number of case's current street address.~~
- ~~DIRECTION: Enter the direction which appears in the case's current street address, e.g., North, West.~~
- ~~STREET NAME: Enter the name of the case's current street address.~~
- ~~APARTMENT NUMBER: If applicable, enter the apartment number of the case's current address.~~
- ~~TYPE: Enter the applicable type of street address, e.g. avenue, street, boulevard.~~
- ~~LOCATION: If applicable, enter the location of the street address, e.g., N.E., N.W.~~
- ~~CITY: Enter the complete name of the city where the case currently is domiciled.~~
- ~~STATE: Enter the two digit state abbreviation where the case currently is domiciled.~~
- ~~ZIP CODE: Enter the five digit zip code where the case's currently domiciled address applies.~~
- ~~COUNTY NAME AND CODE: Enter the name of county where the case is domiciled. The Illinois Department of Public Health will enter the county code of the case's current address.~~

~~PERSONAL DATA~~

5. ~~PHONE NUMBER: Enter the case's telephone number (area code and seven digit number). Enter slashes if unknown.~~
6. ~~SOCIAL SECURITY NUMBER: Enter the case's nine digit social security number. If unknown, enter slashes in the boxes provided.~~
7. ~~DATE OF BIRTH: Enter the case's month, day and year of birth, e.g., 08/03/1989. Use~~

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~~2-digits for month & date and 4 digits for year.~~

~~8. SEX: Enter the case's sex in the box. Mark 1 if male, 2 if female, and 3 if other (includes hermaphrodites and instances of definitive sex changes), and 9 if unknown.~~

~~9. RACE: Enter the case's race in the box. Mark 1 if White, 2 if Black, 3 if Asian American/Pacific Islander, 4 if American Indian/Alaskan Native, 5 if other and identify what type on the line provided and box 9 if unknown.~~

~~Black is defined as a person having origins in any of the black racial groups of the original people of Africa, and is not of Hispanic origin.~~

~~Asian American or Pacific Islander is defined as a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, i.e., China, Korea, the Philippine Islands or Samoa.~~

~~American Indian or Alaskan Native is defined as a person having origins in any of the original peoples of North America and who maintains culture identification through tribal affiliation or community organization.~~

~~White is defined as a person who is considered to be Caucasian.~~

~~10. HISPANIC ORIGIN: Hispanic is not considered a race. It is an ethnicity. Enter the appropriate number in the box identifying whether or not case is Hispanic. Mark 1 for yes, if yes, specify ancestry on line provided, mark 2 for no, and mark 9 for unknown. Hispanic Origin includes all Mexican, Puerto Rican, Cuban, South or Central America, and other Spanish people. Brazilians and Portuguese are not considered of Hispanic origin.~~

~~11. NUMBER OF CHILDREN UNDER 16 YEARS OF AGE LIVING IN THE CASE'S HOUSEHOLD: Enter the appropriate number of children living in the case's household in the box provided.~~

~~12. CASE OR OTHER IN HOUSEHOLD PREGNANT AT TIME OF DIAGNOSIS: If the case or other in household is pregnant at the time the elevated blood level sample is taken indicate by entering a 0 for not appropriate (N/A), 1 for yes, if not pregnant enter a 2 for no, or if unknown enter a 9.~~

~~13. TRIMESTER OF PREGNANCY: If the case or other in household is pregnant at the~~

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~~time the elevated blood level sample is drawn enter the trimester by marking 1 for first, 2 for second, 3 for third. If not applicable, enter 0.~~

~~CASE OCCUPATION DATA~~

14. ~~OCCUPATION: Enter the type of occupation which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.~~
15. ~~INDUSTRY: Enter the type of industry which the case is currently or most recently employed. The Illinois Department of Public Health will complete the code.~~
16. ~~IF CASE OR OTHER IN HOUSEHOLD PREGNANT, LIST CASE'S OCCUPATION DURING: (If applicable)~~
- ~~• Prior to 3 months: Enter type of occupation case held 3 months before pregnancy. The Illinois Department of Public Health will complete the code.~~
 - ~~• 1st Trimester: Enter the type of occupation case held at 1st trimester of pregnancy. The Illinois Department of Public Health will complete the code.~~
 - ~~• 2nd Trimester: Enter the type of occupation case held at 2nd trimester of pregnancy. The Illinois Department of Public Health will complete the code.~~
 - ~~• 3rd Trimester: Enter the type of occupation case held at 3rd trimester of pregnancy. The Illinois Department of Public Health will complete code.~~
17. ~~CASE REMOVED FROM WORK ENVIRONMENT: Enter 1 for yes—case was removed from work environment or 2 for no—case was not removed from work environment. Enter 9 if it is unknown whether case was removed from work environment.~~

~~CASE EMPLOYER DATA~~

18. ~~COMPANY NAME: Enter the name of the case's current or most recent employer at the time the blood test was drawn. The Illinois Department of Public Health will complete the code.~~

~~EMPLOYER'S ADDRESS (The work site of the case):~~

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- ~~NUMBER: Enter the number and direction of the case's current or most recent employer.~~
- ~~STREET NAME: Enter the street name of the case's current or most recent employer.~~
- ~~CITY: Enter the complete name of the city of the case's current or most recent employer.~~
- ~~STATE: Enter the two letter abbreviation of the state (see attached list) of the case's current or most recent employer.~~
- ~~ZIP CODE: Enter the five digit zip code of the case's current or most recent employer.~~
- ~~COUNTY NAME AND CODE: Enter the county name of the case's current or most recent employer. Illinois Department of Public Health will complete the county codes.~~

19. ~~EMPLOYER'S PHONE NUMBER: Enter the telephone number of the case's current or most recent employer (includes area code and seven digits).~~

~~SIGNATURE LINE: Enter the name (first and last) of the person completing the report. Enter the title of the person completing the report. Record on the line provided the date the completed report is mailed.~~

~~Mail completed form within 30 business days after receipt of the Adult Elevated Blood Lead Report to:~~

~~Illinois Department of Public Health
Division of Epidemiologic Studies
Occupational Disease Registry
605 W. Jefferson Street
Springfield, IL 62761~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

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OCCUPATIONAL DISEASE REGISTRY
 605 WEST JEFFERSON STREET
 SPRINGFIELD, IL 62761
 TELEPHONE: (217)785-1873

- 5. Anodic stripping voltammetry
- 6. Hematofluorometry
- 7. Other: _____

20. Signature of Person Completing Form

Title	Date

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

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Section 840.APPENDIX C Forms and Instructions for Occupational Disease Registry (Repealed)

Section 840.ILLUSTRATION B Health Department Follow-Up Report of Adult Blood Lead Levels Analysis for Results of 25 mcg/dl and Above (Repealed)

11/13/89 HEALTH DEPARTMENT FOLLOW-UP REPORT OF ADULT BLOOD LEAD LEVEL ANALYSIS FOR RESULTS OF 25 mcg/dl AND ABOVE (Please PRINT firmly or type) 1-IDPH case#

2. DATE OF REPORT: month / day / year

3. HEALTH DEPT. FOLLOW UP: IDPH case#

CASE DATA

4. NAME: last name first name middle initial maiden (if applicable) ADDRESS: number dir street name apt type loc city state zip code county

PERSONAL DATA

5. PHONE NUMBER 7. Sex 6. SOCIAL SECURITY NUMBER 1. Male 2. Female 3. Other 4. Unknown 8. Date of Birth month / day / year 9. RACE: 1. White 2. Black 3. Asian/Pacific Islander 4. American Native 5. Other 9. Unknown 10. HISPANIC ORIGIN: 1. Yes 2. No 9. Unknown 11. NUMBER OF CHILDREN UNDER 16 YEARS OF AGE LIVING WITH CASE: 12. CASE OR OTHER IN HOUSEHOLD PREGNANT AT TIME OF DIAGNOSIS: 0. N/A 1. Yes 2. No 9. Unknown 13. TRIMESTER OF PREGNANCY: 1. First 2. Second 3. Third

CASE OCCUPATION DATA

14. OCCUPATION: IDPH only 15. INDUSTRY: 16. IF CASE OR OTHER IN HOUSEHOLD PREGNANT LIST THE CASE'S OCCUPATION DURING: Prior 3 months: 1st trimester: 2nd trimester: 3rd trimester: 17. CASE REMOVED FROM WORK ENVIRONMENT? 1. Yes 2. No

CASE EMPLOYER DATA

18. COMPANY NAME: 19. EMPLOYER PHONE NUMBER

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- 1) Heading of the Part: The Illinois Water Well and Pump Installation Contractor's License Code
- 2) Code Citation: 77 Ill. Adm. Code 915
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
915.5	New
915.6	New
915.10	Amend
915.20	Amend
915.25	New
915.30	Repeal
915.80	Amend
915.110	New
915.130	New
915.140	New
- 4) Statutory Authority: Illinois Water Well and Pump Installation Contractor's License Act [225 ILCS 345]
- 5) A Complete Description of the Subject and Issues Involved: New Sections are being added for Definitions and Referenced Materials.

Section 915.10. The amendment specifies the documentation an applicant must provide in order to verify experience in the actual construction of water wells and the installation of water well pumps. This falls in line with the requirements of other licensing programs in the Division of Environmental Health. The Water Well and Pump Installation Contractor's License Board commented that in the past some applicants did not have adequate experience to become licensed water well or pump installation contractors and that documentation must be provided by the applicant to verify such experience. A subsection is being added for the qualifications of the applicants. Subsection (c) is being deleted since a character reference is already required as part of the employers affidavits in the application.

Section 915.20. The amendment specifies that in order to pass an examination, an applicant would 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. The minimum passing grade requirement of 70 would fall in line with most of the other

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licensing programs in the Division of Environmental Health. A subsection is being amended to clarify the parts of the examinations. A subsection is being added for refusal of an applicant to take an examination.

A Section is being added for the expiration, renewal, reinstatement, and restoration of licenses.

Section 915.30 is being repealed because it contains information already set forth in the Authority Note.

Section 915.80. The amendment increases the time period that requests for continuing education sessions must be submitted to the Department from 4 weeks to 60 days before any training session is presented. In the past, there was not enough time for both the Department and the Water Well Licensing Board to review and approve any request to present a continuing education session. Extending the time from 4 weeks to 60 days before the date the program begins will provide sufficient time for review and to make any required revisions. The amendment also establishes a time period of 30 days for the Department to approve a continuing education session before it is held. Safety hazards associated with the water well and pump installation industry were added as a continuing education topic. Previously, there were no topic guidelines toward planning an education session, specifically tailored to meet the separate training needs of licensed water well and pump installation contractors. A subsection was added to provide these guidelines. Language was added to clarify what information is needed in a request submitted for a continuing education session. To review a training session plan, the Department needs to know the intended audience for each topic and the procedures for verifying attendance.

Sections are being added for the revocation or suspension of a license, enforcement for the revocation or suspension of a license, Administrative Hearings, and the names and addresses of licensed water well and pump installation contractors.

There will be no economic effect on the water well and pump installation industry.

The Department anticipates adoption of the 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

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- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does the rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain any incorporations by reference? No
- 10) Are there any other proposed amendments 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 rulemaking: Interested persons may present their comments concerning these rules 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, Fifth Floor
Springfield, Illinois 62761
- 217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis: These rules may have an impact on small businesses. Any small business commenting on these rules shall indicate their status as such in their comments.
- A) Type of small businesses, small municipalities and not for profit corporations affected: Water well and pump installation contractors
- B) Reporting, bookkeeping or other procedures required for compliance: Applicants must provide written proof of experience when applying for a license as a water well or pump installation contractor. Sponsors of continuing education sessions must document attendance at all such sessions, and retain attendance records for a minimum of three years after the training session. Licensed water well and pump installation contractors must provide written proof of attendance at a continuing education session to the Department as a requirement to renew their licenses.

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- C) Types of professional skills necessary for compliance: Water well and pump installation contractor licenses.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 915

~~THE ILLINOIS~~ WATER WELL AND PUMP INSTALLATION
CONTRACTOR'S LICENSE CODE

Section

915.5	Definitions
915.6	Referenced Materials
915.10	Applications
915.20	Examination Requirements
915.25	Expiration, Renewal, Reinstatement and Restoration of Licenses
915.30	Statutory Authority (Repealed)
915.40	Supervision
915.50	Licensed Contractor Responsibility
915.60	Renewal of Expired License
915.70	Continuing Education Requirements for Licensed Water Well Contractors and Licensed Water Well Pump Installation Contractors
915.80	Continuing Education Sessions
915.90	Record of Completion
915.100	Plumbers Licensed as Water Well Pump Installation Contractors
915.110	Revocation or Suspension of a License
915.130	Administrative Hearings
915.140	Names and Addresses of Licensed Contractors

AUTHORITY: Implementing and authorized by the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

SOURCE: Emergency rules adopted at 2 Ill. Reg. 9, p. 30, effective February 22, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 10, p. 123, effective March 5, 1979; codified at 8 Ill. Reg. 8926; amended at 17 Ill. Reg. 4425, effective March 23, 1993; amended at 22 Ill. Reg. 4111, effective February 10, 1998; amended at 24 Ill. Reg. 12057, effective August 1, 2000; amended at 36 Ill. Reg. _____, effective _____.

[Section 915.5 Definitions](#)

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"Act" means the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

"Board" means the Water Well and Pump Installation Contractors Licensing Board created by Section 6 of the Act. (Section 2(10) of the Act)

"Department" means the Department of Public Health. (Section 2(8) of the Act)

"Drill" and "Drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes. (Section 2(3) of the Act)

"Person" includes any natural person, partnership, association, trust and public or private corporation. (Section 2(11) of the Act)

"Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products, or monitoring wells. (Section 2(1) of the Act)

"Water Well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well. (Section 2(4) of the Act)

"Water Well Pump Installation" means the selection of and the procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for any use, including all construction involved in making entrance to the well and establishing such seals and safeguards as may be necessary to protect such water from contamination and all construction involved in connecting such wells and pumping units or pressure tanks in the water supply systems of buildings served by such well, including repair to any existing installation. (Section 2(5) of the Act)

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"Water Well Pump Installation Contractor" means any person engaged in the business of installing or repairing pumps and pumping equipment owned by others. (Section 2(6) of the Act)

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.6 Referenced Materials

The following materials are referenced in this Part:

a) Illinois Statutes

_____ 1) Water Well and Pump Installation Contractor's License Act [225 ILCS 245]

_____ 2) Illinois Plumbing License Law [225 ILCS 320]

b) Illinois Administrative Rules

_____ 1) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)

_____ 2) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)

_____ 3) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.10 Applications

a) An application for examination for registration as a licensed water well contractor ~~or~~ water well pump installation contractor must be received in the office of the Department of Public Health, Springfield, Illinois, at least ~~45~~30 days prior to the date of examination. Applications shall be made on forms provided by the Department and shall include the following information:

1) Named and address of the applicant;

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- 2) Age of the applicant;
 - 3) A statement that the applicant is a citizen of the United States or has declared his or her intention to become a citizen of the United States; and
 - 4) Employment~~employment~~ records, W-2's, copies of paychecks, or other evidence that the applicant has been employed in water well construction or water well pump installation for a minimum of 420 working days in a maximum of two years.
- b) A recent photograph shall be submitted with~~comprise a part of~~ the application form and be made a permanent record.
- e) ~~Affidavits by three responsible persons as to the applicant's moral character, honesty and integrity shall be made a part of the application form and become a permanent record.~~
- cd) Affidavits from previous and current licensed contractor employers shall~~must~~ accompany the application, indicating the dates that~~which~~ the applicant was employed and the locations of previous jobs that the applicant performed, and verifying that the applicant was engaged in water well or water pump installation work and that he performed this work under the supervision of a licensed contractor. An applicant for a water well contractor license shall submit copies of at least 10 water well construction reports that identify the applicant as the driller. To identify himself or herself as the driller, the applicant, along with the licensed driller performing the supervision, shall sign and date each of the water well construction reports. An applicant for a water well pump installation contractor license shall submit copies of at least 10 water well pump installation reports that identify the applicant as the pump installer. To identify himself or herself as the pump installer, the applicant, along with the licensed pump installer performing supervision, shall sign and date the water well construction report or the water well pump installation report. The names and addresses of previous licensed contractor employers shall be included. These affidavits shall be submitted~~with~~~~made a part of~~ the application form and become a permanent record.
- d) Qualifications. The Department will approve an application, provided the applicant has the following qualifications:

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- 1) Is at least 18 years of age;
- 2) Is a citizen of the United States or has declared his or her intention to become a citizen of the United States;
- 3) Possesses good moral character on the basis of documentation provided by the applicant's employers' affidavits as required in subsection (c) of this Section, and that the applicant has no criminal record as described in Section 915.110(g);
- 4) Has the following experience as documented according to subsections (a) (4) and (d) of this Section:
 - A) An applicant for a water well contractor's license shall have worked two years under the supervision of a licensed water well contractor;
 - B) An applicant for a water well pump installation contractor's license shall have worked two years under the supervision of a licensed water well pump installation contractor;
 - C) An applicant for a water well and pump installation contractor's license shall have worked two years for a licensed water well contractor and pump installation contractor; and
- 5) Has paid the required fee in accordance with Section 13 of the Act.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 915.20 Examination Requirements

- a) Photograph. The applicant shall personally present a~~A~~ recent photograph of himself or herself~~the applicant must be personally presented by the applicant~~ at the time of the examination.
- b) Examination. The examination shall be written and consist of four parts prepared by the ~~Board~~licensing board. The four parts shall be the following:

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- 1) Illinois Water Well Construction Code and the Act~~general knowledge of well drilling industry;~~
 - 2) Illinois Water Well Pump Installation Code and the Act~~general knowledge of pump installation industry;~~
 - 3) Experience in the construction of water wells; and
 - 4) Experience in the installation of water well pumps.
- c) Passing Grade. Applicants desiring a water well contractor license ~~shall~~will be required to successfully pass parts 1 and 3 as described in subsection (b) ~~above~~. Applicants desiring a water well pump installation contractor license ~~shall~~will be required to successfully pass parts 2 and 4 as described in subsection (b) ~~above~~. Applicants desiring licensure for both ~~shall~~will be required to successfully pass all parts. The examination shall consist of questions with a combined grade value of 100 points in each part. ~~To~~In order to successfully pass the examination, ~~a grade of not less than 75 must be obtained after averaging the results of the questions from each part taken. However,~~ the applicant ~~shall~~must obtain a grade of not less than 70 in each part of the examination.
- d) Failure to Pass. An applicant who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with Section 13 of the Act~~Section 915.10~~.
- e) Refusal to take an examination. If an applicant neglects, fails or refuses to take an examination for a license under this Act within three years after filing his or her application, the examination fee paid by the applicant shall be forfeited to the Department and the application denied. However, after that time, the applicant may make a new application for examination, accompanied by the required fee.
- f) Review of Examinations. Individuals may not review the examinations once they have been taken.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 915.25 Expiration, Renewal, Reinstatement and Restoration of Licenses

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- _____ a) Expiration. All licenses expire on January 31, following the date of issuance, with the exception that a license issued after October 31 and before January 31 shall expire on ~~the~~ January 31 occurring after the license has been in effect for one year.
- _____ b) Renewal. All license renewals shall be made on forms prescribed by the Department and shall include documentation that the licensed contractor has attended at least one approved continuing education session in the preceding two years. All completed license renewal applications and fees are due December 31. Licenses renewed after December 31 will be assessed a late fee charge.
- _____ c) Reinstatement. The Department will reinstate a license that has expired for three or fewer years upon receiving the completed renewal application and required fee.
- _____ d) Restoration. A person whose license has been expired for more than three years may have the license restored, provided that a completed application for licensure and the required restoration fee are submitted to the Department according to Section 915.10, and that the applicant successfully passes the examination.
- _____ e) Fees. The fee to renew, reinstate or restore a license shall be paid according to Section 13 of the Act.

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.30 Statutory Authority (~~Repealed~~)

~~This Part is promulgated under authority of Section 8 of the Water Well and Pump Installation Contractor's License Act, (Ill. Rev. Stat. 1977, ch. 111, pars. 7101 et seq.).~~

(Source: Repealed at 36 Ill. Reg. _____, effective _____)

Section 915.80 Continuing Education Sessions

- a) Approval of ~~Continuing Education Sessions~~~~continuing education sessions~~. Each entity that has established or proposes to present a continuing education session under the Act shall request Department approval by submitting its continuing

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education program to the Department. ~~Requests~~~~These requests~~ shall be submitted to the Department no later than ~~60 days~~~~4 weeks~~ before the date the program begins. ~~Continuing education sessions shall not be presented until at least 30 days after Department approval.~~ A list of approved continuing education sessions ~~will~~~~shall~~ be available from the Department. The Department ~~will~~~~shall~~ approve ~~those~~ sessions that address ~~at least one~~~~all~~ of the following topics:

- 1) Water well construction and pump installation in general;:-
- 2) Grouting;:-
- 3) Water sample collection and sampling;:-
- 4) Contamination of water supplies and grouting;:-
- 5) Safety hazards associated with the water well construction and pump installation industry; or
- 6) Other relevant information necessary for the continued improvement of knowledge of a water well and pump installation contractor.

b) Minimum Classroom Hours for Continuing Education Sessions. For a continuing education session to be approved as fulfilling the requirement of continuing education for a licensed water well contractor, the session shall have a minimum of four classroom contact hours of water well topics. For a continuing education session to be approved as fulfilling the requirement of continuing education for a licensed water well pump installation contractor, the session shall have a minimum of four classroom contact hours of water well pump topics.

c) Requests for Approval. When requesting approval, the entities shall submit the following information to the Department:

- 1) Title of session;:-
- 2) Type of audience (water well contractors or water well pump installation contractors);:-
- 3) Location of session;:-

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- 4) Names and qualifications of instructors or presenters;
- 5) Brief description of each topic, ~~and~~ amount of time for each topic, and type of licensed contractor each topic is intended to educate; and-
- 6) Total classroom contact hours excluding breaks (a classroom contact hour is 60 minutes).

d) Attendance. The entity shall provide, upon request, the methodology used to verify attendance. Attendance records shall be retained for three years after the continuing education session.

ee) Notification.
 Each entity approved to conduct sessions shall be responsible for notifying all licensed contractors of continuing education sessions~~seminar~~ dates and locations.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 915.110 Revocation or Suspension of a License

The Department may refuse to renew, may suspend or may revoke a license on any one or more of the following grounds:



- a) Material misstatement in the application for license;
- b) Failure to have or retain the qualifications required by Section 9 of the Act;
- c) Violation of the Act or this Part; or disregard or violation of any law of the State of Illinois or of any Illinois administrative rule relating to water drilling or the installation of water pumps and equipment;
- d) Willfully aiding or abetting another in the violation of the Act or this Part;
- e) Incompetence in the performance of the work of a water well contractor or of a water well pump installation contractor;

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- f) Allowing the use of a license by someone other than the person in whose name it was issued;
- g) Conviction of any crime an essential element of which is misstatement, fraud or dishonesty; conviction in this or another State of a felony; and
- h) Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the occupation of a water well contractor or a water well pump installation contractor, based upon documentation. (Section 15 of the Act)

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.130 Administrative Hearings

All administrative hearings shall be conducted in accordance with the Department's Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Added at 36 Ill. Reg. _____, effective _____)

Section 915.140 Names and Addresses of Licensed Contractors

The Department will maintain the names and business addresses of licensed water well contractors, water well pump installation contractors, and water well and pump installation contractors on the Department's website, in accordance with Section 7(f) of the Act.

(Source: Added at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
310.47	Amendment
310.410	Amendment
310.APPENDIX A TABLE D	Amendment
310.APPENDIX A TABLE E	Amendment
310.APPENDIX A TABLE F	Amendment
310.APPENDIX A TABLE N	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 8a]
- 5) Effective Date of Amendments: December 22, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A statement that 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. Copies of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services and Agency Training and Development.
- 9) Notices of Proposed Published in the Illinois Register: The proposed amendments were published in the September 23, 2011 Register at 35 Ill. Reg. 15345 and in the September 30, 2011 Register at 35 Ill. Reg. 15496.
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Two proposed rulemakings were combined to create this adopted rulemaking. (See #9 above.) Since the First Notice, the changes are based on JCAR recommendations and intervening rulemaking. Specifically the First Notice Changes are:

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NOTICE OF ADOPTED AMENDMENTS

In the table of contents, the emergency indicated following each section and the added language in 35 Ill. Reg. 11657 are retained.

In the main source notes, updates to the following rulemakings or intervening rulemakings are included: peremptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; peremptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; peremptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011.

Section 310.Appendix A, Table S contains updates from the 35 Ill. Reg. 15178 intervening rulemaking and the section source note is updated as the amendments are proposed no longer emergency.

Each section source note is changed from volume 35 to 36.

The emergency indications in front of the sections in the table of contents are removed. Also in the table of contents are changes in the adoption of proposed amendments filed December 6, 2011 and published at 35 Ill. Reg. 20144.

The emergency amendments at 35 Ill. Reg. 11657 expired November 27, 2011. An indication of that expiration is added to the main source note. Also in the main source note is reference to the adoption of proposed amendments filed December 6, 2011 and published at 35 Ill. Reg. 20144.

In all sections of this Notice of Adoption are changes in the adoption of proposed amendments filed December 6, 2011 and published at 35 Ill. Reg. 20144.

The changes to 310.Appendix A, Table N in the peremptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011, are contained in this Notice of Adoption.

- 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 made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes, the emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, to the Section 310.Appendix A, Table N is made permanent by adoption of this rulemaking.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.47	Amendment	35 Ill. Reg. 2841; February 18, 2011
310.APPENDIX A TABLE AA	Amendment	35 Ill. Reg. 2841; February 18, 2011
310.47	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.50	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.130	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.410	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.490	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.500	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE A	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE B	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE C	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE D	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE E	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE F	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE G	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE H	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE I	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE J	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE K	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE M	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE N	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE O	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE P	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Q	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE R	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE S	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE T	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE U	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE V	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE W	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE X	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Y	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE Z	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AB	Amendment	35 Ill. Reg. 5705; April 8, 2011

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310.APPENDIX A TABLE AC	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AD	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX A TABLE AE	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX D	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.APPENDIX G	Amendment	35 Ill. Reg. 5705; April 8, 2011
310.410	Amendment	35 Ill. Reg. 19885; December 23, 2011
310.Appendix A Table O	Amendment	35 Ill. Reg. 19885; December 23, 2011
310.Appendix A Table W	Amendment	35 Ill. Reg. 19885; December 23, 2011
310.Appendix B Table N	Amendment	35 Ill. Reg. 19885; December 23, 2011
310.Appendix B Table O	Amendment	35 Ill. Reg. 19885; December 23, 2011
310.Appendix B Table S	Amendment	35 Ill. Reg. 19885; December 23, 2011
310.Appendix B Table W	Amendment	35 Ill. Reg. 19885; December 23, 2011
310.Appendix B Table X	Amendment	35 Ill. Reg. 19885; December 23, 2011

- 15) Summary and Purpose of Amendments: In the table of contents, the heading for Section 310.Appendix A Table D has the Local changed to #700. The Illinois Labor Relations Board State Panel issued an Amendment to Certification (Case No. S-AC-11-006) on March 25, 2011 changing the Local number.

In Section 310.47, the Step 1 in-hiring rate is removed for employees who possess a non-Computer-Science degree at 4-year college and work outside of Cook County in the Information Services Intern title. Lower steps have been eliminated effective July 1, 2011 for the title by the contract between CMS and American Federation of State, County and Municipal Employees (AFSCME) that was signed October 23, 2008.

In Section 310.410, the MS-salary range assigned to the Librarian II title is changed to MS-19. The change follows the Memorandum of Understanding (MOU) between AFSCME and the State of Illinois for the Librarian II position signed March 1, 2011, which assigns RC-063-18 pay grade Pay Plan Code B rates to the Librarian II title effective October 22, 2010. The MS-25 salary range is assigned to the End-user Computer Services Specialist I title. The MS-28 salary range is assigned to the End-user Computer Services Specialist II title. The MS-31 salary range is assigned to the End-user Computer Systems Analyst title. The MS-salary range assignments follow the MOU between Teamsters Local 916 (NR-916 bargaining unit) and the State of Illinois, CMS, for the End-user Computer Services Specialist I and II, and End-user Computer Systems Analyst titles effective February 1, 2011.

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In the Section 310.Appendix A, Table D heading, the Local is changed to #700. (See the above paragraph regarding the table of contents.) In the Section 310.Appendix A, Table D, the full scale rate table for Highway Maintainer (Snowbirds) is added with rates effective January 1, 2010, July 1, 2010, January 1, 2011, July 1, 2011, January 1, 2012 and June 30, 2012. The Memorandum of Agreement between the departments of Central Management Services and Transportation and the State and Municipal Teamsters, Chauffeurs and Helpers Union, Local 726, Affiliated with the International Brotherhood of Teamsters was signed November 24, 2009.

In Section 310.Appendix A, Table E, the full scale rate table for Highway Maintainer (Snowbirds) is added with rates effective January 1, 2010, July 1, 2010, January 1, 2011, July 1, 2011, January 1, 2012 and June 30, 2012. The Memorandum of Agreement between the departments of Central Management Services and Transportation and the Local #330, General Chauffeurs, Sales Drivers and Helpers (Fox Valley) was signed November 22, 2009.

In Section 310.Appendix A, Table F, the full scale rate table for Highway Maintainer (Snowbirds) is added with rates effective January 1, 2010, July 1, 2010, January 1, 2011, July 1, 2011, January 1, 2012 and June 30, 2012. The Memorandum of Agreement between the departments of Central Management Services and Transportation and the Illinois Conference of Teamsters (Downstate) was signed November 10, 2009.

Regarding Section 310.Appendix A, Table N, the Illinois Labor Relations Board (ILRB) Revocation of Certification of the Public Service Administrator (PSA) title Option 8L position at the Property Tax Appeal Board (PTAB) (Case No. S-RC-09-136) was effective August 25, 2011. Effective August 25, 2011, the employee appointed to the Public Service Administrator (PSA) title Option 8L, which is Special License - Law License (Sections 310.50 and 310.500), position at PTAB and the position are subject to the jurisdiction of Merit Compensation System and assigned to the PSA broadband salary range, and receive the immediate corresponding pay treatment (Section 310.495(g)).

The December 28, 2010 State of Illinois Appellate Court Order (General No. 4-09-0722, CMS (PTAB) v. ILRB) reversed the ILRB decision to issue a certification of representative and remanded for further proceedings to the ILRB. The ILRB petitioned for leave to appeal the 4th District Appellate Court's decision to the Illinois Supreme Court. On February 1, 2011, the State of Illinois Appellate Court recalled its own December 28, 2010 mandate. Eventually, the Illinois Supreme Court denied the petition for leave to appeal in the judgments (Nos. 111823 and 111854) entered May 25, 2011

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and sealed June 29, 2011. On July 12, 2011, the State of Illinois Appellate Court issued the December 28, 2010 mandate pursuant to the provisions of the Illinois Supreme Court Rule 368. Now following the ILRB revocation issued August 25, 2011, the ILRB is to consider in a hearing the CMS assertion that the managerial and/or supervisory employee exceptions (Illinois Public Labor Relations Act [5 ILCS 315/3(g) and (r)]) should have been applied to the single employee appointed to the position and therefore excluded from representation by a bargaining unit. The timeframe of the ILRB consideration, certification decision, potential court appeals, and MOU negotiations is undetermined.

The ILRB issued a Revocation of Certification of the PSA title Option 8L position at the PTAB effective August 25, 2011. The ILRB revoked the Certification of Representative of the PSA title Option 8L position at the PTAB (Case No. S-RC-09-136) to the American Federation of State, County and Municipal Employees (AFSCME) RC-010 bargaining unit with no position excluded effective August 17, 2009. Effective August 17, 2009 through August 25, 2011, the PSA title Option 8L position at the PTAB was assigned to the RC-010-24 pay grade by a MOU signed October 14, 2009 and the employee received pay treatment based on the MOU and subsequent RC-010 bargaining unit agreements. The PSA title Option 8L position at the PTAB is not assigned to the RC-010-24 pay grade effective August 25, 2011.

In Section 310.Appendix A, Table N, the Property Tax Appeal Board is removed from the agencies where positions allocated to the Public Service Administrator Option 8L are assigned to the RC-010-24 pay grade in the title table.

In Section 310.Appendix A, Table S, the Pay Plan Code B pay grade VR-704-27 rates effective January 1, 2012 are added in a rate table. The MOU for the Senior Public Service Administrator title Option 7, which is Law Enforcement/Correctional, at the Illinois State Police was signed July 29, 2011. The pay grades assigned to the Senior Public Service Administrator Option 7 at Illinois State Police are designated by function. The VR-704-27 pay grade was assigned to the deputy laboratory director function effective September 29, 2010. While the MOU acknowledged that the employer is to add the rates given the pay increase effective January 1, 2012, the MOU did not contain the rates effective January 1, 2012 and are adopted here.

- 16) Information and questions regarding these adopted amendments shall be directed to:
Mr. Jason Doggett, Manager, Compensation Section
Division of Technical Services and Agency Training and Development
Department of Central Management Services

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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504 William G. Stratton Building, Bureau of Personnel
Springfield IL 62706

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

- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

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

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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 (Repealed)
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

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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 (Repealed)
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 Equivalent
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)

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY
DUE TO FISCAL YEAR 2012 APPROPRIATIONS

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section

310.600	Jurisdiction
310.610	Pay Schedules
310.620	In-Hiring Rate
310.630	Definitions
310.640	Increases in Pay
310.650	Other Pay Provisions
310.660	Effective Date
310.670	Negotiated Rate
310.680	Trainee Rate
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010

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 Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700 #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

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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 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Veterans' Affairs, Natural Resources, Human Services, Historic Preservation Agency and Agriculture Managers, IFPE)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police)

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	Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators, AFSCME)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
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].

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,

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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; preemptory 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; preemptory 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; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory 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; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory 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; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on

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November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended

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at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill.

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Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective

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June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095,

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effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg.

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2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; emergency amendment at 11657, effective July 1, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 36 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011.

SUBPART A: NARRATIVE

Section 310.47 In-Hiring Rate

- a) Use – No employee in a position in which the position and/or the employee meet the criteria of an in-hiring rate receives less than the in-hiring rate. The in-hiring rate is used when a candidate only meets the minimum requirements of the class specification upon entry to State service (Section 310.100(b)(1), 310.490(b)(1) or 310.495(b)(1)), when an employee moves to a vacant position (Section 310.45) or when an MS salary range is assigned to a Trainee Program (Section 310.415(b)).
- b) Request – An agency head may request in writing that the Director of Central Management Services approve an in-hiring rate. The rate is a Step or dollar amount depending on whether the classification title is assigned to a negotiated pay grade, merit compensation salary range or broad-band salary range. The rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hiring rate and the limitations are included in the agency request. An effective date may be included in the request.
- c) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, length of vacancies, and the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title.

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- d) Approval – The Director of Central Management Services indicates in writing the approved in-hiring rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.
- e) Implementation – In the classification title or within the limitations of the classification title, an employee paid below the in-hiring rate receives the in-hiring rate on the approved effective date. The in-hiring rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hiring rate is approved by the Director of Central Management Services.
- f) Approved In-Hiring Rates –
- 1) Assigned to a pay grade or salary range –

Title	Pay Grade or <u>Salary</u> Range	<u>Effective Date</u>	<u>In- Hiring Rate</u>
Accounting & Fiscal Administration Career Trainee	RC-062-12	January 1, 2008	Step 3
Actuarial Examiner Trainee	RC-062-13	January 1, 2008	Step 4
Civil Engineer I	RC-063-15	January 1, 2008	Step 2
Commerce Commission Police Officer Trainee	MS-10	January 1, 2008	\$2,943
Correctional Officer	RC-006-09	January 1, 2008	Step 2
Correctional Officer Trainee	RC-006-05	January 1, 2008	Step 4
Environmental Engineer I	RC-063-15	January 1, 2008	Step 2
Environmental Protection Engineer I	RC-063-15	January 1, 2008	Step 5
Environmental Protection Engineer II	RC-063-17	January 1, 2008	Step 4
Financial Institutions Examiner Trainee	RC-062-13	January 1, 2008	Step 2
Insurance Company Financial Examiner Trainee	RC-062-13	January 1, 2008	Step 4
Internal Auditor Trainee	MS-09	January 1, 2008	\$2,854

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Revenue Special Agent Trainee	RC-062-14	January 1, 2008	Step 2
Terrorism Research Specialist Trainee	RC-062-14	January 1, 2008	Step 2

- 2) Assigned to a pay grade or salary range and based on the position's work location or employee's credential or residency –

<u>Title</u>	<u>Pay Grade or Salary Range</u>	<u>Location or Residency</u>	<u>Credential</u>	<u>Effective Date</u>	<u>In-Hiring Rate</u>
Civil Engineer Trainee	NR-916	None identified	Bachelor's degree in accredited civil engineering program	January 1, 2008	Add to minimum monthly rate \$40/quarter work experience up to 8
Civil Engineer Trainee	NR-916	None identified	Passed Engineering Intern exam	January 1, 2008	Add to minimum monthly rate \$60/month
Civil Engineer Trainee	NR-916	None identified	Master's degree	January 1, 2009	Add to minimum monthly rate \$60/month for each year experience up to two years
Clinical Psychology Associate	RC-063-18	None identified	Completed doctoral dissertation	February 1, 2008	Step 3

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Engineering Technician I, II, III and IV	NR-916	None identified	Completed 2 years of college in civil engineering or job related technical/science curriculum (60 semester/90 quarter hours credit)	January 1, 2010	\$2,600
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 2 years of college in civil engineering or job related technical/science curriculum (60 semester/90 quarter hours credit)	January 1, 2011	\$2,705
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 3 years of college in areas other than civil engineering or job related technical/science curriculum (90 semester/135 quarter hours credit)	January 1, 2010	\$2,500
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 3 years of college in areas other than civil engineering or job related technical/science curriculum (90 semester/135 quarter hours credit)	January 1, 2011	\$2,600

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Engineering Technician I, II, III and IV	NR-916	None identified	Associate Degree from an accredited 2 year civil engineering technology program	January 1, 2010	\$2,720
Engineering Technician I, II, III and IV	NR-916	None identified	Associate Degree from an accredited 2 year civil engineering technology program	January 1, 2011	\$2,830
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 3 years of college courses in civil engineering or job related technical/science curriculum (90 semester/135quarter hours credit)	January 1, 2010	\$2,720
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 3 years of college courses in civil engineering or job related technical/science curriculum (90 semester/135quarter hours credit)	January 1, 2011	\$2,830
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 4 years of college courses in areas other than civil engineering or job related technical/science curriculum (120 semester/180 quarter hours)	January 1, 2010	\$2,600

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			credit)		
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 4 years of college courses in areas other than civil engineering or job related technical/science curriculum (120 semester/180 quarter hours credit)	January 1, 2011	\$2,705
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 4 years of college in civil engineering or job related technical/science curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	January 1, 2010	\$2,830
Engineering Technician I, II, III and IV	NR-916	None identified	Completed 4 years of college in civil engineering or job related technical/science curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering	January 1, 2011	\$2,945

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			programs and those who have not yet obtained a degree)			
Engineering Technician I, II, III and IV	NR-916	None identified	Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	January 1, 2010	\$3,210	
Engineering Technician I, II, III and IV	NR-916	None identified	Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	January 1, 2011	\$3,340	
Forensic Scientist Trainee	RC-062-15	None identified	Meets minimum class requirements	January 1, 2008	Step 2	
Forensic Scientist Trainee	RC-062-15	None identified	Completed Forensic Science Residency Program at the U of I – Chicago	January 1, 2008	Step 3	
Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 4-year college	January 1, 2008	Step 4	

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Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 4-year college	January 1, 2008	Step 6
Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 2-year technical school	January 1, 2008	Step 2
Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 2-year technical school	January 1, 2008	Step 4
Information Services Intern	RC-063-15	Work outside Cook County	Non-Computer Science degree at 4-year college	January 1, 2008	Step 1
Information Services Intern	RC-063-15	Work in Cook County	Non-Computer Science degree at 4-year college	January 1, 2008	Step 3
Information Services Specialist I	RC-063-17	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 2
Juvenile Justice Specialist	RC-006-14	None identified	Master's degree	September 1, 2008	Step 2
Juvenile Justice Specialist Intern	RC-006-11	None identified	Master's degree	September 1, 2008	Step 2
Meat & Poultry Inspector Trainee	RC-033	Work in Regions 1 and 6	None identified beyond class requirements	January 1, 2008	Step 3

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Physician Specialist, Option C	RC-063- MD-C	Work in Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities	None identified beyond class requirements	January 1, 2008	Step 5
Physician Specialist, Option D	RC-063- MD-D	Work in Singer, McFarland, Zeller, Choate, Chester, Alton, Murray, and Mabley facilities	None identified beyond class requirements	January 1, 2008	Step 5
Products & Standards Inspector Trainee	MS-09	Work in Cook, DuPage, Lake, Kane, and Will counties	None identified beyond class requirements	January 1, 2008	\$3,057
Products & Standards Inspector Trainee	MS-09	Work in counties outside Cook, DuPage,	None identified beyond class requirements	January 1, 2008	\$2,854

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		Lake, Kane, and Will counties			
Revenue Auditor Trainee	RC-062- 12	Work in IL	None identified beyond class requirements	January 1, 2008	Step 5
Revenue Auditor Trainee	RC-062- 15	See Note in Appendi x A Table W	None identified beyond class requirements	January 1, 2008	Step 5
Revenue Auditor Trainee	RC-062- 13	States other than IL and not assigned to RC- 062-15	None identified beyond class requirements	January 1, 2008	Step 5
Security Therapy Aide Trainee	RC-009- 13	Work in Joliet Treatme nt and Detentio n Facility	None identified beyond class requirements	January 1, 2008	Step 5
Telecommunicator	RC-014- 12	Work in District 2	None identified beyond class requirements	January 1, 2008	Step 2
Telecommunicator Trainee	RC-014- 10	Work in Kane County	None identified beyond class requirements	January 1, 2008	Step 3

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Telecommunicator Trainee	RC-014- 10	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 7
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(Source: Amended at 36 Ill. Reg. 153 effective December 22, 2011)

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.

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

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Actuary III	00203	MS-36
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

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Arts Council Program Representative	01527	MS-12
Assignment Coordinator	01530	MS-25
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 Warehouse	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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Canine Specialist	06500	MS-20
Capital Development Board Account Technician	06515	MS-08
Capital Development Board Art In Architecture Technician	06533	MS-09
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Civil Engineer III	07603	MS-30
Civil Engineer IV	07604	MS-27
Civil Engineer Trainee	07607	MS-15
Clerical Trainee	08050	MS-01
Clinical Laboratory Associate	08200	MS-05
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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
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-24
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-18
Corrections Laundry Manager II	09809	MS-20
Corrections Leisure Activities Specialist I	09811	MS-13
Corrections Leisure Activities Specialist II	09812	MS-18

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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-20
Corrections Maintenance Worker	09823	MS-12
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Data Processing Supervisor I	11435	MS-08
Data Processing Supervisor II	11436	MS-11
Data Processing Supervisor III	11437	MS-19
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-07
Dental Hygienist	11700	MS-11
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
Dietary Manager I	12501	MS-14
Dietary Manager II	12502	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 Diagnostician	12965	MS-10
Educational Media Program Specialist	12980	MS-16
Educator	13100	MS-26
Educator – Provisional	13105	MS-09
Educator Aide	13130	MS-08

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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-10
Emergency Response Telecommunicator	13543	MS-08
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
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
End-User Computer Systems Analyst	13693	MS-31
End-User Computer Services Specialist I	13691	MS-25
End-User Computer Services Specialist II	13692	MS-28
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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-12
Environmental Protection Geologist II	13802	MS-16
Environmental Protection Geologist III	13803	MS-21
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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	15911	MS-31
Forensic Science Administrator II	15912	MS-32
Forensic Scientist I	15891	MS-19
Forensic Scientist II	15892	MS-23
Forensic Scientist III	15893	MS-27
Forensic Scientist Trainee	15897	MS-12
Gaming Licensing Analyst	17171	MS-10
Gaming Senior Special Agent	17191	MS-29
Gaming Special Agent	17192	MS-21
Gaming Special Agent Trainee	17195	MS-11
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 Advanced	17370	MS-14
Graphic Arts Designer Supervisor	17365	MS-19
Graphic Arts Technician	17400	MS-09

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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 Mediation Supervisor	19769	MS-23
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 Casework Manager	19788	MS-23
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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Juvenile Justice Specialist	21971	MS-20
Juvenile Justice Specialist Intern	21976	MS-13
Juvenile Justice Supervisor	21980	MS-27
Juvenile Justice Youth and Family Specialist Option 1	21991	MS-20
Juvenile Justice Youth and Family Specialist Option 2	21992	MS-25
Juvenile Justice Youth and Family Specialist Supervisor	21995	MS-29
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-19 MS-20
Library Aide I	23421	MS-03
Library Aide II	23422	MS-04
Library Aide III	23423	MS-05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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
Manpower Planner Trainee	25597	MS-09
Manuscripts Manager	25610	MS-22

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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 I	26811	MS-19
Mental Health Administrator II	26812	MS-23
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	27020	MS-03
Meteorologist	27120	MS-19
Methods and Procedures Advisor I	27131	MS-11
Methods and Procedures Advisor II	27132	MS-14

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Methods and Procedures Advisor III	27133	MS-23
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Plant and Pesticide Specialist I	32501	MS-15
Plant and Pesticide Specialist II	32502	MS-20
Plant and Pesticide Specialist Supervisor	32506	MS-20
Plumbing Consultant	32910	MS-27
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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
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

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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-21
Security Guard I	39851	MS-13
Security Guard II	39852	MS-14
Security Officer	39870	MS-10
Security Officer Chief	39875	MS-15
Security Officer Lieutenant	39876	MS-11
Security Officer Sergeant	39877	MS-10
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

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NOTICE OF ADOPTED AMENDMENTS

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
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-16
Social Worker II	41412	MS-21
Social Worker III	41413	MS-23
Social Worker IV	41414	MS-27
Social Worker Intern	41430	MS-15

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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
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 Supervisor	42745	MS-23
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

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NOTICE OF ADOPTED AMENDMENTS

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
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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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	47916	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	48786	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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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 36 Ill. Reg. 153, effective December 22, 2011)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE D HR-001 (Teamsters Local #700#726)****Full Scale Rates**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>Mo.</u>	<u>Effective Date</u>
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3664.00	January 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3738.00	July 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3850.00	January 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3964.00	July 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4083.00	January 1, 2012
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4205.00	June 30, 2012

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>January 1, 2010 Mo.</u>
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3664.00

NOTE: Snowbirds are all seasonal, full-time Highway Maintainers whose primary function is snow removal.

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2011</u>		<u>January 1, 2012</u>	
				<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
Building Services Worker	05616	HR-001	B	3725	21.41	3781	21.73
Elevator Operator	13500	HR-001	B	3802	21.85	3859	22.18
Elevator Operator – Assistant Starter	13500	HR-001	B	3851	22.13	3909	22.47
Elevator Operator – Starter	13500	HR-001	B	3875	22.27	3933	22.60
Grounds Supervisor	17549	HR-001	B	5644	32.44	5729	32.93
Grounds Supervisor (Chicago Read)	17549	HR-001	B	5849	33.61	5937	34.12

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Grounds Supervisor (Supervising Tractor Trailer Drivers)	17549	HR-001	B	6129	35.22	6221	35.75
Heavy Construction Equipment Operator	18465	HR-001	Q	5983	34.39	6073	34.90
Heavy Construction Equipment Operator (Bridge Crew)	18465	HR-001	Q	6069	34.88	6160	35.40
Highway Maintainer and Highway Maintainer (Tractor Mower)	18639	HR-001	Q	5859	33.67	5947	34.18
Highway Maintainer (Bridge Crew)	18639	HR-001	Q	5949	34.19	6038	34.70
Highway Maintainer (Drill Rig)	18639	HR-001	Q	5983	34.39	6073	34.90
Highway Maintainer (Emergency Patrol)	18639	HR-001	Q	5985	34.40	6075	34.91
Highway Maintenance Lead Worker	18659	HR-001	Q	6022	34.61	6112	35.13
Highway Maintenance Lead Worker (Bridge Crew)	18659	HR-001	Q	6107	35.10	6199	35.63
Highway Maintenance Lead Worker (Emergency Patrol)	18659	HR-001	Q	6145	35.32	6237	35.84
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	HR-001	Q	6083	34.96	6174	35.48
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	HR-001	Q	6168	35.45	6261	35.98
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol)	18659	HR-001	Q	6207	35.67	6300	36.21
Laborer (Maintenance)	23080	HR-001	B	5672	32.60	5757	33.09
Maintenance Equipment Operator	25020	HR-001	B	5786	33.25	5873	33.75
Maintenance Equipment Operator (Dispatcher)	25020	HR-001	B	5998	34.47	6088	34.99
Maintenance Equipment Operator (Tractor Trailer)	25020	HR-001	B	5815	33.42	5902	33.92
Maintenance Worker (not DOT, Chicago Read or DHS forensic)	25500	HR-001	B	5606	32.22	5690	32.70
Maintenance Worker (Chicago Read)	25500	HR-001	B	5786	33.25	5873	33.75

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Maintenance Worker (DHS, forensic)	25500	HR-001	Q	5859	33.67	5947	34.18
Maintenance Worker (DOT, not Emergency Patrol)	25500	HR-001	B	5718	32.86	5804	33.36
Maintenance Worker (DOT, Emergency Patrol)	25500	HR-001	B	5839	33.56	5927	34.06
Power Shovel Operator (Maintenance)	33360	HR-001	B	6069	34.88	6160	35.40

New Hire Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Highway Maintainer	18639	HR-001	Q

Highway Maintainer and Highway Maintainer (Tractor Mower)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2011</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2011</u>		<u>January 1, 2012</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2012</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/07-12/31/07)	5566	31.99	Full Scale					
(1/1/08-6/30/08)	5566	31.99			5650	32.47	Full Scale	
(7/1/08-12/31/08)	5273	30.30	5566	31.99	5650	32.47		
(1/1/09-6/30/09)	5273	30.30			5352	30.76	5650	32.47
(7/1/09-10/31/09)	4980	28.62	5273	30.30	5352	30.76		
(11/1/09-12/31/09)	4687	26.94	4980	28.62	5055	29.05	5352	30.76
(1/1/10-6/30/10)	4687	26.94			5055	29.05		
(7/1/10-12/31/10)	4394	25.25	4687	26.94	4758	27.34		
(1/1/11-6/30/11)	4394	25.25			4460	25.63	4758	27.34
(7/1/11-12/31/11)	4394	25.25			4460	25.63		
(1/1/12-6/30/12)					4460	25.63		

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Highway Maintainer (Bridge Crew)

New Hire Between the Dates	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5652	32.48	Full Scale					
(1/1/08-6/30/08)	5652	32.48			5736	32.97	Full Scale	
(7/1/08-12/31/08)	5354	30.77	5652	32.48	5736	32.97		
(1/1/09-6/30/09)	5354	30.77			5434	31.23	5736	32.97
(7/1/09-10/31/09)	5057	29.06	5354	30.77	5434	31.23		
(11/1/09-12/31/09)	4759	27.35	5057	29.06	5132	29.49	5434	31.23
(1/1/10-6/30/10)	4759	27.35			5132	29.49		
(7/1/10-12/31/10)	4462	25.64	4759	27.35	4830	27.76		
(1/1/11-6/30/11)	4462	25.64			4529	26.03	4830	27.76
(7/1/11-12/31/11)	4462	25.64			4529	26.03		
(1/1/12-6/30/12)					4529	26.03		

Highway Maintainer (Drill Rig)

New Hire Between the Dates	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5684	32.67	Full Scale					
(1/1/08-6/30/08)	5684	32.67			5769	33.16	Full Scale	
(7/1/08-12/31/08)	5385	30.95	5684	32.67	5769	33.16		
(1/1/09-6/30/09)	5385	30.95			5466	31.41	5769	33.16
(7/1/09-10/31/09)	5086	29.23	5385	30.95	5466	31.41		
(11/1/09-12/31/09)	4786	27.51	5086	29.23	5162	29.67	5466	31.41
(1/1/10-6/30/10)	4786	27.51			5162	29.67		
(7/1/10-12/31/10)	4487	25.79	4786	27.51	4858	27.92		
(1/1/11-6/30/11)	4487	25.79			4555	26.18	4858	27.92
(7/1/11-12/31/11)	4487	25.79			4555	26.18		

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(1/1/12-6/30/12) 4555 26.18

Highway Maintainer (Emergency Patrol)

New Hire Between the Dates	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5686	32.68	Full Scale					
(1/1/08-6/30/08)	5686	32.68			5771	33.17	Full Scale	
(7/1/08-12/31/08)	5387	30.96	5686	32.68	5771	33.17		
(1/1/09-6/30/09)	5387	30.96			5468	31.43	5771	33.17
(7/1/09-10/31/09)	5087	29.24	5387	30.96	5468	31.43		
(11/1/09-12/31/09)	4788	27.52	5087	29.24	5164	29.68	5468	31.43
(1/1/10-6/30/10)	4788	27.52			5164	29.68		
(7/1/10-12/31/10)	4489	25.80	4788	27.52	4860	27.93		
(1/1/11-6/30/11)	4489	25.80			4556	26.18	4860	27.93
(7/1/11-12/31/11)	4489	25.80			4556	26.18		
(1/1/12-6/30/12)					4556	26.18		

Effective July 1, 2011, the clothing allowance for Lead Workers, Lead Lead Workers, Heavy Construction Equipment Operator, Highway Maintainers, and Maintenance Workers (Illinois Department of Transportation) employees increases to \$200.

(Source: Amended at 36 Ill. Reg. 153, effective December 22, 2011)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE E RC-020 (Teamsters Local #330)****Full Scale Rates**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>Mo.</u>	<u>Effective Date</u>
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3664.00	January 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3738.00	July 1, 2010
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3850.00	January 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	3964.00	July 1, 2011
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4083.00	January 1, 2012
Highway Maintainer (Snowbirds)	18639	HR-001	Q	4205.00	June 30, 2012

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>January 1, 2010 Mo.</u>
Highway Maintainer (Snowbirds)	18639	RC-020	Q	3664.00

NOTE: Snowbirds are all, except those in Kankakee County, seasonal, full-time Highway Maintainers whose primary function is snow removal.

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2011</u>		<u>January 1, 2012</u>	
				<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
Bridge Mechanic	05310	RC-020	Q	5901	33.91	5990	34.43
Bridge Tender	05320	RC-020	B	5579	32.06	5663	32.55
Heavy Construction Equipment Operator	18465	RC-020	Q	5983	34.39	6073	34.90
Heavy Construction Equipment Operator (Bridge Crew)	18465	RC-020	Q	6069	34.88	6160	35.40
Highway Maintainer	18639	RC-020	Q	5859	33.67	5947	34.18
Highway Maintainer (Bridge Crew)	18639	RC-020	Q	5949	34.19	6038	34.70
Highway Maintainer (Drill Rig)	18639	RC-020	Q	5983	34.39	6073	34.90

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Highway Maintenance Lead Worker	18659	RC-020	Q	6022	34.61	6112	35.13
Highway Maintenance Lead Worker (Bridge Crew)	18659	RC-020	Q	6107	35.10	6199	35.63
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	RC-020	Q	6083	34.96	6174	35.48
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	RC-020	Q	6168	35.45	6261	35.98
Labor Maintenance Lead Worker	22809	RC-020	B	5741	32.99	5827	33.49
Laborer (Maintenance)	23080	RC-020	B	5672	32.60	5757	33.09
Maintenance Equipment Operator	25020	RC-020	B	5786	33.25	5873	33.75
Maintenance Equipment Operator	25020	RC-020	Q	5983	34.39	6073	34.90
Maintenance Worker (DHS)	25500	RC-020	B	5792	33.29	5879	33.79
Maintenance Worker (DOT, not Emergency Patrol)	25500	RC-020	B	5718	32.86	5804	33.36
Power Shovel Operator (Maintenance)	33360	RC-020	Q	5983	34.39	6073	34.90
Power Shovel Operator (Maintenance) (Bridge Crew)	33360	RC-020	Q	6069	34.88	6160	35.40
Silk Screen Operator	41020	RC-020	B	5910	33.97	5999	34.48

New Hire Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Highway Maintainer	18639	RC-020	Q

Highway Maintainer

New Hire	<u>July 1, 2011</u>	<u>On employee's "new hire" anniversary July-December 2011</u>	<u>January 1, 2012</u>	<u>On employee's "new hire" anniversary January-June 2012</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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<u>Between the Dates</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/07-12/31/07)	5566	31.99	Full Scale					
(1/1/08-6/30/08)	5566	31.99			5650	32.47	Full Scale	
(7/1/08-12/31/08)	5273	30.30	5566	31.99	5650	32.47		
(1/1/09-6/30/09)	5273	30.30			5352	30.76	5650	32.47
(7/1/09-10/31/09)	4980	28.62	5273	30.30	5352	30.76		
(11/1/09-12/31/09)	4687	26.94	4980	28.62	5055	29.05	5352	30.76
(1/1/10-6/30/10)	4687	26.94			5055	29.05		
(7/1/10-12/31/10)	4394	25.25	4687	26.94	4758	27.34		
(1/1/11-6/30/11)	4394	25.25			4460	25.63	4758	27.34
(7/1/11-12/31/11)	4394	25.25			4460	25.63		
(1/1/12-6/30/12)					4460	25.63		

Highway Maintainer (Bridge Crew)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2011</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2011</u>		<u>January 1, 2012</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2012</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/07-12/31/07)	5652	32.48	Full Scale					
(1/1/08-6/30/08)	5652	32.48			5736	32.97	Full Scale	
(7/1/08-12/31/08)	5354	30.77	5652	32.48	5736	32.97		
(1/1/09-6/30/09)	5354	30.77			5434	31.23	5736	32.97
(7/1/09-10/31/09)	5057	29.06	5354	30.77	5434	31.23		
(11/1/09-12/31/09)	4759	27.35	5057	29.06	5132	29.49	5434	31.23
(1/1/10-6/30/10)	4759	27.35			5132	29.49		
(7/1/10-12/31/10)	4462	25.64	4759	27.35	4830	27.76		
(1/1/11-6/30/11)	4462	25.64			4529	26.03	4830	27.76
(7/1/11-12/31/11)	4462	25.64			4529	26.03		
(1/1/12-6/30/12)					4529	26.03		

Highway Maintainer (Drill Rig)

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New Hire Between the Dates	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5684	32.67	Full Scale					
(1/1/08-6/30/08)	5684	32.67			5769	33.16	Full Scale	
(7/1/08-12/31/08)	5385	30.95	5684	32.67	5769	33.16		
(1/1/09-6/30/09)	5385	30.95			5466	31.41	5769	33.16
(7/1/09-10/31/09)	5086	29.23	5385	30.95	5466	31.41		
(11/1/09-12/31/09)	4786	27.51	5086	29.23	5162	29.67	5466	31.41
(1/1/10-6/30/10)	4786	27.51			5162	29.67		
(7/1/10-12/31/10)	4487	25.79	4786	27.51	4858	27.92		
(1/1/11-6/30/11)	4487	25.79			4555	26.18	4858	27.92
(7/1/11-12/31/11)	4487	25.79			4555	26.18		
(1/1/12-6/30/12)					4555	26.18		

Effective July 1, 2011, the clothing allowance for Highway Maintainers, Highway Maintenance Lead Workers, Highway Maintenance Lead Lead Workers, Silk Screen Operators, and Bridge Mechanics employees increases to \$200. Effective July 1, 2011, the clothing allowance for all other titles increases to \$100.

(Source: Amended at 36 Ill. Reg. 153, effective December 22, 2011)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE F RC-019 (Teamsters Local #25)****Full Scale Rates**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>Mo.</u>	<u>Effective Date</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>3664.00</u>	<u>January 1, 2010</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>3738.00</u>	<u>July 1, 2010</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>3850.00</u>	<u>January 1, 2011</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>3964.00</u>	<u>July 1, 2011</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>4083.00</u>	<u>January 1, 2012</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>HR-001</u>	<u>Q</u>	<u>4205.00</u>	<u>June 30, 2012</u>

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>January 1, 2010 Mo.</u>
<u>Highway Maintainer (Snowbirds)</u>	<u>18639</u>	<u>RC-019</u>	<u>Q</u>	<u>3664.00</u>

NOTE: Snowbirds are all seasonal, salaried, full-time Highway Maintainers whose primary function is snow removal.

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>	<u>July 1, 2011</u>		<u>January 1, 2012</u>	
				<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
Bridge Mechanic	05310	RC-019	Q	5894	33.87	5982	34.38
Bridge Tender	05320	RC-019	B	5930	34.08	6018	34.59
Deck Hand	11500	RC-019	B	5694	32.72	5782	33.23
Ferry Operator I	14801	RC-019	B	5930	34.08	6018	34.59
Ferry Operator II	14802	RC-019	B	5982	34.38	6070	34.89
Highway Maintainer	18639	RC-019	Q	5859	33.67	5947	34.18
Highway Maintainer	18639	RC-019	Q	5934	34.10	6022	34.61

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(Bridge Crew)							
Highway Maintainer (Drill Rig)	18639	RC-019	Q	5964	34.28	6052	34.78
Highway Maintainer (Emergency Patrol)	18639	RC-019	Q	5966	34.29	6054	34.79
Highway Maintenance Lead Worker	18659	RC-019	Q	5997	34.47	6085	34.97
Highway Maintenance Lead Worker (Bridge Crew)	18659	RC-019	Q	6071	34.89	6159	35.40
Highway Maintenance Lead Worker (Emergency Patrol)	18659	RC-019	Q	6104	35.08	6192	35.59
Highway Maintenance Lead Worker (Lead Lead Worker)	18659	RC-019	Q	6050	34.77	6138	35.28
Highway Maintenance Lead Worker (Lead Lead Worker) (Bridge Crew)	18659	RC-019	Q	6124	35.20	6212	35.70
Highway Maintenance Lead Worker (Lead Lead Worker) (Emergency Patrol)	18659	RC-019	Q	6129	35.22	6217	35.73
Janitor I (Including Office of Administration)	21951	RC-019	B	5486	31.53	5574	32.03
Janitor II (Including Office of Administration)	21952	RC-019	B	5519	31.72	5607	32.22
Labor Maintenance Lead Worker	22809	RC-019	B	5756	33.08	5844	33.59
Laborer (Maintenance)	23080	RC-019	B	5697	32.74	5785	33.25
Maintenance Equipment Operator	25020	RC-019	B	5794	33.30	5882	33.80
Maintenance Equipment Operator	25020	RC-019	Q	5964	34.28	6052	34.78
Maintenance Equipment Operator	25020	RC-019	S	6017	34.58	6105	35.09

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Maintenance Equipment Operator (DHS, forensic)	25020	RC-019	Q	5859	33.67	5947	34.18
Maintenance Worker	25500	RC-019	B	5735	32.96	5823	33.47
Maintenance Worker	25500	RC-019	Q	5800	33.33	5888	33.84
Power Shovel Operator (Maintenance)	33360	RC-019	B	5898	33.90	5986	34.40
Power Shovel Operator (Maintenance)	33360	RC-019	Q	5964	34.28	6052	34.78
Power Shovel Operator (Maintenance) (Bridge Crew)	33360	RC-019	Q	6039	34.71	6127	35.21
Security Guard I	39851	RC-019	B	5515	31.70	5603	32.20
Security Guard II	39852	RC-019	B	5565	31.98	5653	32.49
Silk Screen Operator	41020	RC-019	B	5903	33.93	5991	34.43

New Hire Rates

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Highway Maintainer	18639	RC-019	Q

Highway Maintainer and Highway Maintainer (Tractor Mower)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2011</u>		<u>On employee's "new hire" anniversary</u> <u>July-December 2011</u>		<u>January 1, 2012</u>		<u>On employee's "new hire" anniversary</u> <u>January-June 2012</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/07-12/31/07)	5566	31.99	Full Scale					
(1/1/08-6/30/08)	5566	31.99			5650	32.47	Full Scale	
(7/1/08-12/31/08)	5273	30.30	5566	31.99	5650	32.47		
(1/1/09-6/30/09)	5273	30.30			5352	30.76	5650	32.47
(7/1/09-10/31/09)	4980	28.62	5273	30.30	5352	30.76		
(11/1/09-12/31/09)	4687	26.94	4980	28.62	5055	29.05	5352	30.76
(1/1/10-6/30/10)	4687	26.94			5055	29.05		

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(7/1/10-12/31/10)	4394	25.25	4687	26.94	4758	27.34		
(1/1/11-6/30/11)	4394	25.25			4460	25.63	4758	27.34
(7/1/11-12/31/11)	4394	25.25			4460	25.63		
(1/1/12-6/30/12)					4460	25.63		

Highway Maintainer (Bridge Crew)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2011</u>		On employee's "new hire" anniversary <u>July-December 2011</u>		<u>January 1, 2012</u>		On employee's "new hire" anniversary <u>January-June 2012</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/07-12/31/07)	5637	32.40	Full Scale				Full Scale	
(1/1/08-6/30/08)	5637	32.40			5721	32.88	Full Scale	
(7/1/08-12/31/08)	5341	30.70	5637	32.40	5721	32.88		
(1/1/09-6/30/09)	5341	30.70			5420	31.15	5721	32.88
(7/1/09-10/31/09)	5044	28.99	5341	30.70	5420	31.15		
(11/1/09-12/31/09)	4747	27.28	5044	28.99	5119	29.42	5420	31.15
(1/1/10-6/30/10)	4747	27.28			5119	29.42		
(7/1/10-12/31/10)	4451	25.58	4747	27.28	4818	27.69		
(1/1/11-6/30/11)	4451	25.58			4517	25.96	4818	27.69
(7/1/11-12/31/11)	4451	25.58			4517	25.96		
(1/1/12-6/30/12)					4517	25.96		

Highway Maintainer (Drill Rig)

<u>New Hire</u> <u>Between the Dates</u>	<u>July 1, 2011</u>		On employee's "new hire" anniversary <u>July-December 2011</u>		<u>January 1, 2012</u>		On employee's "new hire" anniversary <u>January-June 2012</u>	
	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>	<u>Mo.</u>	<u>Hr.</u>
(7/1/07-12/31/07)	5666	32.56	Full Scale				Full Scale	
(1/1/08-6/30/08)	5666	32.56			5749	33.04	Full Scale	
(7/1/08-12/31/08)	5368	30.85	5666	32.56	5749	33.04		
(1/1/09-6/30/09)	5368	30.85			5447	31.30	5749	33.04

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(7/1/09-10/31/09)	5069	29.13	5368	30.85	5447	31.30		
(11/1/09-12/31/09)	4771	27.42	5069	29.13	5144	29.56	5447	31.30
(1/1/10-6/30/10)	4771	27.42			5144	29.56		
(7/1/10-12/31/10)	4473	25.71	4771	27.42	4842	27.83		
(1/1/11-6/30/11)	4473	25.71			4539	26.09	4842	27.83
(7/1/11-12/31/11)	4473	25.71			4539	26.09		
(1/1/12-6/30/12)					4539	26.09		

Highway Maintainer (Emergency Patrol)

New Hire Between the Dates	July 1, 2011		On employee's "new hire" anniversary July-December 2011		January 1, 2012		On employee's "new hire" anniversary January-June 2012	
	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.	Mo.	Hr.
(7/1/07-12/31/07)	5668	32.57	Full Scale					
(1/1/08-6/30/08)	5668	32.57			5751	33.05	Full Scale	
(7/1/08-12/31/08)	5369	30.86	5668	32.57	5751	33.05		
(1/1/09-6/30/09)	5369	30.86			5449	31.32	5751	33.05
(7/1/09-10/31/09)	5071	29.14	5369	30.86	5449	31.32		
(11/1/09-12/31/09)	4773	27.43	5071	29.14	5146	29.57	5449	31.32
(1/1/10-6/30/10)	4773	27.43			5146	29.57		
(7/1/10-12/31/10)	4475	25.72	4773	27.43	4843	27.83		
(1/1/11-6/30/11)	4475	25.72			4541	26.10	4843	27.83
(7/1/11-12/31/11)	4475	25.72			4541	26.10		
(1/1/12-6/30/12)					4541	26.10		

Effective July 1, 2011, the clothing allowance for Highway Maintainers, Highway Maintenance Lead Workers, Highway Maintenance Lead Lead Workers, Deck Hands and Power Shovel Operator Maintenance employees increases to \$200. Effective July 1, 2011, the clothing allowance for all other titles increases to \$100.

(Source: Amended at 36 Ill. Reg. 153, effective December 22, 2011)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE N RC-010 (Professional Legal Unit, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Hearings Referee	18300	RC-010	23
Hearings Referee – Intermittent	18301	RC-010	23H
Public Service Administrator, Option 8L Departments of Central Management Services, Children and Family Services, Healthcare and Family Services, Labor, Public Health and Revenue, Environmental Protection Agency, Illinois Gaming Board, and Guardianship and Advocacy Commission, Pollution Control Board and Property Tax Appeal Board	37015	RC-010	24
Technical Advisor Advanced Program Specialist	45256	RC-010	24
Technical Advisor I	45251	RC-010	18
Technical Advisor II	45252	RC-010	20
Technical Advisor III	45253	RC-010	23

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-010 pay grade have the Option 8L. See the definition of Option in Section 310.50.

**Effective July 1, 2011
Bargaining Unit: RC-010**

**For employees who by May 1, 2011
do not submit for retirement prior to January 1, 2012**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
18	B	4476	4691	4910	5134	5342	5557	5887	6124
18	Q	4675	4907	5133	5366	5585	5807	6156	6401

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20	B	4983	5236	5478	5739	5989	6237	6615	6880
20	Q	5208	5470	5728	6000	6258	6518	6917	7192
23	B	5901	6214	6533	6842	7157	7468	7940	8258
23	Q	6171	6496	6829	7149	7481	7806	8294	8625
23H	B	36.31	38.24	40.20	42.10	44.04	45.96	48.86	50.82
24	B	6281	6614	6963	7294	7633	7975	8477	8815

**For employees who by May 1, 2011
submit for retirement prior to January 1, 2012**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
18	B	4564	4783	5007	5234	5446	5666	6003	6244
18	Q	4766	5003	5233	5471	5694	5921	6276	6526
20	B	5080	5338	5586	5851	6107	6360	6744	7015
20	Q	5310	5578	5841	6117	6380	6646	7052	7333
23	B	6016	6336	6661	6976	7298	7615	8095	8420
23	Q	6292	6624	6963	7289	7627	7959	8456	8794
23H	B	37.02	38.99	40.99	42.93	44.91	46.86	49.82	51.82
24	B	6404	6743	7099	7437	7782	8132	8643	8988

**Effective January 1, 2012
Bargaining Unit: RC-010**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8

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18	B	4532	4750	4971	5198	5409	5626	5961	6201
18	Q	4733	4968	5197	5433	5655	5880	6233	6481
20	B	5045	5301	5546	5811	6064	6315	6698	6966
20	Q	5273	5538	5800	6075	6336	6599	7003	7282
23	B	5975	6292	6615	6928	7246	7561	8039	8361
23	Q	6248	6577	6914	7238	7575	7904	8398	8733
23H	B	36.77	38.72	40.71	42.63	44.59	46.53	49.47	51.45
24	B	6360	6697	7050	7385	7728	8075	8583	8925

Effective February 1, 2012
Bargaining Unit: RC-010

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
18	B	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4828	5067	5301	5542	5768	5998	6358	6611
20	B	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	5378	5649	5916	6197	6463	6731	7143	7428
23	B	6095	6418	6747	7067	7391	7712	8200	8528
23	Q	6373	6709	7052	7383	7727	8062	8566	8908
23H	B	37.51	39.50	41.52	43.49	45.48	47.46	50.46	52.48
24	B	6487	6831	7191	7533	7883	8237	8755	9104

(Source: Amended at 36 Ill. Reg. 153, effective December 22, 2011)

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NOTICE OF ADOPTED 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	15911	VR-704	24
Forensic Science Administrator II	15912	VR-704	25
Juvenile Justice Chief of Security	21965	VR-704	24
Police Lieutenant	32977	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)	37015	VR-704	25
Public Service Administrator, Option 7 (inspector sworn and sex offender registry supervisor non-sworn functions at State Police)	37015	VR-704	26
Public Service Administrator, Options 7 (women and family services coordinator, district supervisor, staff assistant and deputy commander of intelligence functions at Corrections and investigator function at Human Services in the Office of the Inspector General), 8L (at Corrections and Illinois State Police) and 8J (dietary manager function at Corrections)	37015	VR-704	24
Senior Public Service Administrator, Option 7 (research and development unit chief function	40070	VR-704	24

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at Illinois State Police)			
Senior Public Service Administrator, Option 7 (protected services unit operations commander and senior terrorism advisor functions at Illinois State Police)	40070	VR-704	25
Senior Public Service Administrator, Option 7 (assistant director of forensic science training, quality assurance and safety director and section chief functions at Illinois State Police)	40070	VR-704	26
Senior Public Service Administrator, Option 7 (deputy laboratory director function at Illinois State Police)	40070	VR-704	27
Shift Supervisor	40800	VR-704	24

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated VR-704 pay grade have the following options: 7; 8L; and 8J. The positions allocated to the Senior Public Service Administrator title that are assigned to the negotiated VR-704 pay grade have the Option 7. See the definition of option in Section 310.50.

Effective July 1, 2011
Bargaining Unit: VR-704

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
24	B	6403	6743	7098	7436	7781	8131	8642	8987
24	Q	6693	7050	7416	7774	8129	8498	9032	9393
24	S	6777	7129	7497	7854	8214	8583	9112	9478
25	B	6826	7198	7577	7956	8334	8713	9272	9644
25	Q	7130	7522	7915	8317	8712	9106	9691	10079
25	S	7214	7606	7999	8396	8792	9185	9773	10165
26	B	7283	7681	8090	8499	8895	9294	9896	10290
26	Q	7634	8049	8475	8903	9319	9735	10366	10780

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**Effective January 1, 2012
Bargaining Unit: VR-704**

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
24	B	6483	6827	7187	7529	7878	8233	8750	9099
24	Q	6777	7138	7509	7871	8231	8604	9145	9510
24	S	6862	7218	7591	7952	8317	8690	9226	9596
25	B	6911	7288	7672	8055	8438	8822	9388	9765
25	Q	7219	7616	8014	8421	8821	9220	9812	10205
25	S	7304	7701	8099	8501	8902	9300	9895	10292
26	B	7374	7777	8191	8605	9006	9410	10020	10419
26	Q	7729	8150	8581	9014	9435	9857	10496	10915
<u>27</u>	<u>B</u>	<u>7872</u>	<u>8300</u>	<u>8739</u>	<u>9181</u>	<u>9611</u>	<u>10042</u>	<u>10691</u>	<u>11119</u>

(Source: Amended at 36 Ill. Reg. 153, effective December 22, 2011)

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FOR THE DEPARTMENT OF TRANSPORTATION

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- 1) Heading of the Part: Chief Procurement Officer for the Department of Transportation – Contract Procurement
- 2) Code Citation: 44 Ill. Adm. Code 6
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
6.610	Amend
6.800	New
6.810	New
6.820	New
6.830	New
6.840	New
6.850	New
6.860	New
- 4) Statutory Authority: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25] and Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)]
- 5) Effective Date of Amendments: December 21, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file with the Chief Procurement Officer and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 7, 2011; 35 Ill. Reg. 16052
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Several grammatical and nonsubstantive technical corrections were made in agreement with JCAR. Additionally, the following substantive changes were made to the text in agreement with JCAR:

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At Section 6.810, definition of "Construction Industry Markets or Construction Markets", after "universe" and before "of public works", the Department inserted "(e.g., State, county, district or township, or combinations thereof, and road construction/resurfacing, bridge construction/replacement, airport runway construction/resurfacing, and transportation material supply)". The Department also deleted the word "egregious" in this definition.

At Section 6.810, definition of "Disadvantaged Business Enterprise", the Department inserted "or "DBE" " after "Disadvantaged Business Enterprise" and before "means".

At Section 6.810, definition of "Egregious Race or Gender Discrimination", the Department added a cross-reference to 49 CFR 26.43(b) at the end of the definition.

At Section 6.810, definition of "Female-Owned Business", the citation to the Act (and new language added after the citation) now reads as follows: "Section 2(a)(4) of the Act and, for purposes of federal assistance contracts, a Disadvantaged Business Enterprise."

At Section 6.810, the definition of "Geographic Market Area" now reads as follows: "Geographic Market Area" means the geographic area (e.g., State, county, district or township, or combination thereof) in which contractor and subcontractor availability (see the Illinois Unified Certification Program Disadvantaged Business Enterprises Directory (IL UCP DBE Directory) at www.dot.il.gov/ucp/ucp.html) and expenditures are studied for purposes of evaluating evidence of (the word "egregious" has been deleted) discrimination related to transportation construction project participation.

At Section 6.810, definition of "Goal-Oriented Remedial Programs", the Department inserted the following in between "programs" and "implemented": "(e.g., the Department's current DBE Program and Small Business Initiative Program)" and, also, deleted "Disadvantaged Business Enterprise" and inserted "DBE" in its place.

At Section 6.810, definition of "Minority-Owned Business", the Department inserted "(A)(3)" after "2" and before "of".

At Section 6.820(a), the Department deleted "the performance of", also deleted "Inasmuch as the statute did not specify a particular target market remedy, it" and replaced it with "It", and deleted "egregious".

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At Section 6.820(a)(1), the Department inserted the following after "subcontracts": "(e.g., disparity and related utilization studies)".

At Section 6.820(a)(2), the Department inserted the following after "industry markets": "(See the Illinois Unified Certification Program Disadvantaged Business Enterprises Directory (IL UCP DBE Directory) at www.dot.il.gov/ucp/ucp.html)".

At Section 6.820(a)(3), the Department inserted the following after "markets" and before the period: "(e.g., disparity and related utilization studies and the FHWA Uniform Report of DBE Awards or Commitments and Payments)".

At Section 6.820(a)(4), the Department deleted "construction economy" and inserted "transportation construction economies" in its place.

At Section 6.820(a)(5), the Department inserted "of certified DBEs" in between "formation" and "in" and also inserted "(e.g., disparity and related utilization studies)" after "businesses" and before the period.

At Section 6.820(a)(6), the Department inserted "(e.g., letters to the Department, surveys or comments made during a public hearing)" after "discrimination" and before "related".

At Section 6.820(b), the Department inserted "in writing" between "informed" and "that" in the last sentence.

At Section 6.820(d), the Department inserted "and" between "female" and "general", changed "general contractor, contracting organization, community organization" so they read "general contractors, contracting organizations, community organizations", and added the following after "comments" "before, during and for a period of time determined by the Department, after the hearing."

At Section 6.830(a), the Department added the following after the heading: "(See Northern Contracting, Inc. v. Illinois Department of Transportation, 473 F.3d 715 (7th Cir. 2007))".

At Section 6.830(a)(1)(A), the Department added "(see, e.g., 49 CFR 26.53)" after "effort" and before "to".

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At Section 6.830(a)(1)(B), the Department changed "CPO" to "Department" and "in consultation with the Department" to "in consultation with the CPO".

At Section 6.840(a), the Department deleted "(49 CFR 26) (October 1, 2010))" and inserted in its place "promulgated at 49 CFR 26 and incorporated by reference as that part was in effect as of October 1, 2010. No later amendments or editions are incorporated."

- 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 the Amendments: The Chief Procurement Officer (CPO) for the Department of Transportation and the Department of Transportation (Department) amended this Part for consistency with Public Act 97-228, effective July 28, 2011. PA 97-228 amends provisions of the Department of Transportation Law [20 ILCS 2705/2705-600] with respect to the implementation of a target market program by the CPO, in consultation with the Department, to remedy specific instances and patterns of egregious race or gender discrimination within the geographic market area served by the Department or construction market in which the Department operates. The Public Act authorizes the CPO, in consultation with the Department, to determine appropriate contract formation and bidding procedures for target market contracts, including, but not limited to, the dividing of procurements so designated into contract award units in order to facilitate offers or bids from minority-owned businesses and female-owned businesses.

Following are summaries of the significant changes made to this Part.

Section 6.610, Notice of Suspension, was revised, per the Procurement Policy Board's request, to provide that a notice of suspension will be mailed to the Board within five days after contractor notification.

A new Subpart, "Subpart J: Target Market Program", was added to the Part with Sections 6.800 – 6.860 prescribing program provisions.

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A new Section 6.800, Purpose and Objective, was added to provide a general overview of the target market program provisions, including the reason for the target market program.

A new Section 6.810, Definitions, was added to provide a list of terms used throughout the new Subpart J, including definitions of "Egregious Race or Gender Discrimination" and "Strong Basis in Evidence".

A new Section 6.820, Implementation Procedures, was added prescribing the type of evidence of racial or gender discrimination, related to all contracts awarded to complete transportation construction projects during the course of each fiscal year, that will be reviewed and evaluated by the Department. Additionally, this Section includes procedures utilized by the CPO and the Department to remedy the egregious discrimination in the event that a finding of egregious discrimination has been identified, such as, the conducting and recording of a public hearing at which minority, female general contractors, contracting organizations, community organizations and other interested parties may provide comments before, during and for a specified period of time, as determined by the Department, after the hearing, and, the issuance of a written determination either to implement a narrowly tailored target market remedial action or to discontinue further action.

A new Section 6.830, Target Market Remedial Actions, was added to prescribe target market remedial measures, including, but not limited to, contract formation actions, contract goal actions, contract incentive actions, and contract set-aside actions. Additionally, this Section prescribes that no contract will be eligible for inclusion in any target market action unless the Department, in consultation with the CPO, determines that there are at least 3 eligible businesses interested in participating in the contract.

A new Section 6.840, Participation Eligibility, was added to prescribe that participation of eligible businesses in the target market program is limited to minority-owned and female-owned businesses certified as disadvantaged businesses in accordance with 30 ILCS 575/6(d) and 49 CFR 26, which is incorporated by reference as of the October 1, 2010 edition.

A new Section 6.850, Limitations Applicable to Participation, was added to prescribe provisions concerning market domination prevention, training courses and audits of books and records by the Department or CPO, and a provision on exclusion from participation in the target market program due to a failure to cooperate.

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Finally, a new Section 6.860, Severability, was added to prescribe that invalidation of any portion of Subpart J by a court of competent jurisdiction will not operate to invalidate the entire Part.

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

Mr. Bill Grunloh, Chief Procurement Officer
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 200
Springfield, Illinois 62764

217/558-5434

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS
CHAPTER III: CHIEF PROCUREMENT OFFICER FOR THE
DEPARTMENT OF TRANSPORTATION

PART 6

CHIEF PROCUREMENT OFFICER FOR **THE** DEPARTMENT OF TRANSPORTATION –
CONTRACT PROCUREMENT

SUBPART A: GENERAL

Section

- 6.10 Authority
- 6.20 Policy
- 6.30 Purpose and Policy Interpretations
- 6.40 Definitions

SUBPART B: PUBLICATION OF PROCUREMENT INFORMATION

Section

- 6.50 Transportation Bulletin
- 6.60 Subscription Fees
- 6.70 Direct Solicitation

SUBPART C: METHODS OF PROCUREMENT

Section

- 6.80 Competitive Sealed Bids
- 6.90 Competitive Sealed Proposals
- 6.100 Small Contracts
- 6.110 Sole Source Contracts
- 6.120 Emergency Contracts
- 6.125 Small Business Set-Asides

SUBPART D: COMPETITIVE SEALED BID PROCEDURES

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Section

6.130	General Conditions for Use
6.140	Invitations for Bids
6.150	Amendments to Invitations for Bids
6.160	Preparation of Bids
6.170	Delivery of Bids
6.180	Change or Withdrawal of Bids
6.190	Combination Bids for Construction Contracts
6.200	Pre-Bid Conferences
6.210	Public Opening of Bids
6.220	Consideration of Bids
6.230	Mistakes
6.240	Award After Bid Evaluation
6.250	Split and Multiple Awards
6.260	Time for Award
6.270	Delay in Award
6.280	Binding Contract
6.290	Requirement of Contract Bond for Construction Contracts
6.300	Execution of Contract
6.310	Publication of Contracts

SUBPART E: COMPETITIVE SEALED PROPOSAL PROCEDURES

Section

6.320	General Conditions for Use
6.330	Request for Proposals
6.340	Delivery of Proposals
6.350	Evaluation of Proposals
6.360	Discussions with Responsible Offerors
6.370	Award
6.380	Publication of Contracts

SUBPART F: PROTESTS

Section

6.390	Application
6.400	Interested Party

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6.410	Subject of the Protest
6.420	Filing of a Protest
6.430	Stay of Action during Protest
6.440	Decision

SUBPART G: SPECIFICATIONS

Section	
6.450	Standard Specifications
6.460	Contract Documents
6.470	Specification Standards

SUBPART H: SUSPENSION OF CONTRACTORS

Section	
6.480	Purpose
6.490	Definitions
6.500	Policy
6.510	General
6.520	Causes for Suspension
6.530	Interim Suspension
6.540	Voluntary Exclusion
6.550	Term of Suspension
6.560	Coverage
6.570	Other Agency Suspensions
6.580	Responsibility
6.590	Continuation of Executory Contracts
6.600	Exception Provision
6.610	Notice of Suspension
6.620	Response and Request for Hearing
6.630	Hearing Date and Hearing Officer
6.640	Answer
6.650	Form of Documents
6.660	Computation of Time
6.670	Appearances
6.680	Hearing Procedures
6.690	Determination

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SUBPART I: MISCELLANEOUS

Section	
6.700	Property Rights
6.710	Federal Requirements
6.720	Intergovernmental Agreements
6.730	No Waiver of Sovereign Immunity
6.740	Written Determinations
6.750	Severability

SUBPART J: TARGET MARKET PROGRAM

<u>Section</u>	
<u>6.800</u>	<u>Purpose and Objective</u>
<u>6.810</u>	<u>Definitions</u>
<u>6.820</u>	<u>Implementation Procedures</u>
<u>6.830</u>	<u>Target Market Remedial Actions</u>
<u>6.840</u>	<u>Participation Eligibility</u>
<u>6.850</u>	<u>Limitations Applicable to Participation</u>
<u>6.860</u>	<u>Severability</u>

AUTHORITY: Implementing the Illinois Procurement Code [30 ILCS 500] and Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600] and authorized by Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25] and Section 2705-600(7) of the Department of Transportation Law [20 ILCS 2705/2705-600(7)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 11602, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 21060, effective November 25, 1998; emergency amendment at 29 Ill. Reg. 7832, effective May 12, 2005, for a maximum of 150 days; emergency expired October 8, 2005; amended at 29 Ill. Reg. 18147, effective October 19, 2005; recodified, pursuant to PA 96-795, from Department of Transportation, 44 Ill. Adm. Code 660, to Chief Procurement Officer for Department of Transportation, 44 Ill. Adm. Code 6, at 35 Ill. Reg. 10158; amended at 36 Ill. Reg. 230, effective December 21, 2011.

SUBPART H: SUSPENSION OF CONTRACTORS

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NOTICE OF ADOPTED AMENDMENTS

Section 6.610 Notice of Suspension

- a) Any contractor that the Department proposes to suspend pursuant to this Part will be furnished written notice by personal service or by certified or registered mail.
- b) The notice will include the following:
 - 1) The cause for suspension on which the proposed suspension is based.
 - 2) A clear and concise statement of the matters asserted and acts complained of, and the statutes, cause or rules upon which the allegations in the notice are based.
 - 3) The legal authority and jurisdiction under which the action is taken, and the consequences of a failure to respond.
- c) A notice may be amended at any time.
- d) If the Secretary has imposed an interim suspension, the notice will so indicate, will provide the reasons for the interim suspension, will state the interim period, and will state whether the interim suspension is pending completion of an investigation, an ensuing legal proceeding or a hearing provided according to this Subpart H.
- e) Except in cases of interim suspensions imposed by reason of indictment, the notice will set forth the right to request a hearing.
- f) For informational purposes, a copy of the written notice of suspension will be mailed to the Procurement Policy Board within five days after contractor notification.

(Source: Amended at 36 Ill. Reg. 230, effective December 21, 2011)

SUBPART J: TARGET MARKET PROGRAM

Section 6.800 Purpose and Objective

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- a) Purpose
It is the responsibility of the CPO to implement, in collaboration with the Department, appropriate administrative procedures to determine the need for the establishment of a target market program, as required by Section 2705-600 of the Department of Transportation Law [20 ILCS 2705/2705-600], and to establish appropriate administrative procedures governing the scope and implementation of any target market action. The statutory purpose of this Subpart is to authorize the CPO, in consultation with the Department, to implement a target market program applicable to transportation construction project contract procurement, as necessary, to remedy particular incidents and patterns of egregious race or gender discrimination.
- b) Objective
Coordinated action is required between the CPO and the Department to implement this Subpart, deemed necessary by the CPO, to establish and administer a target market program applicable to contracts entered into by the Department. Adoption of appropriate administrative procedures by rule to implement a target market program requires the CPO and the Department to address the evidentiary tests established by Section 2705-600 of the Law and the courts that govern race-based and gender-based governmental actions and policies. Generally, race-based and gender-based government actions, including contract procurement, have been subject to high levels of judicial scrutiny to ensure that the governmental action addresses a compelling interest in remedying discrimination shown by a strong basis in evidence, and employing remedies that are narrowly tailored to the evidence. It is the objective of this Subpart to ensure that any action to establish and implement a target market program applicable to Department contracts meets the evidentiary tests and that target market remedies utilized are narrowly tailored.

(Source: Added at 36 Ill. Reg. 230, effective December 21, 2011)

Section 6.810 Definitions

As used throughout this Subpart, each term listed in this Section has the meaning set forth as follows unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in that Section.

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"Act" means the Business Enterprises for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575].

"Chief Procurement Officer" or "CPO" means the official appointed and empowered to procure contracts for the Department in accordance with Section 10-20 of the Illinois Procurement Code [30 ILCS 500/10-20].

"Construction Industry Markets" or "Construction Markets" means the universe (e.g., State, county, district or township, or combinations thereof, and road construction/resurfacing, bridge construction/replacement, airport runway construction/resurfacing, and transportation material supply) of public works construction and maintenance in which contractor and subcontractor availability and expenditures are studied for purposes of evaluating evidence of discrimination related to transportation construction project participation.

"Department" means the Illinois Department of Transportation.

"Disadvantaged Business Enterprise" or "DBE" means a business certified in accordance with 49 CFR 26 as eligible to participate in USDOT financial assistance programs and in contracts funded exclusively with State funds pursuant to Section 6(d) of the Act.

"Egregious Race or Gender Discrimination" means flagrant race or gender discrimination documented in specific instances within the geographic market area served by the Department or construction market in which the Department operates. (See also 49 CFR 26.43(b).)

"Female-Owned Business" means, for purposes of contracts funded exclusively with State funds, the same as defined in Section 2(a)(4) of the Act and, for purposes of federal assistance contracts, a Disadvantaged Business Enterprise.

"Geographic Market Area" means the geographic area (e.g., State, county, district or township, or combination thereof) in which contractor and subcontractor availability (see the Illinois Unified Certification Program Disadvantaged Business Enterprises Directory (IL UCP DBE Directory) at www.dot.il.gov/ucp/ucp.html) and expenditures are studied for purposes of evaluating evidence of discrimination related to transportation construction

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project participation.

"Goal-Oriented Remedial Programs" means participation programs (e.g., the Department's current DBE Program and Small Business Initiative Program) implemented by the Department pursuant to the Act and, for purposes of federal assistance contracts, the DBE program adopted in accordance with 49 CFR 26.

"Law" means the Department of Transportation Law [20 ILCS 2705/2705-600].

"Minority-Owned Business" means, for purposes of contracts funded exclusively with State funds, the same meaning as defined in Section 2(A)(3) of the Act and, for purposes of federal assistance contracts, a Disadvantaged Business Enterprise.

"Strong Basis in Evidence" means the level of specific qualitative and quantitative evidence determined by the Department and CPO to support a prima facie case of clearly identified egregious race or gender discrimination or patterns of deliberate exclusion, public or private, related to transportation construction.

"Transportation Construction Projects" means the complete scope of services and work related to the construction and maintenance of highway, air and rail transportation facilities and infrastructure undertaken by the Department.

(Source: Added at 36 Ill. Reg. 230, effective December 21, 2011)

Section 6.820 Implementation Procedures

- a) Evidentiary Findings
The Department is required to review any and all evidence of egregious race or gender discrimination related to all contracts awarded to complete the transportation construction projects undertaken during the course of each fiscal year. It is the delegated responsibility of the Department to evaluate any and all evidence of racial or gender discrimination that may have occurred during the performance of its transportation construction projects to determine whether the required factual predicate exists to support the establishment of a target market program by the CPO. Furthermore, the Department is mandated to determine and define a compelling interest in remedying the identified discrimination by making a record of the evidence disclosed by the review. The evidence to be reviewed by

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the Department includes, but is not limited to:

- 1) Utilization of Disadvantaged Business Enterprises, minority-owned businesses and female-owned businesses in Department contracts and subcontracts (e.g., disparity and related utilization studies).
- 2) Availability of qualified, willing and able Disadvantaged Business Enterprises, minority-owned businesses and female-owned businesses in the Department's geographic market areas and specific construction industry markets. (See the Illinois Unified Certification Program Disadvantaged Business Enterprises Directory (IL UCP DBE Directory) at www.dot.il.gov/ucp/ucp.html.)
- 3) Disparities among the utilization of Disadvantaged Business Enterprises, minority-owned businesses and female-owned businesses in the Department's geographic market areas and the utilization of those firms participating on the Department's contracts and subcontracts in those markets (e.g., disparity and related utilization studies and the FHWA Uniform Report of DBE Awards or Commitments and Payments).
- 4) Disparities among the utilization of Disadvantaged Business Enterprises, minority-owned businesses and female-owned businesses in the construction industry markets in which the Department operates and the utilization of those firms in the transportation construction economies in which the Department operates.
- 5) Rates of business formation of certified DBEs in the geographic and construction markets and the dollars earned by those businesses (e.g., disparity and related utilization studies).
- 6) Quantitative and qualitative anecdotal evidence of discrimination (e.g., letters to the Department, surveys or comments made during a public hearing) related to transportation construction projects.
- 7) Documented incidents evidencing discrimination related to transportation construction projects.

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- 8) Documented and reported results of established goal-oriented remedial programs affecting the geographic market areas or construction markets.
- b) After evaluation of all evidence considered, the Department may issue findings that there is a strong basis in the evidence that there is a compelling interest present to remedy the egregious discrimination identified in the findings against a specific group, race or gender, and that the only remedy for the discrimination is a narrowly tailored target market remedial action. The findings will be provided to the CPO for review in order to determine whether the CPO concurs in the findings. In the event that the Department issues no findings of a compelling interest, the CPO will be informed in writing that the evidentiary review was concluded without findings.
- c) Public Hearing
The Department will conduct a public hearing if the CPO concurs in the findings that the Department has a strong basis in evidence that there is:
- 1) a compelling interest in remedying the identified race or gender discrimination;
 - 2) insufficient race or gender-neutral means available to remedy the egregious discrimination;
 - 3) insufficient existing goal-oriented remedial programs available to remedy the egregious discrimination; and
 - 4) that the only remedy for the race or gender discrimination is a narrowly tailored target market remedial action.
- d) The Department will set a time and place for the hearing. Minority, female and general contractors, contracting organizations, community organizations and other interested parties shall have the opportunity to provide comments before, during and for a period of time determined by the Department, after the hearing. After concurrence by the CPO, the hearing will take place within 30 days. A written record of the public hearing will be made and kept by the CPO. (See Section 2705-600(0.5) of the Law.)

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- e) Implementation
Within 14 calendar days following the public hearing, and after consideration of the comments provided by the public, the CPO, in consultation with the Department, will make a written determination either to implement a narrowly tailored target market remedial action or to discontinue further action. The written determination will identify the type of target market remedial action to be implemented and any race or gender limitations applicable to the action. The written determination will be publicly available on the Department's website at www.dot.il.gov.

(Source: Added at 36 Ill. Reg. 230, effective December 21, 2011)

Section 6.830 Target Market Remedial Actions

- a) Narrow Tailoring (See Northern Contracting, Inc. v. Illinois Department of Transportation, 473 F.3d 715 (7th Cir. 2007))
The procurement of contracts by the CPO to complete transportation construction projects undertaken by the Department is adversely affected by the presence of discrimination. In addition to goal-oriented remedial programs, target market remedial actions will be implemented to eliminate the effects of discrimination in the performance of transportation construction projects. The target market remedial measures selected to remedy egregious discrimination will be narrowly tailored to the evidence relied on to support the action. The selection will specify whether, and to what extent, the remedial measure is subject to geographic market areas and/or construction market areas based on the evidence. In addition, the selection will establish specific, definite duration limitations based on the evidence. Target market remedial measures may include, but are not limited to, the following actions selected on the basis of the evidence as the most narrowly appropriate to remedy the identified discrimination:
- 1) Contract Formation Actions
 - A) The Department, in consultation with the CPO, may designate specific contract work as reserved for performance solely by minority-owned businesses, female-owned businesses or Disadvantaged Business Enterprises, as determined by the funding sources for the contract. This action removes some or all

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discretion from the bidding contractors or consultants as to the work to be performed by eligible minority, female or disadvantaged participants in the context of existing goal-oriented remedial programs. The contract and procurement documents will be drafted and advertised to require the contractor or consultant to make a good faith effort (see, e.g., 49 CFR 26.53) to have the identified reserved work performed by eligible minority, female or disadvantaged business participants.

B) The Department, in consultation with the CPO, may implement contract formation and bidding procedures designed to encourage and facilitate bidding and offers by minority-owned, female-owned and disadvantaged businesses. This action includes, but is not limited to, dividing procurements into units conducive to eligible business participation, scheduling contract lettings at alternative locations conducive to eligible business participation, providing for bidding documentation and submission procedures conducive to eligible business participation and removal of bid bond requirements to induce eligible business participation. (See Section 2705-600(2) of the Law.)

2) Contract Goal Actions

The Department, in consultation with the CPO, may advertise contracts for award or selection with separate minority-owned and female-owned business participation goals in the context of existing goal-oriented remedial programs. This action may provide for either minority-owned or female-owned business utilization goals, or both, applicable to a particular contract or contracts.

3) Contract Incentive Actions

The Department, in consultation with the CPO, may establish bid incentives for achievement of minority-owned, female-owned or Disadvantaged Business Enterprises goals advertised in contracts for award in the context of existing goal-oriented remedial programs. This action may provide for an incentive advertised as applicable to eligible bidders making the highest commitment to eligible business participation that would reduce the price bid for purposes of price comparison and

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determination of the lowest bid price for purposes of award.

4) Contract Set-Aside Actions

The Department, in consultation with the CPO, may advertise contracts for award or selection set-aside for minority-owned, female-owned or disadvantaged business enterprises exclusively. This action establishes a sheltered procurement process open only to eligible businesses determined to be responsible contractors in accordance with this Part.

b) Minimum Participation Availability

No contract will be eligible for inclusion in any target market action unless the Department, in consultation with the CPO, determines that there are at least 3 eligible businesses interested in participating in the contract. The determination will be based on the DBE certifications and other attendant factors. (See Section 2705-600(3) of the Law.)

(Source: Added at 36 Ill. Reg. 230, effective December 21, 2011)

Section 6.840 Participation Eligibility

- a) Participation of eligible businesses in the target market program will be limited to minority-owned and female-owned businesses certified as disadvantaged businesses in accordance with the provisions of Section 6(d) of the Act (see Section 2705-600(4) of the Law) and the federal Disadvantaged Business Enterprise program certification requirements promulgated at 49 CFR 26 and incorporated by reference as that part was in effect as of October 1, 2010. No later amendments or editions are incorporated. Copies of the appropriate material are available from the Chief Procurement Officer, Illinois Department of Transportation, 2300 S. Dirksen Parkway, Room 200, Springfield, Illinois 62764 or by calling 217/558-5434.
- b) Joint ventures comprised solely of minority-owned businesses and female-owned businesses as venture partners are eligible to participate in the target market program.

(Source: Added at 36 Ill. Reg. 230, effective December 21, 2011)

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Section 6.850 Limitations Applicable to Participation

- a) Market Domination Prevention
In order to prevent domination of the target market program by a small number of businesses, no eligible business shall participate in more than 3 target market contracts during any calendar year. Businesses participating in the target market program shall remain eligible to participate in contracts not designated as target market contracts.
- b) Training and Audits
Businesses eligible for participation in the target market program shall cooperate with the Department by completing any training courses provided by the Department as a condition of eligibility. Participating eligible businesses shall make all books and records related to the performance of target market contracts available for audit by the Department or the CPO.
- c) Exclusion
A business may be excluded from participation in the target market program for failure to cooperate in any audit or for failure to complete training courses required for participation.

(Source: Added at 36 Ill. Reg. 230, effective December 21, 2011)

Section 6.860 Severability

Invalidation of any portion of this Subpart by a court of competent jurisdiction will not operate to invalidate the entire Part, which will remain in full force and effect. (See Section 2705-600(7) of the Law.)

(Source: Added at 36 Ill. Reg. 230, effective December 21, 2011)

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- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1050.210	Amendment
1050.340	Amendment
1050.370	New Section
1050.610	Amendment
1050.655	New Section
1050.660	Amendment
1050.840	Amendment
1050.870	New Section
1050.1350	Amendment
1050.1790	Amendment
1050.2100	New Section
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rulemaking: January 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 14574; September 2, 2011
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version:

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- a) In the table of contents, in the title to Subpart E, add "PURCHASING ACTIVITY," following "BROKERAGE ACTIVITY".
- b) In Section 1050.210(c), on the first line, strike "Loan Originator Registration or".
- c) In Section 1050.210(c)(1), on the first line, add "a" following "for" and strike "Loan Originator registration or". On the third line, strike "registered or". On the sixth line, strike "registration or".
- d) In Section 1050.210(c)(2), on the first line, strike "Registration or". On the second line, strike "Loan Originator or" and add "a" following "Originator". On the third line, strike "Certificate of Registration or".
- e) In Section 1050.210(c)(3), on the first line, strike "Registration or". On the third line, strike "Certificate of Registration". Also, add "Inactive or" following "license on".
- f) In Section 1050.210(c)(4), on the first line, strike "or registrant".
- g) In Section 1050.210(f), on the second line, strike "Loan Originator or".
- h) In Section 1050.340(a)(2)(A), delete proposed second sentence.
- i) In Section 1050.370(a), delete the proposed introductory paragraph and add the following in lieu thereof: "The Director may withdraw any license application for which the applicant has failed or refused to provide a written response, including any required documentation, within 21 business days after receiving a deficiency letter for this response and required documentation from the Director.".
- j) In Section 1050.370(b)(1)(B), on the third line, delete "or other method approved by the Director.". On the eighth line, delete "been convicted of a misdemeanor or", and on the next line add "of \$500 or more" following "judgment". Also delete "involving monies, breach of trust, and/or moral turpitude". Finally, in the third sentence, add "revocations" following "convictions" and delete "and/or employing licensee".

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- k) In Section 1050.370(b)(1)(C), on the third line, delete "or other method approved by the Director, within 10" and add "immediately, but no later than 30" in lieu thereof.
- l) In Section 1050.370(b)(1)(D), on the second line, delete ", or other method approved by the Director". Also, on the last line, delete "Originator" and add "Originator's information contained in the initial application or any renewal application is no longer current and must file accurate supplemental information." in lieu thereof.
- m) In Section 1050.370(b)(1)(D)(i), (ii) and (iii), delete all proposed text.
- n) Proposed Section 1050.370(b)(1)(E) has been moved-up to follow the new text at the end of subsection (b)(1)(D), but add "this" following "as required by".
- o) In Section 1050.370(b)(2), on the second line, delete ", or other method approved by the Director".
- p) In Section 1050.655, on the fourth line, add "and" following "identifying the portfolio," and on the fifth line, delete ", and other information required by the Director".
- 12) Have all 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: The adopted amendments increase Mortgage Loan Originator License fees, reestablish and update license and reporting provisions pertaining to Mortgage Loan Originators including through use of the Nationwide Mortgage Licensing System and Registry, and add a new purchasing activity report and new standard for payment processing by servicers.

Mortgage Loan Originator fees have not been increased since the original loan originator registration program began in 2004 and the adopted increase reflects agency costs to provide the current level of service. The other amendments are to supplement Mortgage

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Loan Originator provisions previously added to the Residential Mortgage License Act of 1987 by Public Act 96-0112 and arise from the federal Secure and Fair Enforcement Licensing Act ("SAFE"). The purchasing activity report will close a gap in current activity reporting by licensees. The new standard for payment processing by servicers is intended to provide additional consumer protection against late fee assessments by licensees.

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

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

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

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

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TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

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1050.100	High Risk Home Loan Definitions; Applicability
1050.110	Definitions
1050.115	Administrative Decision (Repealed)
1050.120	Assisting (Repealed)
1050.125	Commissioner (Repealed)
1050.130	Control (Repealed)
1050.132	Conviction or Convicted (Repealed)
1050.135	Document (Repealed)
1050.140	Employee (Repealed)
1050.145	First Tier Subsidiary (Repealed)
1050.150	Hearing Officer (Repealed)
1050.155	High Risk Home Loan (Repealed)
1050.157	Licensee (Repealed)
1050.160	Material (Repealed)
1050.165	Other Regulatory Agencies (Repealed)
1050.170	Party (Repealed)
1050.175	Principal Place of Business (Repealed)
1050.180	Repurchase a Loan (Repealed)
1050.185	State (Repealed)
1050.190	Servicer (Repealed)
1050.195	Points and Fees (Repealed)
1050.197	Total Loan Amount (Repealed)
1050.198	Approved Credit Counselor (Repealed)
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SUBPART B: FEES

Section

1050.210	Fees
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1050.220	License Fees (Repealed)
1050.230	Amended License Fees – Corporate Changes (Repealed)
1050.240	Duplicate Original License Fees (Repealed)
1050.245	Loan Originator Registration Application Fee (Repealed)
1050.246	Loan Originator Registration Transfer Fee (Repealed)
1050.247	Loan Originator Registration Reactivation Fee (Repealed)
1050.248	Duplicate Loan Originator Certificate of Registration or Pocket Card Fee (Repealed)
1050.250	Examination Fees (Repealed)
1050.255	Direct Expenses of Out-of-State Examinations (Repealed)
1050.260	Additional Full-Service Office Fees (Repealed)
1050.270	Hearing Fees (Repealed)
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1050.290	Manner of Payment (Repealed)

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1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office
1050.360	Continuing Education Requirements for Certain Employees (Repealed)
<u>1050.370</u>	<u>Licensing of Mortgage Loan Originators</u>

SUBPART D: OPERATIONS AND SUPERVISION

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1050.410	Net Worth
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1050.425	Examination
1050.430	Late Audit Reports
1050.440	Escrow
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1050.460	Selection of Independent Auditor (Repealed)
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities

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- 1050.480 Change of Ownership, Control or Name or Address of Licensee
1050.490 Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY, PURCHASING ACTIVITY,
AND MORTGAGE SERVICING ACTIVITY

Section

- 1050.610 Filing Requirements
1050.620 Reporting Forms
1050.630 Annual Report of Mortgage Activity
1050.640 Annual Report of Brokerage Activity
1050.650 Annual Report of Servicing Activity
1050.655 Annual Report of Purchasing Activity
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SUBPART F: FORECLOSURE RATE

Section

- 1050.710 Computation of National Residential Mortgage Foreclosure Rate
1050.720 Computation of Illinois Residential Mortgage Foreclosure Rate
1050.730 Excess Foreclosure Rate
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SUBPART G: SERVICING

Section

- 1050.810 New Loans
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1050.850 Toll-Free Telephone Arrangement
1050.860 Payoff of Outstanding Mortgage Loan
1050.870 Compliance with Other Laws

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SUBPART I: LOAN BROKERAGE PRACTICES

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1050.1010	Loan Brokerage Agreement
1050.1020	Loan Brokerage Disclosure Statement
1050.1030	Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

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1050.1110	Borrower Information Document
1050.1120	Description of Required Documentation
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1050.1140	Loan Application Procedures
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1050.1160	Confirmation of Statements
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SUBPART K: GENERAL LENDING PRACTICES

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1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet

1050.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective

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December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003; emergency amendment at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 10352, effective June 29, 2004; amended at 28 Ill. Reg. 13351, effective September 21, 2004; amended at 29 Ill. Reg. 14808, effective September 26, 2005; amended at 29 Ill. Reg. 19187, effective November 10, 2005; amended at 34 Ill. Reg. 17339, effective October 29, 2010; amended at 36 Ill. Reg. 250, effective January 1, 2012.

SUBPART B: FEES

Section 1050.210 Fees

- a) **Method of Payment of Fees**

The fees listed in this Section shall be payable to the Department, or to the Nationwide Mortgage Licensing System and Registry for transfer to the Department as approved by the Director. The Director may specify the form of payment to the Department or to the Nationwide Mortgage Licensing System and Registry, which may include certified check, money order, credit card, or other forms authorized by the Director. The Director may specify that fees be paid separately or combined, and may pro-rate fees for implementation of the Nationwide Mortgage Licensing System and Registry. The Nationwide Mortgage Licensing System and Registry shall be authorized to collect and process transaction fees or other fees related to licensees or other persons subject to the Act.
- b) **Residential Mortgage License**
 - 1) **Investigation Fee:** The applicant shall pay a non-refundable fee of \$1,135 or such non-refundable amount as authorized by the Director that, when combined with the license fee set forth in subsection (b)(2)(A), totals an amount equal to \$2,043 annually or such amount authorized by Section 2-2 of the Act.
 - 2) **License Fee:**

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- A) Initial Licensure: For each application for an initial Illinois Residential Mortgage License on which the Director has made the findings that a license shall be issued, the applicant shall pay a non-refundable license fee of \$908, plus the investigation fee set forth in subsection (b)(1), or such non-refundable amount as authorized by the Director that, when combined with the investigation fee set forth in subsection (b)(1), totals an amount equal to \$2,043 annually or such amount authorized by Section 2-2 of the Act.
- B) License Renewal: For each application for an annual renewal of an Illinois Residential Mortgage License, the applicant shall pay a non-refundable license fee of \$2,043, or the total amount set forth in subsections (b)(1) and (b)(2)(A).
- C) Amended License: The licensee shall pay a non-refundable fee of \$500 for each [Notice of Change of Ownership or Control](#) amended license that is required by Subpart D of this Part.
- D) Notice of Change: The licensee shall pay a non-refundable fee of \$50 with each Notice of Change of Officers or Directors or Change of Name or Address or Change of Activity.
- E) Duplicate License: The licensee shall pay a non-refundable fee of \$50 for each duplicate original license issued.
- F) [Returned Payment: Any licensee or person who delivers a check or other payment to the Department that is returned unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed, a fee of \\$50.](#)
- c) ~~Loan Originator Registration or~~ Mortgage Loan Originator License
- 1) Application Fee: An applicant for ~~a Loan Originator registration or~~ Mortgage Loan Originator license shall pay a non-refundable fee of ~~\$200~~[\\$125](#) for each individual ~~registered or~~ licensed on the initial application and ~~\$150~~[\\$100](#) annually for each individual renewal, plus an additional ~~\$75~~[\\$50](#) late fee for any renewal that is received after the expiration date of the preceding ~~registration or~~ license.

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- 2) ~~Registration or~~ License Transfer Fee: There shall be paid by or on behalf of the ~~Loan Originator or~~ Mortgage Loan Originator a non-refundable fee of ~~\$50~~~~\$35~~ for each ~~Certificate of Registration or~~ license transferred.
 - 3) ~~Registration or~~ License Reactivation Fee: There shall be paid by or on behalf of the applicant a non-refundable fee of ~~\$150~~~~\$100~~ for reactivating each ~~Certificate of Registration or~~ license on Inactive or Inoperative Status.
 - 4) Duplicate Documents: The licensee ~~or registrant~~ shall pay a non-refundable fee of \$50 for each duplicate document.
 - 5) Returned Payment: Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fee of \$50.
- d) Examination
- 1) Fees: Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to the provision of Section 4-2 of the Act shall be billed by the Department at a rate of \$510 per examiner day. Fees will be billed following completion of the examination and shall be paid within 30 days after receipt of the billing.
 - 2) Out-of-State Travel: When out-of-state travel occurs in the conduct of any examination, the licensee shall make arrangements to reimburse the Department all charges for services such as travel expenses, including airfare, hotel and per diem incurred by the employee. These expenses are to be in accord with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800).
- e) Additional Full-Service Office:
- 1) Initial Fee: The licensee shall pay a non-refundable fee of \$250 for each Notice of Intent to Establish an Additional Full-Service Office required by

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Subpart C of this Part.

- 2) Annual Fee: After the notice filed under subsection (e)(1), the licensee shall pay an annual non-refundable Additional Full-Service Office fee of \$250 on the initial license anniversary date.
- f) Hearing Fees: Each party that requests a hearing pursuant to Section 4-1(n) of the Act shall pay a non-refundable fee of \$500, except that a ~~Loan Originator or~~ Mortgage Loan Originator requesting a hearing shall pay a non-refundable fee of \$250, unless the fee is waived by the Director. In determining whether to waive the fee, the Director shall consider the financial hardship imposed on the party.

(Source: Amended at 36 Ill. Reg. 250, effective January 1, 2012)

SUBPART C: LICENSING

Section 1050.340 Full-Service Office

- a) Each licensee shall maintain a full-service office consistent with the provisions of Sections 3-4 and 1-4(r) of the Act. At a minimum, each licensee shall:
 - 1) Maintain a registered agent in Illinois; and
 - 2) Provide a person or persons *reasonably adequate to handle efficiently communications, questions, and other matters relating* (Section 3-4 of the Act) to an application for a loan or existing loan and provide a toll-free telephone arrangement for doing so. In determining whether a licensee handles such matters in a reasonably adequate manner, the Director shall consider consumer complaints received regarding the licensees and information obtained from examinations conducted and reports filed pursuant to the Act. In addition, the Director shall consider whether the licensee has:
 - A) Provided facilities and personnel adequate to accommodate a borrower who wishes to bring all documents applicable to his or her application for or existing home mortgage to the full-service office for examination in conjunction with an inquiry, complaint or concern.

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- B) Maintained a supply of all documents required under Subparts G, H, I, J, K, and L of this Part, ~~when those where such~~ Subparts apply to the licensee.
- b) If the Director determines that a licensee is not in compliance with Sections 3-4 and 1-4(r) of the Act, the Director shall notify the licensee, in writing, detailing the requirements for bringing the licensee into compliance. The Director may require a licensee to demonstrate compliance with this Section in instances in which personnel are conducting licensable activities in Illinois without adequate facilities and/or licensed offices in Illinois. The Director, at his or her discretion, may require documentation from licensees and hold hearings to take testimony from owners, officers, directors and employees of a licensee, as selected by the Director, and compel attendance of those so selected for the purpose of determining compliance with this Section.

(Source: Amended at 36 Ill. Reg. 250, effective January 1, 2012)

Section 1050.370 Licensing of Mortgage Loan Originatorsa) License Applications

The Director may withdraw any license application for which the applicant has failed or refused to provide a written response, including any required documentation, within 21 business days after receiving a deficiency letter for this response and required documentation from the Director.

b) Licenses

1) Issuance of License; Conditions and Reports. Upon approving an application for an original or renewed Mortgage Loan Originator License pursuant to Article VII of the Act and this Part, the Director may issue the Mortgage Loan Originator License through electronic licensing systems such as the Nationwide Mortgage Licensing System and Registry and maintain a public record of all licenses issued within those electronic licensing systems. The Director may make copies of licenses available to licensees through electronic or other methods. Mortgage Loan Originator Licenses shall be issued subject to the following conditions:

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- A) The Director shall use applicable license numbers and/or identifiers for each Mortgage Loan Originator License, including unique identifiers as authorized by Section 7-14 of the Act.
- B) Each Mortgage Loan Originator shall provide notification to the Director through the Nationwide Mortgage Licensing System and Registry, within 10 calendar days after obtaining information that the Mortgage Loan Originator has had his or her license revoked in any governmental jurisdiction (see Section 7-3(1) of the Act), has been convicted of, or pled guilty or nolo contendere to, a felony (see Section 7-3(2) of the Act), or has had an adverse judgment of \$500 or more in any jurisdiction (see the financial responsibility, character and general fitness requirements of Section 7-3(3) of the Act). The notification shall describe fully all convictions, revocations and adverse judgments. The Director may take disciplinary action against any Mortgage Loan Originator for convictions, revocations and adverse judgments based upon failure to comply with Sections 7-3(1), (2), or (3) of the Act and may take disciplinary action against a Mortgage Loan Originator who fails to comply with the reporting requirement of this subsection (b)(1)(B).
- C) Each employing licensee shall provide notification to the Director through submitting a sponsor removal to the Nationwide Mortgage Licensing System and Registry, immediately, but no later than 30 calendar days after the termination of a Mortgage Loan Originator's employment. The employing licensee may notify the Director of the reasons for the termination and, if applicable, the employing licensee also shall provide a report to the Director pursuant to Section 6-2(4) of the Act. The Director may take disciplinary action against an employing licensee that fails to comply with the reporting requirement of this subsection (b)(1)(C) or files a frivolous, false or misleading report under Section 6-2(4) of the Act.
- D) Each Mortgage Loan Originator shall notify the Director through the Nationwide Mortgage Licensing System and Registry, within 30 days if the Mortgage Loan Originator's information contained in

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the initial application or any renewal application is no longer current and must file accurate supplemental information. The Director may take disciplinary action against a Mortgage Loan Originator who fails to notify the Director as required by this subsection (b)(1)(D).

2) Inactive or Inoperative Status and Reactivation; Transfers

The Director may create categories of inactive or inoperative status. A Mortgage Loan Originator License shall be considered on inactive or inoperative status at any time a Mortgage Loan Originator is not actively employed by a licensee prior to the expiration date of the license. A Mortgage Loan Originator shall apply to the Director through the Nationwide Mortgage Licensing System and Registry, and include the transfer fee set forth in Section 1050.210, in order to transfer the sponsorship of his or her license to another employing licensee. A Mortgage Loan Originator cannot conduct licensable activities while on inactive or inoperative status or any time prior to the Director accepting the new sponsor in the Nationwide Mortgage Licensing System and Registry. When a Mortgage Loan Originator has been on inactive or inoperative status for more than 90 calendar days, prior to resuming active status, the Mortgage Loan Originator shall pay to the Director a Mortgage Loan Originator Reactivation Fee in the amount set forth in Section 1050.210. A Mortgage Loan Originator's inactive or inoperative status expires with the expiration of the license and any subsequent licensing shall require submission of a new license application and fee in the amount set forth in Section 1050.210.

(Source: Added at 36 Ill. Reg. 250, effective January 1, 2012)

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY, PURCHASING ACTIVITY,
AND MORTGAGE SERVICING ACTIVITY

Section 1050.610 Filing Requirements

On or before March 1 of each year, each licensee, except entities engaged solely in loan brokering activities and entities engaged solely in servicing activities, shall file an Annual Report of Mortgage Activity. On or before March 1 of each year, each licensee that brokers loans must

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file an Annual Report of Mortgage Brokerage Activity. On or before March 1 of each year, each licensee that services residential mortgage loans shall file an Annual Report of Mortgage Servicing Activity. On or before March 1 of each year, each licensee that purchases residential mortgage loans shall file an annual report of purchasing activity set forth in Section 1050.655. The Director may require reporting by licensees of mortgage, mortgage brokerage, and mortgage servicing activities to the Nationwide Mortgage Licensing System and Registry, upon the dates established by the Nationwide Mortgage Licensing System and Registry.

(Source: Amended at 36 Ill. Reg. 250, effective January 1, 2012)

Section 1050.655 Annual Report of Purchasing Activity

Each licensee that purchases residential mortgage loans shall file an Annual Report of Purchasing Activity. The Annual Report of Purchasing Activity shall include the names of originating entities, dollar amounts for each loan by property address or dollar amount of Illinois loans contained in a multi-state property portfolio, identifying the portfolio, and a total dollar amount for all Illinois loans purchased.

(Source: Added at 36 Ill. Reg. 250, effective January 1, 2012)

Section 1050.660 Verification

A notarized affidavit or oath, affirmation or declaration under penalty of perjury, attesting to the accuracy and truthfulness of the report must accompany each Annual Report of Mortgage Activity, Annual Report of Brokerage Activity and Annual Servicing Report, and Annual Report of Purchasing Activity submitted to the Director. This verification must be signed by the owner, if the licensee is a sole proprietorship; by all partners, if the licensee is a partnership; by two officers or all directors, if the licensee is a corporation; or by all members, if the licensee is an association.

(Source: Amended at 36 Ill. Reg. 250, effective January 1, 2012)

SUBPART G: SERVICING

Section 1050.840 Payment Processing

A licensee shall ~~make a good faith effort to~~ process and properly credit to a mortgage loan account any payment from a mortgagor on the same calendar date the payment is physically

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delivered, either in person or via United States Mail, at the address designated by the licensee for payments. No late fee shall be imposed if the licensee has received the mortgagor's payment in readily identifiable form by 5:00 p.m. on the day on which the payment is due in the amount, manner, location and time indicated by the mortgagee to avoid the imposition of late fees. Upon demand by the Department, the licensee shall produce documentation as to the date on which any payment in question was received by the licensee.

(Source: Amended at 36 Ill. Reg. 250, effective January 1, 2012)

Section 1050.870 Compliance with Other Laws

Servicing and foreclosure procedures of a licensee shall comply with applicable federal and State statutes and regulations, including but not limited to, Section 15-1502.5 of the Illinois Mortgage Foreclosure Law [735 ILCS 5/15-1502.5].

(Source: Added at 36 Ill. Reg. 250, effective January 1, 2012)

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section 1050.1350 Compliance with Other Laws

Commitment and closing procedures of a licensee shall comply with applicable Federal and State statutes and regulations, including but not limited to the following:

- a) The Interest Act [815 ILCS 205];
- b) Mortgage Escrow Account Act [765 ILCS 910];
- c) Consumer Fraud and Deceptive Business Practices Act [~~815~~205 ILCS 505].

(Source: Amended at 36 Ill. Reg. 250, effective January 1, 2012)

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section 1050.1790 Costs of Hearing

In addition to the filing fees ~~as~~ set forth in Section 1050.210(f)Subpart A and except for hearings to which Section 1050.2175 of this Part applies, each party to the hearing shall be required to pay

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its pro rata share of expenses, including, but not limited to, the hearing officer, witness and mileage fees, transcript and ~~such~~ other incidental costs ~~as may be~~ authorized by the hearing officer or by the Director, unless waived by the Director. In determining whether to waive ~~such~~ costs or a portion of costs, the Director shall consider the financial hardship upon the party.

(Source: Amended at 36 Ill. Reg. 250, effective January 1, 2012)

SUBPART R: REGISTRATION OF LOAN ORIGINATORS

Section 1050.2100 Mortgage Loan Originators; Applicability

Pursuant to the implementation of the federal Secure and Fair Employment for Mortgage Licensing Act (SAFE Act) (12 USC 51 et seq.), this Subpart does not apply to mortgage loan originators licensed pursuant to Section 7-1A of the Illinois Residential Mortgage License Act of 1987.

(Source: Added at 36 Ill. Reg. 250, effective January 1, 2012)

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- 1) Heading of the Part: The Professional Engineering Practice Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1380
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1380.210	Amendment
1380.230	Amendment
1380.240	Amendment
1380.242	New Section
1380.245	New Section
1380.250	Amendment
1380.270	Amendment
1380.275	Amendment
1380.280	Amendment
1380.290	Amendment
1380.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing The Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Amendments: January 6, 2012
- 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: September 30, 2011; 35 Ill. Reg. 15512
- 10) Has JCARE issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive differences.

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace any Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 96-626 was the sunset reauthorization of The Professional Engineering Practice Act of 1989; this adopted rulemaking implements various provisions of the Act. Section 1380.242 has been added and 1380.240 amended to reflect statutory changes allowing individuals to take the Fundamentals of Engineering exam prior to graduation or completion of experience and then to apply as an engineer intern, while Section 1380.245 is added and Section 1380.250 is amended to allow the exams to be taken prior to completion of the experience requirement and then to apply for licensure. In Section 1380.210, authorization as approved programs have been withdrawn for a few programs, following Board review; applicants from these programs must now have their transcripts reviewed. Clarification is also made that all foreign degrees require a course-by-course evaluation from National Council of Examiners for Engineering and Surveying (NCEES) to insure the curriculum requirements have been met. The fee for restoration of a non-renewed license is increased from \$20 to \$50. Various other clean-up and technical changes have also been made.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Financial and Professional Regulation

Attention: Craig Cellini

320 West Washington, 3rd Floor

Springfield, Illinois 62786

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380

THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section

1380.210	Approved Engineering Program
1380.220	Definition of Degree in a Non-approved Engineering Program or a Related Science Curriculum
1380.230	Approved Experience
1380.240	Application for <u>Fundamentals of Engineering</u> Enrollment as an Engineer Intern by Examination
<u>1380.242</u>	<u>Application for Enrollment as an Engineer Intern by Acceptance of Examination</u>
<u>1380.245</u>	<u>Application for the Principles and Practice of Engineering Exam (Part II)</u>
1380.250	Application for Licensure as a Professional Engineer by <u>Acceptance of Examination</u>
1380.260	Examination
1380.270	Restoration
1380.275	Fees
1380.280	Endorsement
1380.285	Inactive Status
1380.290	Professional Design Firm
1380.295	Seal Requirements
1380.296	Acts Constituting the Practice of Professional Engineering Pursuant to Section 4 of the Act
1380.300	Standards of Professional Conduct
1380.305	Professional Engineer Complaint Committee
1380.310	Renewals
1380.320	Granting Variances
1380.325	Professional Development
1380.APPENDIX A	Significant Dates for the Administration of Section 19 of the Act – Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

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SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16076, effective November 17, 1995; amended at 20 Ill. Reg. 6477, effective April 25, 1996; amended at 21 Ill. Reg. 13839, effective October 1, 1997; amended at 22 Ill. Reg. 16516, effective September 3, 1998; amended at 24 Ill. Reg. 625, effective December 31, 1999; amended at 24 Ill. Reg. 13727, effective August 28, 2000; amended at 26 Ill. Reg. 4688, effective March 11, 2002; amended at 27 Ill. Reg. 13301, effective July 16, 2003; amended at 34 Ill. Reg. 5623, effective March 30, 2010; amended at 36 Ill. Reg. 272, effective January 6, 2011.

Section 1380.210 Approved Engineering Program

- a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall, upon the recommendation of the State Board of Professional Engineers (the Board), approve an engineering program as reputable and in good standing if it meets the following minimum criteria:
 - 1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree in engineering.
 - 2) Faculty
 - A) The faculty shall have a sufficient number of full-time, or full-time equivalent, instructors to make certain that the educational obligations to the student are fulfilled. A program at the basic level shall have no fewer than 3 full-time faculty members whose

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primary commitment is to that program. If an institution relies on part-time faculty members, it shall demonstrate that, in addition to the commitment of at least 3 full-time equivalent faculty members, effective mechanisms are in place to provide adequate levels of student advising and faculty interaction, and faculty control over the curriculum.

- B) The faculty shall have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions. Other evidence of faculty capability includes non-academic engineering experience, experience in teaching, ability to communicate effectively, participation in professional, scientific and other learned societies, licensure as a professional engineer and an interest in students' curricular activities.
 - C) Teaching loads shall allow time for research and professional development activities. Stimulation of students' minds requires faculty involvement in scientific and technological development and in instructional innovation.
- 3) Curriculum
- A) The curriculum shall include at least 4 academic years leading to the awarding of the baccalaureate degree while providing integration of the educational experience with the ability to apply the knowledge gained to the identification and solution of practical problems.
 - B) The overall curriculum shall include a minimum of 120 semester hours or their equivalent (e.g., 180 quarter hours) and shall include at least the following subjects:
 - Mathematics (beyond trigonometry) – 15 hours.
 - Physics and Chemistry – 15 hours.
 - Engineering Sciences – 30 hours.

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Engineering Design – 15 hours.

Humanities/Social Sciences – 15 hours.

- C) Mathematics shall be beyond trigonometry, and include differential and integral calculus, and differential equations at the baccalaureate level. Mathematics shall also include, but shall not be limited to, the study of probability, statistics, numerical analysis and advanced calculus. Courses in computer usage and/or programming shall not be used to satisfy the mathematics requirement.
- D) Engineering sciences have their roots in mathematics and basic sciences but carry the knowledge toward creative application. Such subjects include, but are not limited to, mechanics, thermodynamics, electric and electronic circuits, material science and other subjects depending upon the engineering discipline.
- E) Engineering design involves the conversion of resources to predetermined objectives. Course requirements shall include the establishment of objectives and criteria, synthesis, analysis, construction, testing and evaluation which develop student creativity through open-ended problems and consideration of alternative solutions. The inclusion of realistic constraints, such as economic factors, safety, aesthetics, ethics and social impact is appropriate. Examples of subjects in these areas include design of circuits, machines, power networks, process equipment and systems and water treatment.
- F) Humanities and social sciences are, respectively, the branches of knowledge that concern man and his culture, and that concern individual relationships in and to society. Examples of subjects in these areas are philosophy, history, literature, fine arts, religion, sociology, psychology, political science, economics and foreign languages (other than a student's native language). Non-traditional courses might include social responsibility and professional ethics. Subjects such as accounting and management may be acceptable

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engineering electives, but do not satisfy the objectives of this area.

- G) Laboratory experience is essential to an engineering education at both theoretical and practical levels.
- H) Computer-based experience shall be included in the program of each student. The program shall include technical computations, problem solving, data acquisition and usage, process control and computer-assisted design. The student shall have access to computational facilities in order to integrate these techniques into the program.
- I) The program shall require that the student demonstrate competency in both written and oral communication.
- J) An understanding of ethical, social, economic and safety considerations shall be included in the engineering program.
- K) For those institutions that elect to prepare a student to enter the profession at the advanced level, the curriculum shall satisfy the criteria set forth in this Section at the basic level, and shall include at least one year of additional study. That year shall include at least $\frac{2}{3}$ of a year of advanced mathematics, basic sciences, engineering sciences and engineering design. Of this component, at least $\frac{1}{3}$ of a year shall be devoted to engineering design. The program shall be designed toward a meaningful individual course of study and include thesis, research and/or special projects.

4) Facilities

- A) The laboratory facilities shall reflect the requirements of the offered educational program. The laboratory should provide for individual project work by the students and the faculty. The facilities shall be equipped with instruments and scientific equipment of a kind and quality to ensure the effective functioning of the laboratory.
- B) The libraries in support of the engineering program shall be both

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technical and nontechnical, to include books, journals and other reference material for collateral reading in connection with the instructional and research programs and professional work. The library collection shall reflect the existence of an active acquisition policy; this policy shall include specific acquisitions on the request and recommendation of the faculty of the engineering program. There shall be computer-accessible information centers and inter-library loan services for both books and journals. The library collections, whether centralized or decentralized, shall be readily available for use with the assistance of trained library staff, or through an open-stack arrangement, or both.

C) There shall be computer facilities accessible to the engineering students and faculty.

5) The institution shall maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

b) In determining whether a [baccalaureate degree](#) program should be approved, the Division shall take into consideration but not be bound by accreditation by the Accreditation Board for Engineering and Technology (ABET).

c) The Division, upon the recommendation of the Board, has determined that [domestic baccalaureate degree](#) engineering programs accredited by the Engineering Accreditation Commission of ABET meet the minimum criteria set forth in subsection (a) for an approved engineering program and are, therefore, approved, subject to review.

1) [The Division, upon the recommendation of the Board, has determined that foreign degrees approved by ABET must have a National Council of Examiners for Engineering and Surveying \(NCEES\) course-by-course evaluation to determine if the requirements of subsection \(a\)\(3\) have been satisfied.](#)

2) The Division, upon the recommendation of the Board, has determined that the signed Mutual Recognition Program agreement between ABET and the Canadian Engineering Accrediting Board (CEAB) of the Canadian

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Council of Professional Engineers (CCPE) is considered to have met the minimum criteria as equivalent to the ABET accredited programs and are, therefore, approved, subject to review.

~~3)2)~~ The Division, upon the recommendation of the Board, does not recognize ABET "substantially equivalent" programs as meeting the minimum criteria set forth in subsection (a) for an approved engineering program and are, therefore, not approved.

d) The Division, upon the recommendation of the Board, has withdrawn program approval of the following programs accredited by the Engineering Accreditation Commission of ABET. Subsequent to notification, the Board reviewed the programs and determined that they do not meet the requirements of this Section and are, therefore, no longer approved. An applicant graduating from any of the following programs will have his or her transcript reviewed on a case-by-case basis to determine if he or she meets Illinois requirements:

- 1) Purdue University: Geomatic Engineering
- 2) California State, Fresno: Civil and Geomatic Engineering and Construction, Major in Geomatics
- 3) Ohio State: Geomatic Engineering
- 4) New Mexico State: Surveying Engineering
- 5) Ferris State University: Surveying Engineering
- 6) University of Maine: Surveying Engineering Technology

e) Withdrawal of Program Approval

- 1) The following are grounds for withdrawal of approval of an engineering program or a program leading to a degree in basic engineering.
 - A) Non-compliance with any provisions of the Professional Engineering Practice Act of 1989 [225 ILCS 325] (the Act);

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- B) Non-compliance with any provision of this Part;
- C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or
- D) Failure to continue to meet the criteria of an approved program as set out in this Section.

- 2) If the Board has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program on the part of any licensee, it shall refer such matter to appropriate Division personnel for any disciplinary action which might be appropriate under the Act.
- 3) A program whose approval is being reconsidered by the Division shall be given 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.

f)e) Evaluation of Newly Submitted Programs

- 1) An educational institution with a baccalaureate degree program that has not been evaluated will cause to be forwarded to the Division documentation concerning the criteria in this Section.
- 2) Once the Division has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the Board will evaluate the program based on all documentation received from the school and any additional information the Division has received that will enable the Board to evaluate the program based on the criteria specified in this Section.

f) ~~For purposes of Section 12(c)(1) of the Act, an approved graduate engineering program shall:~~

- ~~1) Grant a Doctor of Philosophy or Doctor of Science degree;~~
- ~~2) Be in a curriculum from an institution with an engineering program which~~

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~~has at least one curriculum for a baccalaureate degree that is approved in accordance with Section 1380.210(a) of this Part; and~~

- 3) ~~Include the following minimum requirements:~~
- ~~A) Completion of at least 64 semester hours, or 96 quarter hours, including hours earned toward the master's degree requirements.~~
 - ~~B) Passing of a preliminary examination.~~
 - ~~C) Completion of at least an additional 32 semester hours, or 48 quarter hours of thesis research.~~
 - ~~D) Passing of a final examination.~~

(Source: Amended at 36 Ill. Reg. 272, effective January 6, 2012)

Section 1380.230 Approved Experience

- a) Each application shall be reviewed by the Board to determine whether the applicant has shown evidence that his/her professional experience meets the requirements for licensure as described in this Section. All experience shall have been acquired after receipt of the baccalaureate degree except as provided in subsections (a)(3) and (4).
- 1) Credit for one year of experience shall be given for completion of graduate study resulting in a master's degree in engineering, except as credited under Section 1380.220(d).
 - 2) Credit for two years of experience shall be given for completion of graduate study resulting in a doctor's degree in engineering. The maximum credit for graduate study shall be 2 years, except as credited under Section 1380.220(d).
 - 3) Credit for one year of experience shall be given for a graduate of a university certified cooperative program, which is a supervised industrial or field experience of at least one academic year which alternates with periods of full-time academic training.

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- 4) Credit for professional engineering experience earned PRIOR TO receipt of a baccalaureate degree shall be given if the employment is full-time and if the applicant takes eight or more years to earn the degree as a part-time student, as provided for in Section 8(b)(2) of the Act.
 - 5) Experience shall be under the supervision of a licensed professional engineer or a person legally practicing engineering pursuant to Section 3 of the Act who verifies the number of years during which the applicant was doing work at a professional level, and the manner in which the work prepares the applicant for licensure as a professional engineer.
 - 6) Credit for all necessary experience or any remaining experience shall only be given for actual experience in the practice of professional engineering. Experience shall be within the definition of the practice as set forth in Section 4(o) of the Act and shall require the application of technical knowledge and professional engineering principles. In at least the last two years of experience, the applicant shall have had primary responsibility for the engineering activities.
 - 7) Engineering experience that is structural in nature may only be accepted if the experience is under the supervision of a legally practicing engineer.
 - 8) All experience must be verified and submitted on forms available from the Division.
- b) While an applicant may receive either experience credit, education credit or both, he/she may not receive more than one year's total credit for any one year (i.e., overlapping experience and education will be credited to one or the other category but not both).
- c) Experience Requirements
- 1) For a graduate from an approved curriculum
 - A) To be enrolled as an Engineer Intern, no experience is required.

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- B) To be licensed as a Professional Engineer, 4 years of acceptable experience is required.
- 2) For a graduate from a Related Science or non-approved program
 - A) To be enrolled as an Engineer Intern, 4 years of acceptable experience is required.
 - B) To be licensed as a Professional Engineer, 8 years of acceptable experience is required.

(Source: Amended at 36 Ill. Reg. 272, effective January 6, 2012)

Section 1380.240 Application for Fundamentals of Engineering ~~Enrollment as an Engineer Intern~~ by Examination

- a) An applicant who is in the senior year of an approved engineering baccalaureate curriculum may sit for the Fundamentals of Engineering exam (Part I) and then submit the application and required fee, as specified in Section 1380.275, and proof of having graduated within 12 months after sitting for the first exam.
- b) An applicant who is a graduate of an approved engineering baccalaureate curriculum may sit for the Fundamentals of Engineering exam (Part I) and then submit the application and required fee as specified in Section 1380.275.
- c) An applicant for enrollment as an Engineer Intern from a non-approved engineering program or a related science degree shall file an application on forms supplied by the Division by November 15 for the spring examination or by May 15 for the fall examination. The application shall include:
 - 1) ~~Either: A) Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program as set forth in Section 1380.210 of this Part; or B) An official transcript~~ Completed college certification form showing receipt of a baccalaureate degree from a non-approved engineering program or related science curriculum ~~evidenced by an official transcript of educational credit,~~ and verification, on forms completed by the supervisors, of at least 4 years of experience ~~on forms, completed by the supervisors.~~

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- A)ii) An applicant who has not acquired the experience but meets the minimum educational requirements may sit for the Fundamentals of Engineering exam and submit the acceptable experience after the passage of the exam~~shall have acquired the experience required by this Section prior to review by the Board;~~
- B)ii) Applicants who received their education in a foreign country shall have the education evaluated, at their expense. Applicants shall obtain the forms from NCEES Engineering and Surveying Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road) Clemson SC 29633-1686~~10305 NW 41st Street, Suite 223, Miami FL 33178~~. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency with the educational requirements of non-approved engineering program set forth in Section 1380.220(b)(1);
- C)iii) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The evaluation shall be performed by the American Association of Collegiate Registrars (AACRO), 1 Dupont Circle NW, Suite 370, Washington, DC 20036-1110, telephone (202)296-3359;
- 2) The required fee specified in Section 1380.275;
- 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university or on forms provided by the Division;
- 4) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT with a minimum score of 26 on the speaking

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module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

d)↔ An applicant in an approved engineering program shall be eligible to be seated for the first available Fundamentals of Engineering examination during the 12 months prior to graduation if the applicant provides a certification stating that he/she is expected to graduate by the end of that 12 month period. The applicant shall be allowed to retake the examination during that 12 month period if he/she fails on the first attempt. However, an applicant who passes the Fundamentals of Engineering examination prior to graduation will not be enrolled as an Engineer Intern until the Division has received certification of graduation, as required by subsection (a)(1)(A). If certification of graduation within one year prior to or after passing the exam is not received ~~within one year after the first examination is taken~~, the results of the examination will be voided for Illinois purposes and the examination will have to be retaken in order to be enrolled as an Illinois Engineer Intern or licensed as a Professional Engineer.

e)↔ Upon receipt of the application and all supporting documentation in complete order:

- 1) Persons with degrees from an approved engineering program will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275;
- 2) The files of persons with degrees from a non-approved engineering program or related science curriculum will be presented to the Board for evaluation of the required experience and education based on the criteria specified in Sections 1380.220 and 1380.230. Once the applications have been approved, those persons will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required

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examination fee as provided for in Section 1380.275.

(Source: Amended at 36 Ill. Reg. 272, effective January 6, 2012)

Section 1380.242 Application for Enrollment as an Engineer Intern by Acceptance of Examination

- a) An applicant who, in the senior year of an approved baccalaureate curriculum, passed the Fundamentals of Engineering exam (Part I) shall submit an application and the required fee, as specified in Section 1380.275, and proof of having graduated within 12 months after passage of the exam.
- b) An applicant who is a graduate of an approved baccalaureate curriculum and passed the Fundamentals of Engineering exam (Part I) shall submit an application, a transcript and the required fee, as specified in Section 1380.275.
- c) An applicant from a non-approved engineering program or a related science degree who was approved to sit for the exam under Section 1380.240 and has passed the Fundamentals of Engineering exam (Part I) shall submit the required 4 years of acceptable experience.
- d) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of that participation is required with a brief description of the program from the university or on forms provided by the Division.
- e) Upon receipt of the application and all supporting documentation in complete order:
 - 1) Persons with degrees from an approved engineering program will be enrolled as an Illinois Engineer Intern.
 - 2) Persons with degrees from a non-approved engineering program or related science curriculum whose 4 years of acceptable experience is reviewed and approved by the Board, based on the criteria specified in Section 1380.230, shall be enrolled as a Illinois Engineer Intern.
- f) Applicants will be deferred enrollment as an Illinois Engineer Intern if:

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- 1) Persons with degrees from an approved engineering program did not graduate within 12 months after passage of the Fundamentals of Engineering exam (Part I). Those applicants will be required to re-take the exam in order to be enrolled as an Illinois Engineer Intern.
- 2) Persons with degrees from a non-approved engineering program or related science curriculum whose 4 years of experience is reviewed and not approved by the Board, based on the criteria specified in Section 1380.230, shall be deferred enrollment as a Illinois Engineer Intern until their experience meets the requirements.

(Source: Added at 36 Ill. Reg. 272, effective January 6, 2012)

Section 1380.245 Application for the Principles and Practice of Engineering Exam (Part II)

- a) Applicant Enrolled as an Illinois Engineer Intern
 - 1) An applicant who is a graduate of an approved baccalaureate curriculum may sit for the Principles and Practice of Engineering exam (Part II), and having passed, may then submit the application specified in Section 1380.250, verification of employment and the required fee specified in Section 1380.275.
 - 2) An applicant who is a graduate of an non-approved baccalaureate curriculum who was approved under Section 1380.240 may sit for the Principles and Practice of Engineering exam (Part II) and having passed, may then submit the application specified in Section 1380.250, verification of employment and the required fee specified in Section 1380.275.
- b) Persons Who Were Certified or Enrolled as an Engineer Intern or Engineer-in-Training in Another State or Territory
 - 1) The applicant shall submit certification of the required enrollment from the appropriate state board, including the date of the examination.

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- 2) The applicant shall submit an official transcript showing the degree conferred.
- 3) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency with the educational requirements of a non-approved engineering program set forth in Section 1380.220(b)(1).
- 4) For applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English:
 - A) Proof of passage of:
 - i) the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88; or
 - ii) the Test of English as a Foreign Language (TOEFL) with a minimum score of 550, or 213 on the computer-based test, and the Test of Spoken English (TSE) with a minimum of score of 50.
 - B) In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

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- 5) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The course-by-course evaluation shall be performed by the American Association of Collegiate Registrars & Admissions Officers (AACRAO), 1 Dupont Circle NW, Suite 520, Washington DC 20036-1110, telephone (202) 293-9161.
 - 6) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education as specified in Sections 1380.210 and 1380.220. Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, the examination filing deadline and the required examination fee provided for in Section 1380.275.
- c) Applicant **Not** Enrolled as an Engineer Intern
- 1) An applicant who is a graduate of an approved curriculum may sit for the Principles and Practice of Engineering exam (Part II) and then submit the application specified in Section 1380.250, verification of employment, and the required fee specified in Section 1380.275.
 - 2) An applicant for examination as a professional engineer who is not enrolled or certified as an Illinois Engineer Intern and is not a graduate from an approved curriculum shall file an application on forms supplied by the Division by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:
 - A) Education
 - i) A degree from a non-approved Engineering Program or Related Science Curriculum **and a** completed transcript showing receipt of a baccalaureate degree from a non-approved engineering program or related science curriculum.
 - ii) Applicants who received their engineering education in a foreign country shall have the education evaluated at their

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expense. The applicant shall obtain the forms from NCEES Credentials Evaluations, P.O. Box 1686 (280 Seneca Creek Road), Clemson SC 29633-1686. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency with the educational requirements of a non-approved engineering program set forth in Section 1380.220(b)(1).

iii) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The course-by-course evaluation shall be performed by the American Association of Collegiate Registrars & Admissions Officers (AACRAO), 1 Dupont Circle NW, Suite 520, Washington DC 20036-1110, telephone (202) 293-9161.

iv) For applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English:

- Proof of passage of:
 - the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88; or
 - the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test

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of Spoken English (TSE) with a minimum score of 50.

- In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

B) The required fee specified in Section 1380.275.

- 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education as specified in Sections 1380.210 and 1380.220. Once the application has been approved, those persons will be notified of their eligibility to register for Part I and/or Part II of the examination, the examination filing deadline, and the required examination fee as provided for in Section 1380.275.

(Source: Added at 36 Ill. Reg. 272, effective January 6, 2012)

Section 1380.250 Application for Licensure as a Professional Engineer by Acceptance of Examination

- a) An applicant shall have passed the Fundamentals of Engineering (Part I) and the Principles and Practice of **Engineering** (Part II) examinations in compliance with Sections 1380.240 and 1380.245. ~~Applicant enrolled as an Engineer Intern~~

- b)1) An applicant shall have acquired all experience required by Section 1380.230~~1380.240~~ prior to review by the Division~~Board~~.

- c)2) An applicant for licensure as a professional engineer ~~who is enrolled as an Engineer Intern~~ shall file an application on forms supplied by the Division ~~by November 15 for the spring examination or by May 15 for the fall examination~~. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

- 1)A) Experience ~~verification forms completed by the supervisors, indicating the~~

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~~required 4 years of experience earned. For Engineer Interns enrolled with a degree from a non-approved engineering program or related science curriculum, experience verification forms shall be completed for the entire 8 years of required experience.~~

~~A)B)~~ An applicant graduating from an approved baccalaureate degree program must submit 4 years of acceptable experience in compliance with Section 1380.230.

B) An applicant graduating from a related science or non-approved baccalaureate degree program must submit 8 years of acceptable experience in compliance with Section 1380.230.~~For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in another state or territory:~~

- ~~i) A certification of such enrollment from the appropriate state board, including the date of the examination.~~
- ~~ii) Completed college certification form showing degree received and, if the degree was not received from an approved engineering program, an official transcript of educational credit.~~
- ~~iii) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from NCEES Engineering and Surveying Credentials Evaluations, 10305 NW 41st Street, Suite 223, Miami FL 33178. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency with the educational requirements of a non-approved engineering program set forth in Section~~

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~~1380.220(b)(1).~~

- ~~iv) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.~~
- ~~v) Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The evaluation shall be performed by the American Association of Collegiate Registrars (AACRO), 1 Dupont Circle NW, Suite 370, Washington, DC 20036-1110, telephone (202)296-3359.~~
- C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of ~~that~~ participation with a brief description of the program from the university or on forms provided by the Division.
- 2) The required fee specified in Section 1380.275.
- ~~D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.~~
- d)3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be reviewed by the Division~~presented to the Board~~

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for evaluation of the required ~~education and~~ experience as specified in ~~Section~~ Sections 1380.210, 1380.220 and 1380.230. Upon submitting an application with proof of passing both examinations, and acceptable experience, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State ~~Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, examination filing deadline and the required examination fee as provided for in Section 1380.275.~~

- e) Applicants will be deferred licensure as a Professional Engineer if:
- 1) Applicants with degrees from a non-approved engineering program or related science curriculum whose 8 years of experience is reviewed and not approved by the Board, based on the criteria specified in Section 1380.230, shall be deferred licensure as a Illinois Professional Engineer until the experience meets the requirements.
 - 2) Applicants whose applications were submitted more than 3 years previously and were not complete (passage of exams and acceptable experience) must submit a new application and fee for review once the experience is complete.
- b) Applicant not enrolled as an Engineer Intern
- 1) An applicant shall have acquired all experience as required in Section 1380.240 prior to review by the Board.
 - 2) An applicant for registration as a professional engineer who is not enrolled or certified as an Engineer Intern shall file an application on forms supplied by the Division by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:
 - A) Education and Experience:
 - i) A degree from an approved Engineering Program. Completed college certification form showing receipt of a baccalaureate degree from an approved engineering

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- ~~program, and completed experience verification forms completed by the supervisors, indicating the required 4 years of experience.~~
- ii) ~~A degree from a non-approved Engineering Program or Related Science Curriculum. Completed college certification form showing receipt of a baccalaureate degree from a non-approved engineering program or related science curriculum; an official transcript of educational credit; and completed experience verification forms completed by the supervisors, indicating the required 8 years of experience.~~
 - iii) ~~Applicants who received their engineering education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from NCEES Engineering and Surveying Credentials Evaluations, 10305 NW 41st Street, Suite 223, Miami FL 33178. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of a non-approved engineering program set forth in Section 1380.220(b)(1).~~
 - iv) ~~Applicants who received a related science degree in a foreign country shall have the education evaluated at their expense. The evaluation shall be performed by the American Association of Collegiate Registrars (AACRO), 1 Dupont Circle NW, Suite 370, Washington, DC 20036-1110, telephone (202)296-3359.~~
- B) ~~The required fee specified in Section 1380.275.~~

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- ~~C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.~~
- ~~D) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.~~
- 3) ~~Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education and required experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for both Part I and Part II of the examination, examination filing deadline, and the required examination fee as provided for in Section 1380.275.~~

(Source: Amended at 36 Ill. Reg. 272, effective January 6, 2012)

Section 1380.270 Restoration

- a) A licensee seeking restoration of a license which has expired for 5 years or less shall have the license restored upon application to the Division and payment of the required fee specified in Section 1380.275 and proof of 30 professional development hours in accordance with Section 1380.325 completed within 2 years prior to the restoration application.
- b) A licensee seeking restoration of a license which has been placed on inactive status for 5 years or less shall have his or her certificate restored upon application to the Division and payment of the current renewal fee specified in Section

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1380.275 and proof of successful completion of 30 professional development hours in accordance with Section 1380.325 completed within 2 years prior to the restoration application.

- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division for review by the Board, together with proof of successful completion of 30 professional development hours in accordance with Section 1380.325 completed within 2 years prior to the restoration application and the fee required by Section 1380.275. The licensee shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - 2) An affidavit attesting to military service as provided in Section 17 of the Act;
 - 3) Proof of passage of Part II of the examination provided in Section 1380.260 within the 5 years preceding restoration; or
 - 4) Other evidence of continued competence in professional engineering. Other evidence shall include, but not be limited to:
 - A) Employment in a responsible capacity by a licensed professional engineer as determined by the Board;
 - B) Lawfully practicing professional engineering as an employee of a governmental agency; or
 - C) Teaching professional engineering in a college or university or educational programs; ~~or~~
 - D) ~~Attendance at educational programs in professional engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.~~

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- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 17 of the Act will be required to pay only the current renewal fee.
- e) When the accuracy of any submitted documentation, of the relevance or sufficiency of the course work or experience is questioned by the Division because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his or her license will be requested to:
- 1) provide such information as may be necessary; and/or
 - ~~2) explain such relevance or sufficiency during an oral interview; or~~
 - ~~2)3)~~ appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon recommendation of the Board, and approval by the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (Director), an applicant shall have his or her license restored or will be notified of the reason for the denial of such application for restoration.
- f) If an applicant is denied restoration under subsection (c)(4), the applicant's license may be restored by taking and passing Part II of the examination as provided in Section 1380.260.

(Source: Amended at 36 Ill. Reg. 272, effective January 6, 2012)

Section 1380.275 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees-
- 1) The fee for application for a license as a professional engineer is \$100.
 - 2) The application fee for a certificate of enrollment as an engineer intern is

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\$20.

- 3) The application fee for a certificate of registration as a professional design firm is \$75.
- 4) In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

b) ~~Renewal Fees-~~

- 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
- 2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1380.310(c)).

c) ~~General Fees-~~

- 1) The fee for the restoration of a license other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Division reviewed and verified is \$20 plus any fee charged by the testing service.

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- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as professional engineers or engineer interns in this State shall be the actual cost of producing the roster.
- d) Additional Fees:
- 1) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fee of \$50.
 - 2) If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fee for a returned check, an additional fee of \$100 shall be imposed.
 - 3) The fees imposed by this Section are in addition to any other discipline provided under the Act for unlicensed practice or practice on a nonrenewed license. The Division will notify the person that fees shall be paid to the Department by certified check or money order within 30 calendar days after the notification.
 - 4) If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Division will automatically terminate the license or certificate or deny the application without hearing.
 - 5) If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Division for restoration or issuance of the license or certificate and pay all fees due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application.
 - 6) The Director may waive the fees due under this Section in individual cases when the Director finds that the fees would be unreasonable or

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unnecessarily burdensome.

(Source: Amended at 36 Ill. Reg. 272, effective January 6, 2012)

Section 1380.280 Endorsement

- a) Any person who holds an unexpired certificate of registration or license to practice professional engineering, issued under the laws of another state or territory of the United States or the District of Columbia and who desires to become licensed by endorsement shall file an application, on forms provided by the Division, together with:
 - 1) The required fee specified in Section 1380.275.
 - 2) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction, including certification of education, and verification of experience.
 - 3) A certification by the jurisdiction of original licensure and certification of current licensure from the jurisdiction of predominant active practice including the following:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) The basis of licensure and a description of all licensure examinations by which the applicant was licensed in that jurisdiction and the date of successful passage of the examinations; and
 - C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.
 - 4) If the qualifications of the applicant at the time of original licensure did not meet the requirements in effect at that time for licensure in this State, the applicant may submit additional certifications from other jurisdictions

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to indicate meeting the qualifications in effect in this State at the time of any later licensure.

- 5) In lieu of the documentation specified in subsections (a)(2), ~~(3)~~ and (5), an applicant may submit a current [NCEES Council Record and Certification of Verification from NCEES](#).
- 6) Applicants who received their education in a foreign country and who were originally licensed in another jurisdiction after January 1, 1996 shall have the education evaluated, at their expense. Applicants shall obtain the forms from NCEES Engineering and Surveying Credentials Evaluations, [P.O. Box 1686 \(280 Seneca Creek Road\), Clemson SC 29633-1686](#) ~~10305 NW 41st Street, Suite 223, Miami FL 33178~~. Evaluations completed prior to October 30, 2006 from Engineering Credentials Evaluation International (ECEI) are also accepted. The Board has only approved NCEES and ECEI as evaluators for engineering degrees. The transcript review required by Section 8 of the Act is separate from the detailed institutional review conducted to determine that the curriculum meets the requirements of Section 1380.210. The review of the transcripts by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).
- 7) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50 for applicants originally licensed after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program which the applicant graduated was taught in English.
- 8) The Division may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he or she has graduated from an approved

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engineering program, has achieved special honors or awards, has had articles published in professional journals, has participated in the writing of textbooks relating to professional engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of professional engineering.

- 9) Acceptable Experience: ~~A)~~ Applicants for endorsement having obtained the following acceptable experience, in accordance with Section 1380.230, ~~prior to taking the Principles and Practice of Engineering Examination~~ shall be considered in compliance with the experience requirements of Section 10 of the Act:

~~A)i)~~ Under Section 10(a) of the Act, at least ~~43~~ years ~~and 9 months~~ of acceptable experience after receipt of the baccalaureate degree, or

~~B)ii)~~ Under Section 10(b) of the Act, at least ~~87~~ years ~~and 9 months~~ of acceptable experience after receipt of the baccalaureate degree.

~~B)~~ ~~Applicants not meeting the requirements of subsection (a)(10)(A) at the time of original or subsequent examination shall retake the Principles and Practice of Engineering Examination after meeting the necessary requirements.~~

- 10) Appendix A of this Part outlines the licensure requirements in force during various periods and should be consulted by the applicant to aid in the evaluation of his/her qualifications.

- b) The Division shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this ~~State~~ ~~state~~. ~~The Division shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.~~
- c) When the accuracy of any submitted documentation listed in subsection (a), or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board, because of lack of information, discrepancies or conflicts

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in information given or a need for clarification, the applicant seeking a license will be requested to: ~~provide~~¹⁾ Provide such information as may be necessary and appear; ~~2) Appear~~ for an oral interview before the Board; ~~and/or~~.

~~13)~~ Applicants who were licensed prior to January 1, 1996, upon review of the educational requirements may be required to have their education evaluated at their expense as set forth in subsection (a)(~~6~~7).

~~2)~~ Applicants who were licensed prior to January 1, 1996, upon review of the educational requirements, may be required to submit the proof of TOEFL-iBT as set forth in subsection (a)(7).

d) The Division shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.240 and/or Section 1380.245~~Section 1380.250~~.

(Source: Amended at 36 Ill. Reg. 272, effective January 6, 2012)

Section 1380.290 Professional Design Firm

a) Persons who desire to practice professional engineering in this State in the form of a corporation, professional service corporation, partnership, limited liability company, limited liability partnership, or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405]) shall, in accordance with Section 23 of the Act, file an application with the Division, on forms provided by the Division, together with the following:

1) For Corporations or Professional Service Corporations: ~~(registration~~Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12];

A) The name of the corporation and its registered address, the names of all members of the board of directors, and the name of the state and license number for each director who is a licensed design professional.

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- B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the Corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or certificate of authority shall designate that the corporation is authorized to provide professional engineering services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration.
- C) A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed professional engineer as the managing agent in charge of the professional engineering activities in Illinois. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.
- D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.
- E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- 2) For Partnerships:-
- A) General
- i) A copy of the signed and dated partnership agreement authorizing the partnership to provide professional engineering services. The agreement shall contain the name of the partnership, its business address and the names of all general partners. The name of the state in which each partner is licensed as a design professional and the license

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number shall be listed on the application.

- ii) A signed and dated resolution of the general partners designating a regular full-time employee of the partnership who is an Illinois licensed professional engineer as the managing agent in charge of the [professional](#) engineering activities in this State. The license number of the managing agent shall be included in the resolution.
- iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.
- iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

B) Limited Partnership

- i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide professional engineering services. The partnership agreement shall contain the name of the partnership, its business address and the name of each partner. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
- ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed professional engineer in this State as the managing agent in charge of the [professional](#) engineering services. The Illinois license number of the professional engineer designated as the managing agent shall also be included in the resolution.
- iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- iv) A copy of the authority to transact business under the

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Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.

- 3) For Limited Liability Companies or Limited Liability Partnerships:
 - A) An application containing the name of the limited liability company or partnership, the business address and the members/partners of the company/partnership, the name of the state in which each is licensed and the license number of each design professional who is a member or partner.
 - B) A signed and dated resolution of the members or partners designating a regular full-time employee of the company who is an Illinois licensed professional engineer as the managing agent in charge of the professional engineering activities in this State. The license number of the managing agent shall also be included in the resolution.
 - C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer engineering services.
 - D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
 - E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- 4) For Sole Proprietorships with an Assumed Name:
 - A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the professional engineer who owns and operates the business.
 - B) A letter or certificate from the county clerk where an assumed

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name has been filed.

- 5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides engineering services.
- 6) The fee required in Section 1380.275.
- b) A professional design firm may designate more than one managing agent in charge of professional engineering activities. However, a licensee designated as the managing agent may not serve as a managing agent for more than one corporation, professional service corporation, limited liability company/partnership or partnership doing business in Illinois.
- c) Upon receipt of the documents listed in subsection (a) and review of the application, the Division shall issue a registration authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of professional engineering or notify the applicant of the reason for the denial of the application.
- d) Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship shall be responsible for notifying the Division within 30 days after any changes in:
 - 1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners;
 - 2) The licensure status of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional members of the board of directors; and
 - 3) An assumed name.
- e) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the Division, in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability

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company/partnership or partnership, if it has so informed the Division, has 30 days to notify the Division of the name and license number of the professional engineer licensed in Illinois who is the newly designated managing agent.

- f) Any failure to notify the Division as required in subsections (d) and (e) or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 23 of the Act will subject the corporation, limited liability company or partnership to the loss of its registration to practice professional engineering in Illinois.
- g) Sole Proprietorships. A sole proprietorship who is conducting or transacting business under the real name of the professional engineer who has an active Illinois license will not be required to file an application and comply with the requirements set forth in this Section. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4). Any sole proprietorship not owned and operated by an Illinois licensed professional engineer shall be prohibited from offering professional engineering services to the public.
- h) In addition to the seal requirements in Section 14 of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Division.

(Source: Amended at 36 Ill. Reg. 272, effective January 6, 2012)

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NOTICE OF ADOPTED AMENDMENTS

Section 1380.APPENDIX A Significant Dates for the Administration of Section 19 of the Act - Endorsement

- a) July 20, 1945. The Illinois Professional Engineering Act became effective on July 20, 1945. Prior to that date, there was no legal requirement in Illinois governing the practice of Professional Engineering or requiring registration of engineers.
- b) July 20, 1946. That date terminated registration under the "Grandfather Clause," which exempted Illinois residents engaged in the practice of Professional Engineering from examination, unless affected by service in the armed forces of the United States including the Merchant Marine. Thereafter, full examination was required except as indicated under subsections (c) and (d).
- c) November 20, 1946. Prior to that date, graduates of approved engineering curricula with 4 or more years of professional engineering experience were eligible for registration by examination of their record of education, experience, and substantiating evidence. Written examination was not required.
- d) July 20, 1950. Prior to that date, graduates of approved engineering curricula with 4 or more years of professional engineering experience were required to take only Part II of the written examination for registration.
- e) Applicants originally licensed in New York or Pennsylvania prior to January 1, 1965, shall have their twelve-hour examination accepted for endorsement based on prior agreement.
- f) January 1, 1974. Prior to that date, an EIT applicant was eligible for examination upon proof of at least 4 years of study, training and experience.
- g) January 1, 1978. Prior to that date, an applicant who qualified with 8 years of combined education and experience would be admitted to the full examination.
- h) [January 1, 1990. After this date, sequencing of exams is not required. The Principles and Practice of Engineering and the Fundamentals of Engineering exams may be taken in any sequence, pursuant to Alvin B. Groves vs. the Department of Professional Regulation.](#)

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- i) January 1, 1990 to January 1, 1994. An applicant seeking waiver of the fundamentals of engineering examination pursuant to Section 12(c) of the Act shall hold a doctoral degree from a graduate engineering program approved in accordance with Section 1380.210(f) and shall have demonstrated a broad knowledge of the fundamentals of engineering by successfully completing course work including 10 of the following subjects:
- 1) Calculus
 - 2) Differential Equations
 - 3) Chemistry
 - 4) Physics
 - 5) Statics
 - 6) Dynamics
 - 7) Materials Science or Structure of Matter
 - 8) Mechanics of Materials
 - 9) Electrical Circuits
 - 10) Fluid Mechanics
 - 11) Thermodynamics
 - 12) Engineering Economics
- ii) January 1, 1996. Proof of completion of the Test of English as a Foreign Language (TOEFL) with a score of 550 and Test of Spoken English (TSE) with a score of 50 for all applicants applying who graduated from an engineering program outside the United States or its territories and whose first language is not English.

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- k) October 30, 2006. Engineering Credentials Evaluation International (ECEI) ceased evaluating credentials. The Board approved The Center for Professional Engineering Credentials (CPEES) as the only engineering evaluation service.
- l) August 6, 2009. CPEES changed its name to NCEES Credentials Evaluations service.
- m) August 24, 2009. The Act change allows the exams to be taken prior to completion of experience. Endorsement of those applicants who took the P&P in other jurisdictions prior to completion of the experience required (4 years/8 years) in Illinois is allowed, but the experience before licensing in Illinois is still required.

(Source: Amended at 36 Ill. Reg. 272, effective January 6, 2012)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Child Labor Law
- 2) Code Citation: 56 Ill. Adm. Code 250
- 3) Section Number: 250.270 Adopted Action:
Amended
- 4) Statutory Authority: 820 ILCS 205
- 5) Effective Date of Amendments: December 22, 2011
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Labor's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 10476; July 8, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? 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? 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: The rulemaking implements provisions of Public Act 96-1247 that amended the Act to allow out-of-state minors wishing to procure employment in Illinois to obtain an employment certificate from the Superintendent of Schools in the minor's state of residence or from a Superintendent in Illinois.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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Sara Meek
Legislative Liaison
Illinois Department of Labor
900 S. Spring St.
Springfield, Illinois 62704

217/558-1270

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONSPART 250
ILLINOIS CHILD LABOR LAW

SUBPART A: DEFINITIONS

Section	
250.100	Definition of the Act
250.105	Definitions
250.110	Minor (Repealed)
250.115	Agriculture (Repealed)
250.120	Week (Repealed)
250.125	Work (Repealed)
250.130	Time Record (Repealed)
250.135	Premises (Repealed)
250.140	Suffer (Repealed)
250.145	Garage (Repealed)
250.150	Employer and All Interested Parties (Repealed)

SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section	
250.200	Employers Subject to the Act
250.205	Minors Assisting Employees of Tax Supported School Lunch Programs
250.210	Movie Theaters
250.215	Car Wash
250.220	Employment in or about Airfields
250.225	Office and Ice Cream Dispensing Equipment
250.230	Enclosed, Self-sealing Automatic Dishwashers
250.235	Power Driven Machinery
250.240	Exhibition Park or Place of Amusement
250.245	Employment in Establishments Selling Package Liquors
250.250	Shopping Malls and Similar Structures Containing Two or More Buildings
250.255	Performances in Alcoholic Beverage Serving Establishments Excepting those Theatrical Productions in Sec. 8 of the Act

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- 250.260 Employment of Minors as Models
- 250.265 Parent/Guardian Required Presence at Performance
- 250.270 Non-Resident Minor Seeking Employment

SUBPART C: HOURS OF EMPLOYMENT

- Section
- 250.300 Number of Days Employment Limit
- 250.302 Section 8.1(a) Work Hours Exception
- 250.305 Applying for a Section 8.1(b) Work Hours Waiver
- 250.310 Issuance of a Section 8.1(b) Work Hours Waiver
- 250.315 Section 8.1(b) Work Hours Waiver Record Keeping and Disclosure Requirements

SUBPART D: EMPLOYMENT CERTIFICATE ISSUING OFFICERS

- Section
- 250.400 Issuing Officers are responsible for:

SUBPART E: RESPONSIBILITIES OF EMPLOYERS

- Section
- 250.500 The Employer shall:

SUBPART F: APPLICABILITY OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

- Section
- 250.600 Revocation of Employment Certificates; Civil Penalty Assessments

SUBPART G: HEARING PROCESS

- Section
- 250.700 Procedure and Time Table for Suspension or Revocation of Employment Certificates
- 250.705 Procedure for Child Labor Penalty Assessment
- 250.710 Assessing Penalties
- 250.715 Procedure for Contested Cases; Suspension or Revocation of Employment Certificates; Final Determinations of Civil Penalties

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SUBPART H: EMPLOYER VIOLATIONS

Section	
250.800	Minimum Age
250.805	Hours of Work
250.810	Meal Period
250.815	Posting of Hours
250.820	Time Record
250.825	Hazardous Occupations
250.830	Minor Under Sixteen Appearing in Theatrical Productions
250.835	Employment Certificate Required
250.840	Duties of Employers
250.845	Violations of Section 250.260 of the Rules and Regulations Pertaining to Employment of Minors as Models
250.850	Parent/Guardian Not Present at Performance
250.855	Minors Under Sixteen Appearing in Television or Motion Picture Productions
250.860	Minors: Athletic or Acrobatic Activity and Stunts

AUTHORITY: Implementing Section 16 of the Illinois Child Labor Law [820 ILCS 205/16].

SOURCE: Adopted at 2 Ill. Reg. 22, p. 64, effective May 23, 1979; amended at 5 Ill. Reg. 902, effective January 14, 1981; codified at 8 Ill. Reg. 18483; emergency amendment at 15 Ill. Reg. 16132, effective October 25, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5335, effective March 24, 1992; emergency amendment at 18 Ill. Reg. 16699, effective October 25, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 6564, effective May 2, 1995; amended at 20 Ill. Reg. 6449, effective April 29, 1996; emergency amendment at 24 Ill. Reg. 17850, effective November 30, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 864, effective January 5, 2001; amended at 25 Ill. Reg. 6291, effective April 20, 2001; amended at 36 Ill. Reg. 314, effective December 22, 2011.

SUBPART B: EMPLOYMENT CONDITIONS SUBJECT TO THE ACT

Section 250.270 Non-Resident Minor Seeking Employment

An out-of-state minor wishing to procure employment in the State of Illinois must obtain an employment certificate [from a City or Regional Superintendent of Schools or the State Superintendent of Education in Illinois. The requirement that the minor submit his or her](#)

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application for a certificate in person may be waived by the individual issuing the employment certificate. ~~under the same guidelines established for minors who are residents of Illinois.~~ In addition to the conditions stated in Section 12 of the Act, ~~an~~ out-of-state minor must also, if he or she desires employment during school vacation, obtain a letter from his or her out-of-state principal attesting to the fact that he or she is indeed on vacation, and that school is not in session for the specified period of time. ~~Otherwise, there are no differences between and out-of-state minor seeking an employment certificate and a resident minor of Illinois seeking same.~~

(Source: Amended at 36 Ill. Reg. 314, effective December 22, 2011)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Charitable Funds
- 2) Code Citation: 11 Ill. Adm. Code 208
- 3) Section Number: 208.120 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: January 1, 2012
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 36 Ill. Reg. 15575; September 30, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Only nonsubstantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking requires applicants for charitable funds to submit audited financial statements at the time the application is submitted, not within 120 days of the applicant's fiscal year. Also, the 60-day requirement for requesting an extension of time has been reduced to 30 days.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 208
CHARITABLE FUNDS

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section	
208.10	Application
208.20	General Program Requirements
208.30	Funding Priorities
208.40	Award of Charitable Funds

SUBPART B: FISCAL AND MONITORING REQUIREMENTS

Section	
208.100	Use Of Funds
208.110	Accounting Requirements
208.120	Audits

AUTHORITY: Implementing and authorized by Sections 9(b) and 31.1 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 13 Ill. Reg. 1232, effective January 13, 1989; amended at 18 Ill. Reg. 7410, effective April 29, 1994; amended at 20 Ill. Reg. 7941, effective June 1, 1996; amended at 36 Ill. Reg. 320, effective January 1, 2012.

SUBPART B: FISCAL AND MONITORING REQUIREMENTS

Section 208.120 Audits

- a) Each recipient shall have an annual audit performed at the close of its fiscal year. This audit is to be performed in accordance with generally accepted auditing standards by an independent certified public accountant registered by the State of Illinois. The resulting audit report is to be prepared in accordance with the

ILLINOIS RACING BOARD

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American Institute of Certified Public Accountants (AICPA) ([20114987](#)).

b) Audit Report

- 1) ~~A copy of the applicant's audited financial statements for the preceding calendar year shall be included in the applicant's application. Each annual audit report is to be filed with the Board within 120 days of the end of the recipient's fiscal year.~~ A request for an extension of time to file an audit report must be submitted in writing ~~3060~~ days prior to the deadline for filing the ~~application~~ audit report. A request for an extension of time to file an audit report shall only be granted when the auditor submits a signed statement certifying that the audit cannot be completed in the designated time due to circumstances beyond the control of the auditor and the recipient. The auditor's statement must also detail the circumstances ~~that~~ which form the basis for this request.
- 2) The report shall contain the basic financial statements presenting the financial position of the agency, the results of its operations, and changes in fund balances.
- 3) The reports shall contain a schedule of income by source. Individual sources of income should not be combined (e.g., funds received from several ~~State~~ state or federal agencies should not be combined into one classification, such as "State of Illinois" or "Federal Government").
- 4) The report shall contain a schedule of operating expenses by program - operating fund. The term "operating fund" includes all funds a recipient may have in its accounting records except those in a capital fund or contingency fund.
- 5) The report shall also contain the auditor's opinion regarding the financial statements taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the auditor expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason ~~for that opinion~~ therefor must be stated. The auditor shall communicate any material weakness in the recipient's internal controls.

c) Recipients shall also be subject to audit by Board personnel to determine whether

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the funds awarded by the Board are being used in accordance with proposed budget contained in the application.

(Source: Amended at 36 Ill. Reg. 320, effective January 1, 2012)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Inter-Track Wagering Facilities
- 2) Code Citation: 11 Ill. Adm. Code 435
- 3) Section Number: 435.20 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: January 1, 2012
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 15580; September 30, 2011
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Only nonsubstantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Adopted in 1988, Section 435.20 previously required that State Fire Inspection reports be submitted to the Board by each off-track wagering facility on January 15 and July 15 of each year of operation.

With respect to racetrack fire inspections, IRB Rule 403, Illinois Racetrack Rules for Fire Safety, establishes rules to enforce a reasonable level of fire safety at racetracks. These

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rules mirror the Racetrack Rules for Fire Safety contained in the Office of the State Fire Marshall's administrative rules. However, the State Fire Marshall does not have specific administrative rules governing off-track wagering facilities and recommends only one OTB fire inspection per year. According to the State Fire Marshall's Office, off-track betting parlors are considered an "assembly occupancy" under the state's adopted NFPA 101 Life Safety Code. Therefore, OTB's would be required to be inspected only annually under that Code, not semi-annually.

This rulemaking, in consultation with the Office of the State Fire Marshall, amends Section 435.20 by reducing the number of OTB fire inspections required annually from two to one.

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

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 435
INTER-TRACK WAGERING FACILITIES

Section

435.10	Definitions (Repealed)
435.20	Application for Inter-Track Wagering License
435.30	Board Approval of an Application
435.40	Penalties and Conditions
435.50	Board Office
435.60	Simulcast Requirements (Repealed)
435.70	Audio Transmission (Repealed)
435.80	Inter-Track Wagering Pools (Repealed)
435.90	Announcing the Close of Wagering (Repealed)
435.100	Pari-Mutuel Wagering (Repealed)
435.110	Licensing of Employees
435.120	Concessionaire License
435.130	Prohibited Practices by Employees
435.140	Customer Relations (Repealed)
435.150	Duties of Organization Licensee (Repealed)
435.160	Duties of Inter-Track Wagering Facility (Repealed)

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

SOURCE: Emergency rules adopted at 12 Ill. Reg. 6805, effective March 23, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 11235, effective June 20, 1988; amended at 16 Ill. Reg. 13073, effective August 10, 1992; amended at 19 Ill. Reg. 13914, effective October 1, 1995; amended at 36 Ill. Reg. 325, effective January 1, 2012.

Section 435.20 Application for Inter-Track Wagering License

- a) Each application for an inter-track wagering license filed with the Illinois Racing Board (Board) must contain ~~thesueh~~ information and be accompanied by ~~thesueh~~

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documents or exhibits ~~as~~ specified by the Board.

- b) Each application for an inter-track wagering license shall also contain a plan of operation ~~that, which plan~~ shall include:
- 1) a feasibility report that shows:
 - A) the anticipated revenue to be generated from the inter-track wagering facility;
 - B) the expenditures expected to be incurred by the facility;
 - C) the level of attendance expected and the area from which ~~said~~ attendance is anticipated to be drawn to the inter-track wagering facility;
 - D) level of anticipated inter-track wagering;
 - E) a demographic study or market survey depicting the applicant's on-track attendance; and
 - F) the probable impact of the inter-track wagering facility on revenue to local government.
 - 2) an application for an inter-track wagering license shall also show:
 - A) the number of simulcast racing programs to be displayed;
 - B) the amount and source of revenue necessary to acquire and construct the inter-track wagering facility;
 - C) the type of communication and transmission equipment to be utilized;
 - D) the type and operation of the totalizator equipment ~~thatwhich~~ must be operated as prescribed by 11 Ill. Adm. Code 432 and 433;
 - E) a security plan ~~thatwhich~~ shall include, but not be limited to, a

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description of the security measures to protect the inter-track wagering facility, to control crowds, to safeguard the transmission and reception of simulcast signals, and to control the transmission of wagering data to effect combined common pari-mutuel wagering pools;

- F) the ~~accommodations~~~~aeecomodations~~ available to the public;
- G) a good faith affirmative action plan to recruit, train and upgrade minorities and females in all classifications within the licensee;
- H) a certificate of compliance or approval from the Illinois Workers' Compensation~~Industrial~~ Commission ~~of the State of Illinois~~ that the applicant has complied with, and has elected to be bound by, the provisions of the Workers' Compensation Act [820 ILCS 305]~~(Ill. Rev. Stat. 1991, ch. 48, par. 138.1 et seq.)~~; and
- I) a current Municipal or County Health and Safety Report and a current State Fire Inspection Report. Updated State Fire Inspection reports shall be submitted by each inter-track wagering facility no later than January 15 and July 15 of each year of operation. Updated Health and Safety reports shall be submitted by each inter-track wagering facility no later than January 15 and July 15 of each year of operation.

(Source: Amended at 36 Ill. Reg. 325, effective January 1, 2012)

ILLINOIS RACING BOARD

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- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
603.60	Amend
603.75	Amend
603.160	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: January 1, 2012
- 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 central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 35 Ill. Reg. 15210; September 16, 2011.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The RCI Drug Classification Guidelines of Foreign Substances was updated to reflect a newer version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: The amendments update cites referencing the most recent version of the RCI Drug Classification Guidelines of Foreign Substances (August 2011) and also updates the list of anti-bacterials found in Section 603.60.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

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

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 603
MEDICATION

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

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

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at

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25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
 - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.
 - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, pyrilamine, isoxsuprine and ketoprofen.

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- 3) The threshold level of phenylbutazone shall be less than 5.0 micrograms (mcg) per milliliter (ml) of serum or plasma. The threshold level for oxyphenylbutazone shall be less than 5.0 mcg/ml of serum or plasma.
- A) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 5.0 mcg/ml but less than 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
- i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
- B) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:
- i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 4) The threshold level of flunixin shall be less than 20.0 ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than 10.0 ng/ml of serum or plasma. In the event a post-race sample from a horse contains an amount of:

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- A) flunixin greater than or equal to 20.0 ng/ml but less than 100.0 ng/ml or ketoprofen greater than or equal to 10.0 ng/ml but less than 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
- i) first offense, minimum fine of \$250;
 - ii) second offense, minimum fine of \$500;
 - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
- B) flunixin greater than or equal to 100.0 ng/ml or ketoprofen greater than or equal to 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
- i) first offense, minimum fine of \$500 and the purse shall be redistributed;
 - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 5) If the phenylbutazone, oxyphenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A) and (B) and (a)(4)(A) and (B).
- 6) To help horsemen determine the test levels of phenylbutazone, oxyphenylbutazone, flunixin, pyrillamine, isoxsuprine and ketoprofen, the Board laboratory will test, for the actual cost of processing the sample, all equine serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method, and route of administration.

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- 7) Penalties for violations of this Section shall be based on the following criteria:
- A) previous warnings and rulings for violations of this Section;
 - B) the age and experience of the violator;
 - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - D) what action, if any, was taken to avoid the violation;
 - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drugs, may be present in the body of a horse participating in a race.
- 1) Anti-Bacterials
 - Amikacin
 - Ampicillin
 - Ampicillin sodium
 - Azolsulfamide
 - Chloramphenicol
 - Doxycycline
 - Enrofloxacin (Baytril)
 - Erythromycin sulfate
 - Gentamicin sulfate
 - Kanamycin sulfate
 - Methenamine
 - ~~Levamisole (tetramisole)~~

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Metronidazole
Neomycin sulfate
Nitrofurantoin
Oxytetracycline
Penicillin G. Benzathine
Penicillin G. Potassium
Sulfadimethozine
Sulfadimethoxine
Sulfamethoxazole
Sulfametranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)
Ponazuril (Marquis)
Pyrimethamine (Daraprim)

4) Anti-Ulcers

Cimetidine (Tagamet)
Omeprazole (Prilosec or GastroGard)
Ranitidine (Zantac)

- d) This listing of anti-bacterial, anti-fungal, anti-protozoal and anti-ulcer drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drug.

ILLINOIS RACING BOARD

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- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making additions to the permitted list, that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners International (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~August~~January 2011 version ~~2.014-1~~); this incorporation includes no later amendments or editions).
- f) Official test samples may contain the following drug substance, or its metabolites, in an amount that does not exceed the threshold level:
- 1) The threshold level of isoxsuprine shall be less than 1,000.0 ng/ml in urine.
 - 2) The threshold level of pyrilamine shall be less than 50.0 ng/ml in urine.
- g) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.

(Source: Amended at 36 Ill. Reg. 330, effective January 1, 2012)

Section 603.75 Environmental Contaminants

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse.

- a) Benzoyllecgonine (a metabolite of cocaine):
- 1) Each time the laboratory reports benzoyllecgonine less than 150.0 ng/ml, the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to Section 508.50.

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- 2) Laboratory reports of benzoylecgonine, greater than or equal to 150.0 ng/ml, shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~August~~ ~~January~~ 2011 version ~~2.01~~ ~~1-1~~; this incorporation includes no later amendments or editions).
- b) Dimethyl Sulfoxide (DMSO):
The test level of DMSO, greater than or equal to 500 mcg/ml, in urine shall be considered a violation of Section 603.50 and the trainer shall receive a fine of not less than \$500 and the purse shall be redistributed.

(Source: Amended at 36 Ill. Reg. 330, effective January 1, 2012)

Section 603.160 Penalties

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

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- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.
- d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
- 1) The horses on the stable list shall be placed on the Steward's List unless:
 - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and
 - B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
 - 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
- 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; ~~August~~ ~~January~~ 2011 version ~~2.014-1~~; this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon

ILLINOIS RACING BOARD

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finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).

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

(Source: Amended at 36 Ill. Reg. 330, effective January 1, 2012)

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Sample Collection for Genetic Marker Indexing
- 2) Code Citation: 20 Ill. Adm. Code 1285
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1285.10	Amendment
1285.20	Amendment
1285.30	Amendment
1285.40	Amendment
1285.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5-4-3 of the Unified Code of Corrections [730 ILCS 5/5-4-3] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]
- 5) Effective Date: January 1, 2012
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: The amendments will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: December 21, 2011
- 8) A copy of the emergency amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency amendments are being filed in order to comply with Public Act 97-383 that amends 730 ILCS 5/5-4-3. Failure to adopt these amendments on an emergency basis could result in DNA specimens not being taken as required in the Act, which is a public safety concern.
- 10) Complete description of the subjects and issues involved: The proposed amendments will update procedures for handling ineligible DNA samples, providing voluntary samples, and expunging samples. Amendments will also designate additional agencies for obtaining samples.
- 11) Are there any other proposed amendments pending on this Part: No

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- 12) Statement of Statewide Policy Objectives: These emergency amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 13) Information and questions regarding these emergency amendments shall be directed to:

Ms. Suzanne L. Y. Bond
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Post Office Box 19461
Springfield, Illinois 62794-9461

217/782-7658

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

DEPARTMENT OF STATE POLICE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1285
SAMPLE COLLECTION FOR GENETIC MARKER INDEXING

SUBPART A: PROMULGATION

Section

1285.10 Purpose

[EMERGENCY](#)

1285.20 Definitions

[EMERGENCY](#)

SUBPART B: OPERATIONS

Section

1285.30 Responsibilities

[EMERGENCY](#)

1285.40 Voluntary Samples

[EMERGENCY](#)

1285.50 Procedures for Collection

1285.60 Privacy Protection

1285.70 Expungement of Records

[EMERGENCY](#)

1285.80 Non-participation

1285.90 Maintenance of Genetic Marker Groupings

AUTHORITY: Implementing and authorized by Section 5-4-3 of the Unified Code of Corrections [730 ILCS 5/5-4-3] and authorized by Section 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15].

SOURCE: Adopted at 16 Ill. Reg. 12595, effective July 23, 1992; amended at 17 Ill. Reg. 22571, effective December 15, 1993; amended at 21 Ill. Reg. 17110, effective December 11, 1997; emergency amendment at 26 Ill. Reg. 18493, effective December 16, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 8303, effective April 28, 2003; amended at 31 Ill. Reg. 9249, effective June 12, 2007; emergency amendment at 36 Ill. Reg. 342, effective January 1, 2012, for a maximum of 150 days.

DEPARTMENT OF STATE POLICE

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SUBPART A: PROMULGATION

Section 1285.10 Purpose**EMERGENCY**

- a) The purpose of this Part is to provide procedures and define responsibilities for the collection of body fluid samples from offenders or other individuals eligible per statute for collection and databasing. These samples are required by law to be collected to enable genetic marker grouping analysis and indexing. The results shall be available for future criminal investigations and other forensic analysis purposes. Genetic marker grouping analysis and indexing may include, but is not limited to, those procedures known as DNA profiling, DNA indexing, and other processes used to identify distinctive genetic characteristics.
- b) A match between casework evidence DNA samples from a criminal investigation and DNA samples from a state or federal offender DNA database may be used only to sustain probable cause for the issuance of a warrant to obtain a separate DNA sample for confirmation.
- c) If it is determined that a sample was not eligible for the database after the sample was matched during a search, the laboratory will proceed as if the sample was in fact eligible. The profile will be removed from CODIS, and the sample will be retained until such time an expungement order is received.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 342, effective January 1, 2012, for a maximum of 150 days)

Section 1285.20 Definitions**EMERGENCY**

Unless specified otherwise, all terms shall have the meaning set forth in Section 5-4-3 of the Unified Code of Corrections [730 ILCS 5/5-4-3]. For purposes of this Part, the following additional definitions apply:

"Act" means the Unified Code of Corrections [730 ILCS 5].

"CODIS" means the Combined DNA Index System.

DEPARTMENT OF STATE POLICE

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"Department" means the Illinois Department of State Police.

"Designated Agency" means the entity designated by this Part to be responsible for the identification of and collection of samples from eligible individuals per statute and includes successor agencies.

"FBI" means the Federal Bureau of Investigation.

"Kit" means the Genetic Marker Indexing Kit provided by the Department.

"NDIS" means the FBI's National DNA Index System.

"Qualifying offender" means any person described ~~in~~ Section 5-4-3(a) of the Act.

"Registering agency" means the agency responsible for registering a sex offender.

"Sample" means specimens of biological material from a qualifying offender.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 342, effective January 1, 2012, for a maximum of 150 days)

SUBPART B: OPERATIONS

Section 1285.30 Responsibilities**EMERGENCY**

- a) ~~When a person becomes a qualifying offender, the State's Attorney shall, at the time of sentencing, request that the court issue an order requiring the qualifying offender to comply with Section 5-4-3(a) of the Act.~~
- ab) After the occurrence of one of the qualifying events specified in Section 5-4-3(a-3.2) of the Act or at the sentencing of the otherwise qualified offender, At the time of sentencing the qualifying offender, the ~~sentencing~~ judge shall issue an order requiring the offender to provide specimens that shall be submitted to the Department in accordance with Section 5-4-3(a) of the Act.

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- be) The designated agency responsible for sample collection of qualifying offenders is as ~~follows~~followed:
- 1) If the qualifying offender has not previously had a sample taken and is serving a term of incarceration in a facility under the control of the county sheriff, or is being transferred to another state to serve the sentence, the sheriff's office is the designated agency and is responsible for the collection of the sample prior to the release or transfer of the offender.
 - 2) If the qualifying offender has not previously had a sample taken and is transferred to a facility under the control of the Department of Corrections to serve a term of incarceration, the Department of Corrections is the designated agency and is responsible for the collection of the sample from the offender before his/her release on parole, or mandatory supervised release or final discharge or, in the event the offender is sentenced to death or natural life, at any time.
 - 3) If the qualifying offender has not previously had a sample taken and is transferred to a facility under the control of the Department of Juvenile Justice to serve a term of incarceration, the Department of Juvenile Justice is the designated agency and is responsible for the collection of the sample from the offender before his/her release on parole, mandatory supervised release or final discharge or, in the event the offender is sentenced to death or natural life, at any time.
 - 4) If the qualifying offender has not previously had a sample collected and is transferred to the Department of Corrections to be institutionalized as a sexually dangerous person or institutionalized as a person found guilty but mentally ill of a sexual offense or an attempted sexual offense, the Department of Corrections is the designated agency and is responsible for the collection of the sample any time prior to release of the offender.
 - 5) If the qualifying offender has not previously had a sample collected and is ordered committed as a sexually violent person, the Department of Human Services is the designated agency and is responsible for the collection of the sample prior to the release of the offender.

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- 6) If the qualifying offender has not previously had a sample collected and is serving a sentence but not physically incarcerated, the supervising agency (such as a probation office) is the designated agency and is responsible for collection of the sample prior to the termination of the sentence. This includes offenders that transfer to Illinois under the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.
- 7) If the qualifying offender for any reason is not under the control or supervision of any agency listed in subsections (c)(1) through (c)(6), then the probation authority of the sentencing or ordering jurisdiction is the designated agency.
- 8) If the qualifying offender has not previously had a sample collected and is required to provide a sample before conviction (e.g., indicted), the county sheriff is the designated agency.
- 9) If the qualifying offender has not previously had a sample collected and is required to register as a sex offender and is not under supervision by an Illinois criminal justice agency, the registering agency is the designated agency.
- ~~d) In the event no court order has been issued at the time of sentencing requiring the qualifying offender to provide a sample, the designated agency shall request the State's Attorney of the county of conviction or the county in which the offender is located to request the court to issue such an order. The court shall issue an order requiring the offender to provide the sample.~~
- ~~e) If the offender consents to provide the sample without a court order, no court order is necessary and the State's Attorney is not required to request one.~~
- ~~f) A general order issued under the administrative authority of the chief judge of a circuit of proper jurisdiction is sufficient to satisfy the court order requirements of this Section. In the event such an order exists and is valid with respect to the qualifying offender, the State's Attorney need not seek an individualized order.~~
- cg) The designated agency is responsible for ensuring that the offender is eligible for collection under the statute.

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- d) The designated agency is responsible for ensuring that the offender has a complete set of fingerprints on file with the Department of State Police, Bureau of Identification.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 342, effective January 1, 2012, for a maximum of 150 days)

Section 1285.40 Voluntary Samples**EMERGENCY**

Individuals may voluntarily provide samples for the Convicted Offender DNA database if they sign the informed consent section of the sample collection receipt contained in the collection kit, or by signing a separate consent form provided or approved by the Department of State Police. The voluntary sample will be used for criminal investigations by comparing the DNA profile from the individual with other DNA profiles in the database~~DNA profiles from crime scene samples~~. The DNA Indexing Sample Collection Kit is not to be used to collect samples in missing persons investigations. The local ISP forensic laboratory should be contacted for collection instructions in such investigations.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 342, effective January 1, 2012, for a maximum of 150 days)

Section 1285.70 Expungement of Records**EMERGENCY**

- a) In the event the disposition or conviction upon which a sample collection was based has been reversed based on actual innocence or that a pardon has been granted based on actual innocence, the genetic marker grouping will be removed from the local, State, and national offender databases after receipt of a final court order requiring expungement. The sample receipt containing personal identifiable information will be destroyed; pointers to computerized sample records will be deleted; the sample will be destroyed in a biologically safe manner; and a letter will be sent to the court verifying the expungement is completed. With respect to electronic and other means of record keeping for which an index or pointer system is necessary to locate a record, deletion of the index entry or pointer is equivalent to deletion of the record.

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- b) For specimens required to be collected prior to conviction (e.g., indictee), a certified copy of a final court order is required to expunge the sample. The court order shall specifically address all eligible charges against the donor.
- c) Expungements will not be processed if the qualifying offender is also eligible for the database due to a matter not addressed in the court order. In this situation, the court will be asked for further guidance.
- d) Voluntary samples submitted under Section 1285.40 of this Part may only be removed by court order.
- e) Samples determined to be ineligible by either the collection agency or laboratory staff, prior to a database match, will be administratively removed upon the receipt of a written request from the collection agency.
- f) Expungement requests for samples that are currently involved in a pending database match will be held until all pending matches are addressed.

(Source: Amended by emergency rulemaking at 36 Ill. Reg. 342, effective January 1, 2012, for a maximum of 150 days)

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

JANUARY 2012 REGULATORY AGENDA

a) Parts (Headings and Code Citations): General Program (35 Ill. Adm. Code 1500, Section 1500.30, 1500.40 and 1500.55)

1) Rulemaking:

- A) Description: 35 Ill. Adm. Code 1500.30 contains the Fund's general program rules related to licensing requirements. 35 Ill. Adm. Code 1500.40 contains the Fund's general program rules related to remedial program requirements. The Council will be amending these regulations to implement the pollution liability financial assurance requirement prescribed by Public Act 97-0377.
- B) Statutory Authority: Implementing and authorized by Section 20 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].
- C) Scheduled meeting/hearing dates: Public hearings are not required to prescribe the new licensing requirement per Public Act 97-0377.
- D) Date agency anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in January of 2012.
- E) Effect on small businesses, small municipalities or not for profit corporations: Initially, sixty two (62) active drycleaning facilities which are small businesses will be required to purchase pollution liability financial assurance coverage. Failure to purchase this coverage will result in the drycleaning facility be unable to be licensed by the Fund Council. There should be no effect on small municipalities or not-for profit corporations.
- F) Agency contact person for information:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council
PO Box 480
Bensenville, IL 60106-0480
630/741-0022
hpe@willconsult.com

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

JANUARY 2012 REGULATORY AGENDA

Fax: 630/741-0026

- G) Related rulemakings and other pertinent information: Two separate presently anticipated proceedings would affect the text of Part 1500.30 and 1500.40.

2) Rulemaking:

- A) Description: 35 Ill. Adm. Code 1500.30 contains the Fund's general program rules related to licensing requirements. The Council will be amending these regulations to implement the license late payment civil penalty revisions prescribed by Public Act 97-0332.
- B) Statutory Authority: Implementing and authorized by Section 20 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].
- C) Scheduled meeting/hearing dates: Public hearings are not required to prescribe the new license late payment civil penalty requirements per Public Act 97-0332.
- D) Date agency anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in January of 2012.
- E) Effect on small businesses, small municipalities or not for profit corporations: The majority of drycleaners required to be licensed by the Fund Council are small businesses and this will provide them a 30 day grace period to pay the required annual license fee without incurring a license late payment civil penalty. There should be no effect on small municipalities or not-for profit corporations.
- F) Agency contact person for information:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council
PO Box 480
Bensenville, IL 60106-0480

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

JANUARY 2012 REGULATORY AGENDA

630/741-0022
hpe@willconsult.com
Fax: 630/741-0026

- G) Related rulemakings and other pertinent information: One other presently anticipated proceeding would affect the text of Part 1500.30.

3) Rulemaking:

Description: 35 Ill. Adm. Code 1500.40 contains the Fund's general program rules related to remedial program requirements. The Council will be amending these regulations to eliminate the bankruptcy reference prescribed by Public Act 97-0377.

- A) Statutory Authority: Implementing and authorized by Section 20 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].
- B) Scheduled meeting/hearing dates: Public hearings are not required to prescribe the new license late payment civil penalty requirements per Public Act 97-0377.
- C) Date agency anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in January of 2012.
- D) Effect on small businesses, small municipalities or not for profit corporations: Impact on small businesses will be minimal as very few remedial program claimants have declared bankruptcy since filing for remedial program benefits. There should be no effect on small municipalities or not-for profit corporations.
- E) Agency contact person for information:

H. Patrick Eriksen
Drycleaner Environmental Response Trust Fund Council
PO Box 480
Bensenville, IL 60106-0480

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

JANUARY 2012 REGULATORY AGENDA

630/741-0022

hpe@willconsult.com

Fax: 630/741-0026

- F) Related rulemakings and other pertinent information: One other presently anticipated proceeding would affect the text of Part 1500.40.

4) Rulemaking:

- A) Description: 35 Ill. Adm. Code 1500.55 contains the Fund's general program rules related to drycleaning solvent taxes. The Council will be amending these regulations to reflect the statutory reference changes prescribed by Public Act 97-0332.
- B) Statutory Authority: Implementing and authorized by Section 20 of the Drycleaner Environmental Response Trust Fund Act [415 ILCS 135/20(a)].
- C) Scheduled meeting/hearing dates: Public hearings are not required to reflect the statutory reference changes per Public Act 97-0332.
- D) Date agency anticipates First Notice: The Council anticipates First Notice publication of the proposed rules in the *Illinois Register* in January of 2012.
- E) Effect on small businesses, small municipalities or not for profit corporations: There should be no effect on small businesses, small municipalities or not-for profit corporations.
- F) Agency contact person for information:

H. Patrick Eriksen

Drycleaner Environmental Response Trust Fund Council

PO Box 480

Bensenville, IL 60106-0480

630/741-0022

hpe@willconsult.com

DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

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Fax: 630/741-0026

- G) Related rulemakings and other pertinent information: No other presently anticipated proceeding would affect the text of Part 1500.55.

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)
- 1) Rulemaking:
- A) Description: This Part is being amended to update regulations for the 2012 recreation season.
- B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Camping on Department of Natural Resources Properties (17 Ill. Adm. Code 130)
- 1) Rulemaking:
- A) Description: Amendments are necessary to update the regulations for the 2012 camping season.

DEPARTMENT OF NATURAL RESOURCES

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- B) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): General Hunting and Trapping on Department-Owned and –Managed Sites (17 Ill. Adm. Code 510)
- 1) Rulemaking:
- A) Description: This Part contains rules and regulations for hunting in Illinois. This Part will be updated to be consistent with the Department's hunting regulations for 2012.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2012

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
 - G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Scientific Permits (17 Ill. Adm. Code 520)
- 1) Rulemaking:
 - A) Description: These amendments are being proposed to update statutory citations, regulations and the Department's address.
 - B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-135 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-135, 20-100] and Sections 1.2, 1.3, 2.1, 2.4, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.1, 2.4, 3.22 and 3.26].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: February 2012
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
 - G) Related rulemakings and other pertinent information: None

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2012 REGULATORY AGENDA

- e) Part(s) (Heading and Code Citation): Nuisance Wildlife Control Permits (17 Ill. Adm. Code 525)
- 1) Rulemaking:
- A) Description: This Part will be amended to update approved methods and regulations for issuance of permits.
- B) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: Persons licensed to take nuisance wildlife will need to comply with new requirements.
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting (17 Ill. Adm. Code 530)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2012 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.26, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the

DEPARTMENT OF NATURAL RESOURCES

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Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

- C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: February 2012
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
 - G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)
- 1) Rulemaking:
 - A) Description: Amendments will be made to this Part for the 2012 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: March 2012
 - E) Effect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF NATURAL RESOURCES

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- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2012 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2012 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: Amendments will be made to this Part for the 2012 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.
 - B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5 3.6, 3.7, 3.8 and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: February 2012
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
 - G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation and Transportation of Game Mammals, Game Birds or Exotic Wildlife (17 Ill. Adm. Code 630)
 - 1) Rulemaking:
 - A) Description: These amendments are being proposed to update statutory citations.
 - B) Statutory Authority: Implementing and authorized by Sections 1.10, 3.23, 3.25, 3.27, 3.34, and 3.36 of the Wildlife Code 520 ILCS 5/1.10, 3.23, 3.25, 3.27, 3.34 and 3.36].

DEPARTMENT OF NATURAL RESOURCES

JANUARY 2012 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: April 2012
 - E) Affect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
 - G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Outfitter Regulations – 17 Ill. Adm. Code 640
- 1) Rulemaking:
 - A) Description: Amendments are planned to incorporate permit changes and clarify Outfitter's and Guide's responsibilities.
 - B) Statutory Authority: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: March 2012
 - E) Affect on small businesses, small municipalities or not for profit corporations: Will affect persons who apply for/are issued permits by the Department to provide Outfitting/Guide services
 - F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271

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G) Related rulemakings and other pertinent information: Nonel) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms (17 Ill. Adm. Code 650)1) Rulemaking:A) Description: This Part will be amended to update the rule for the 2012 hunting season. Amendments include updating application/permit requirements, firearm requirements, Statewide regulations, sites open to hunting and site-specific information.B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: February 2012E) Effect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809G) Related rulemakings and other pertinent information: Nonem) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)1) Rulemaking:

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- A) Description: This Part will be amended to update the rule for the 2012 hunting season. Amendments include updating application/permit requirements, muzzleloading rifle requirements, Statewide regulations, sites open to hunting and site-specific information.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)
- 1) Rulemaking:
- A) Description: This Part will be amended to update the rule for the 2012 hunting season. Amendments include updating open seasons and counties, sites and site-specific information, hunting regulations, permit requirements and harvest reporting requirements.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Handguns (17 Ill. Adm. Code 680)
- 1) Rulemaking:
- A) Description: This Part will be amended to update the rule for the 2012 hunting season. Amendments include updating Statewide requirements, permit requirements and hunting regulations.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Squirrel Hunting (17 Ill. Adm. Code 690)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2012 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- q) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Gun Season (17 Ill. Adm. Code 715)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2012 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.

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- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- r) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Archery Season (17 Ill. Adm. Code 720)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2012 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None

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- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): Dove Hunting (17 Ill. Adm. Code 730)
- 1) Rulemaking:
- A) Description: Amendments will be made to this Part for the 2012 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- t) Part(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)
- 1) Rulemaking:

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- A) Description: Amendments will be made to this Part for the 2012 hunting season and include updates to the list of State-owned or –managed sites open for hunting and updates to site-specific regulations at these sites.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- u) Part(s) (Heading and Code Citation): Hunting Season for Game Breeding and Hunting Preserve Areas (17 Ill. Adm. Code 745)
- 1) Rulemaking:
- A) Description: This Part will be amended to update statutory citations and outdated language.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2012

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- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- v) Part(s) (Heading and Code Citation): Fish Salvage (17 Ill. Adm. Code 860)
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the statutory citations and outdated language.
- B) Statutory Authority: Implementing and authorized by Sections 1-15, 1-20, 1-150, 5-5 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-15, 1-20, 1-150, 5-5 an 25-5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- w) Part(s) (Heading and Code Citation – The Taking of Reptiles and Amphibians (17 Ill. Adm. Code 880)

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- 1) Rulemaking:
 - A) Description: These amendments are being proposed to update the statutory citations and outdated language.
 - B) Statutory Authority: Implementing and authorized by Sections 5/10-30, 10-35, 10-60, 10-115, 20-5 and 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-30, 10-35, 10-60, 10-115, 20-5 and 20-90] and the Aquaculture Development Act [20 ILCS 215]
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: February 2012
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
 - G) Related rulemakings and other pertinent information: None
- x) Part(s) (Heading and Code Citation): Fish Removal With Chemicals (17 Ill. Adm. Code 890)
 - 1) Rulemaking:
 - A) Description: These amendments are being proposed to update statutory citations and regulations.
 - B) Statutory Authority: Implementing and authorized by Sections 1-135, 1-150 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-135, 1-150 and 5-5].
 - C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- y) Part(s) (Heading and Code Citation): Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas (17 Ill. Adm. Code 1075)
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update statutory citations and regulations.
- B) Statutory Authority: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809

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- G) Related rulemakings and other pertinent information: None
- z) Part(s) (Heading and Code Citation): Forestry Cost-Share Program (17 Ill. Adm. Code 1536)
- 1) Rulemaking:
- A) Description: These amendments are being proposed to modify regulations and documentation requirements; provide for additional cost-sharing opportunities to address control of invasive and exotic species; forestry best management practices; and increased costs of existing practices.
- B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- aa) Part(s) (Heading and Code Citation): Forest Management Plan (17 Ill. Adm. Code 1537)
- 1) Rulemaking:
- A) Description: These amendments are being proposed to modify regulations and documentation requirements; provide for additional emphasis to be placed on soils, wetlands, threatened and endangered species, and special

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sites during the Forest Management Plan Development; and provide for an outlined criteria for plan review and decertification..

- B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: March 2012
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
 - G) Related rulemakings and other pertinent information: None
- bb) Part(s) (Heading and Code Citation): Distribution and Sale of Plant and Plant Materials (17 Ill. Adm. Code 1540)
- 1) Rulemaking:
 - A) Description: These amendments are being proposed to update regulations and statutory citations.
 - B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40]; Section 1.12 of the Wildlife Code [520 ILCS 5/1.12]; and Sections 805-105 and 805-130 of the Civil Administrative Code of Illinois [20 ILCS 805/805-105 and 805/130]
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: May 2012

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- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- cc) Part(s) (Heading and Code Citation): Sale of Forest Products (17 Ill. Adm. Code 1545)
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update regulations and statutory citations.
- B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- dd) Part(s) (Heading and Code Citation): Forest Fire Protection Districts Act (17 Ill. Adm. Code 1560)

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- 1) Rulemaking:
 - A) Description: These amendments are being proposed to update regulations and statutory citations.
 - B) Statutory Authority: Implementing and authorized by the Forest Fire Protection District Act [425 ILCS 40].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: May 2012
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
 - G) Related rulemakings and other pertinent information: None
- ee) Part(s) (Heading and Code Citation): Illinois Prescribed Burning Act – 17 Ill. Adm. Code 1565
 - 1) Rulemaking:
 - A) Description: This Part will be amended to update certification requirements.
 - B) Statutory Authority: Implementing and authorized by the Illinois Prescribed Burning Act [525 ILCS 37].
 - C) Scheduled meeting/hearing dates: None
 - D) Date agency anticipates First Notice: January 2012

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- E) Effect on small businesses, small municipalities or not for profit corporations: Paid persons and volunteers involved in conducting prescribed burning will be affected by certification procedures.
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None
- ff) Part(s) (Heading and Code Citation): Falconry and the Captive Propagation of Raptors (17 Ill. Adm. Code 1590)
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update regulations and citations.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.6 of the Wildlife Code [520 ILCS 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.6] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
George Sisk, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809

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G) Related rulemakings and other pertinent information: None

gg) Part(s) (Heading and Code Citation): Allocation of Water From Lake Michigan (17 Ill. Adm. Code 3730)

1) Rulemaking:

A) Description: This rulemaking requires changes to regulations regarding water allocation conditions.

B) Statutory Authority: Implementing and authorized by the Level of Lake Michigan Act [615 ILCS 50].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: June 2012

E) Effect on small businesses, small municipalities or not for profit corporations: Permittees will be required to comply with regulations.

F) Agency contact person for information:

Robert Mool, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

hh) Part(s) (Heading and Code Citation): The Illinois Explosives Act (62 Ill. Adm. Code 200)

1) Rulemaking:

A) Description: This Part will be amended to incorporate amendments to the Act pursuant to Public Act 096-1194.

B) Statutory Authority: Implementing and authorized by the Illinois Explosives Act [225 ILCS 210].

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- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will require compliance by persons licensed under the Act
- F) Agency contact person for information:
Virginia Yang, Legal Counsel
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

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- a) Part(s) (Heading and Code Citation): Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois (77 Ill. Adm. Code 855)
- 1) Rulemaking:
- A) Description: This rulemaking will amend the existing rules to update and clarify the incorporated materials and referenced documents; add definitions for terms associated with asbestos consultants, professionals and designated persons; increase licensing fees for workers and professionals; license asbestos consultants; revise provisions concerning emergency stop work orders; clarify the Department's authority to protect the public from asbestos exposure; clarify notification requirements and procedures and clearance air sampling procedures for abatement of asbestos in commercial and public buildings; add removal procedures for whole floor tile specific to commercial and public buildings and schools; and include provisions regarding standards for floor tile supervisor and worker training.
- B) Statutory Authority: Section 6(b)(i)(2)(d) of the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207]
- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.
- F) Agency contact person for information:
Susan Meister
Illinois Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761
dph.rules@illinois.gov
217-782-2043

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2012 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): [Illinois Plumbing Code](#) (77 Ill. Adm. Code 890)
- 1) Rulemaking:
- A) Description: This rulemaking will mend the existing rules to update and clarify the incorporated materials and referenced documents; clarify fixture trap vent requirements; add installation of wet venting procedures; add and amend illustrations; amend plumbing materials, equipment, use restrictions, and applicable standards.
- B) Statutory Authority: Illinois Plumbing License Law [225 ILCS 320]; Public Utilities Act [220 ILCS 5/13-709]; State Finance Act (Plumbing Licensure and Program Fund) [30 ILCS 105/5.332]
- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: It is anticipated that the proposed changes will have a minimum impact on the regulated industry.
- F) Agency contact person for information:
Susan Meister
Illinois Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761
dph.rules@illinois.gov
217-782-2043
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Structural Pest Control Code (77 Ill. Adm. Code 830)
- 1) Rulemaking:

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- A) Description: These proposed amendments will clarify the application and renewal requirements for obtaining a license, registration or certification under the Act; clarify the recertification requirements regarding continuing education hours and recertification seminars; establish additional areas subject to administrative fines; establish the requirements for obtaining approval on seminars for integrated pest management in schools and licensed day care centers; and clarify the pesticide application record keeping requirements of the Code.
- B) Statutory Authority: Structural Pest Control Act [225 ILCS 235]
- C) Scheduled meeting/hearing dates: Advisory Council November 2011 and State Board of Health Spring 2012
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect structural pest control businesses, their technicians and those desiring to sponsor recertification seminars for pest control technicians and seminars for schools or licensed day care centers on integrated pest management.
- F) Agency contact person for information:
Susan Meister
Illinois Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761
dph.rules@illinois.gov
217-782-2043
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Illinois Water Well and Pump Installation Contractor's License Code (77 Ill. Adm. Code 915)
- 1) Rulemaking:

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- A) Description: The proposed amendments will clarify requirements for applicants taking the water well and pump installation contractor license examinations; clarify requirements for approving continuing education sessions; and establish new Sections pertaining to definitions, incorporated and referenced materials, expiration renewal, reinstatement, and restoration of licenses, revocation or suspension of a license, administrative hearings, and listing for licensed contractors.
- B) Statutory Authority: Illinois Water Well Construction Code [225 ILCS 345]
- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Winter 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: No effect
- F) Agency contact person for information:
Susan Meister
Illinois Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761
dph.rules@illinois.gov
217-782-2043
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- 1) Rulemaking:
- A) Description: This rulemaking will clarify and expand existing language pertaining to the construction, sealing and modification of water wells; implement the provisions of Public Act 97-0363 regarding the registration of closed loop well contractors and the permitting of closed loop well systems.

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- B) Statutory Authority: Illinois Water Well Construction Code [415 ILCS 30]
- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Winter 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Will affect manufacturers of buried slabs for bored wells, closed loop well contractors, and owners of closed loop well systems.
- F) Agency contact person for information:
Susan Meister
Illinois Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761
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217-782-2043
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)
- 1) Rulemaking:
- A) Description: The amendments will revise the maximum allowable limit of lead in children's products as identified by the Consumer Products Safety Commission. Additionally, the amendments will clarify the warning statement required for items that exceed the 40 parts per million lead content as identified in Public Act 97-0612, effective January 1, 2012.
- B) Statutory Authority: Lead Poisoning Prevention Act [410 ILCS 45]
- C) Scheduled meeting/hearing dates: State Board of Health.
- D) Date agency anticipates First Notice: Spring 2012

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- E) Effect on small businesses, small municipalities, or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry since the proposed revisions are currently found in the corresponding federal rules.
- F) Agency contact person for information:
Susan Meister
Illinois Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761
dph.rules@illinois.gov
217-782-2043
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- 1) Rulemaking:
- A) Description: The amendments reflect required prescriptive mandates recently modified in the Private Sewage Disposal Licensing Act, approval of new subsurface private sewage disposal systems, and requirements on the use of suitable soils for subsurface private sewage disposal systems when feasible. The rulemaking also defines maintenance requirements and frequency and Notice of Intent to maintain a private sewage disposal system; updates reference material, sizing data, contact information and dates; sets sizing requirements for subsurface chamber systems; provides clarifications and definitions; defines sample ports and locations and location and restriction of surface discharges from private sewage disposal systems; modifies fees, examination requirements and license requirements for contractors; approves baffle filters and disinfection devices and provides location of alarm and electrical connections for NSF Standard 40 systems, contractor requirements and minimum set back distances.
- B) Statutory Authority: Private Sewage Disposal Licensing Act (225 ILCS 225)

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- C) Scheduled meeting/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Licensed Private Sewage Disposal System Contractors fees will be increasing.
- F) Agency contact person for information:
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Springfield, Illinois 62761
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217-782-2043
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Immunization Code (77 Ill. Adm. 695)
- 1) Rulemaking:
- A) Description: Existing rules specify required immunizations, physical examinations, and acceptable exemptions for children attending child care facilities and children entering school-operated programs below the kindergarten level and kindergarten through 12th grade. Proposed changes in this rulemaking will modify existing requirements to align with current accepted clinical practices as recommended by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP) and the Academy of Family Physicians (AFP).
Current requirements for mumps, rubella and varicella vaccines reflect receipt of only one dose of each. Originally, one dose of the measles-mumps-rubella (MMR) vaccine was recommended. In 1989, the American Academy of Family Physicians, the American Academy of Pediatrics, and the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices changed the recommendation to two doses, and, Illinois established the routine two-dose measles vaccine requirement in

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1990. Single antigen products for mumps and rubella vaccines are no longer available in the United States, making the MMR vaccine the only recommended product of use. Therefore, a two-dose schedule for mumps and rubella vaccines is consistent with all nationally recognized medical practices. Varicella vaccine has been required for school entry since July 2002. In June 2006, ACIP approved a routine two-dose recommendation for children. The first dose should be administered at age 12 to 15 months and the second dose at age four to six years. The rationale for the second dose of varicella vaccine for children is to further decrease varicella disease and its complications in the United States. Despite the successes of the one-dose vaccination program in children, vaccine effectiveness has not been sufficient to prevent varicella outbreaks, which, although less than in the pre-vaccine era, have continued to occur in highly vaccinated school populations. Breakthrough varicella is contagious. The recommended ages for routine first (at age 12 to 15 months) and second (at age four to six years) doses of varicella vaccine are harmonized with the recommendations for MMR vaccine use. In addition, pneumococcal conjugate vaccine is required for children attending pre-school and/or day care facilities operated by school districts. Public Act 95-0159 requires that children under age two attending a day care facility receive the age-appropriate series of pneumococcal conjugate vaccine, known as Prevnar, as recommended by the Advisory Committee on Immunization Practices. A final change will align the Immunization Code with the Child Health Examination Code (77 Ill. Adm. Code 665) regarding use of Tdap vaccine in adolescents. The Child Health Examination Code requires Tdap vaccine for students entering sixth grade and allows for a catch-up vaccination in older students. Despite high vaccination coverage for primary series of DTaP vaccination, pertussis disease incidence has continued with transmission in the adolescent and young adult populations.

- B) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], the Communicable Disease Prevention Act [410 ILCS 315], and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7]
- C) Scheduled meeting/hearing dates: This rulemaking will be reviewed by the State Board of Health. Proposed amendments have been reviewed and approved by the statewide Immunization Advisory Committee at their

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regularly scheduled meeting in July 2011. The State Board of Health will schedule and conduct public hearings, if indicated.

- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on schools, students, day care center children or their families.
- F) Agency contact person for information:
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535 W. Jefferson St., 5th Floor
Springfield, Illinois 62761
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217-782-2043
- G) Related rulemakings and other pertinent information: These changes also affect the Child Health Examination Code (77 Ill. Adm. Code 665)
- i) Part(s) (Heading and Code Citation): Child Health Examination Code (77 Ill. Adm. Code 665)
- 1) Rulemaking:
- A) Description: Existing rules specify required immunizations, physical examinations, and acceptable exemptions for children attending child care facilities and children entering school-operated programs below the kindergarten level and kindergarten through 12th grade. Proposed changes in this rulemaking will modify existing requirements to align with current accepted clinical practices as recommended by the Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP) and the Academy of Family Physicians (AFP). Current requirements for mumps, rubella and varicella vaccines reflect receipt of only one dose of each. Originally, one dose of the measles-mumps-rubella (MMR) vaccine was recommended. In 1989, the American Academy of Family Physicians, the American Academy of Pediatrics, and the Centers for Disease Control and Prevention's Advisory Committee on

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Immunization Practices, changed the recommendation to two doses, and Illinois established the routine two-dose measles vaccine requirement in 1990. Single antigen products for mumps and rubella vaccines are no longer available in the United States, making the MMR vaccine the only recommended product of use. Therefore, a two-dose schedule for mumps and rubella vaccines is consistent with all nationally recognized medical practices. Varicella vaccine has been required for school entry since July 2002. In June 2006, ACIP approved a routine two-dose recommendation for children. The first dose should be administered at age 12 to 15 months and the second dose at age four to six years. The rationale for the second dose of varicella vaccine for children is to further decrease varicella disease and its complications in the United States. Despite the successes of the one-dose vaccination program in children, vaccine effectiveness has not been sufficient to prevent varicella outbreaks, which, although less than in the pre-vaccine era, have continued to occur in highly vaccinated school populations. Breakthrough varicella is contagious. The recommended ages for routine first (at age 12 to 15 months) and second (at age four to six years) doses of varicella vaccine are harmonized with the recommendations for MMR vaccine use. In addition, pneumococcal conjugate vaccine is required for children attending pre-school and/or day care facilities operated by school districts. Public Act 95-0159 requires that children under age two attending a day care facility receive the age-appropriate series of pneumococcal conjugate vaccine, known as Prevnar, as recommended by the Advisory Committee on Immunization Practices.

- B) Statutory Authority: Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], the Communicable Disease Prevention Act [410 ILCS 315], and Section 7 of the Child Care Act of 1969 [225 ILCS 10/7]
- C) Scheduled meeting/hearing dates: This rulemaking will be reviewed by the State Board of Health. Proposed amendments have been reviewed and approved by the statewide Immunization Advisory Committee at their regularly scheduled meeting in July 2011. The State Board of Health will then review proposed amendments. The State Board of Health will schedule and conduct public hearings, if indicated.
- D) Date agency anticipates First Notice: Spring 2012

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- E) Effect on small businesses, small municipalities, or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on schools, students, day care center children or their families.
- F) Agency contact person for information:
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217-782-2043
- G) Related rulemakings and other pertinent information: These changes also affect the Immunization Code (77 Ill. Adm. Code 695)
- j) Part(s) (Heading and Code Citation): Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
- 1) Rulemaking:
- A) Description: This rulemaking will amend Sections: 515.100, 515.125, 515.500, 515.510, 515.520, 515.530, 515.540, 515.550, 515.560, 515.570, 515.580, 515.590, 515.600, 515.610, 515.620, 515.630, 515.640, 515.700, 515.710, 515.720, 515.725. Updates will reflect changes in education standards from the U.S. Department of Transportation National Standard Curriculum to the New Education Standards that the federal government has identified.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: State EMS Council Spring 2012
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Small Businesses, small municipalities or volunteer agencies that have emergency medical services will be affected.

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- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None
- 2) Rulemaking:
- A) Description: Public Act 96-1469 amended the Emergency Medical Services (EMS) Systems Act to authorize the Department to use licensing, testing and certification fees in the EMS Assistance Fund for Department administration, oversight and enforcement of activities authorized by the Act. Section 515.3000 is being amended to implement this statutory change.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: Spring 2012
- D) Date agency anticipates First Notice: Spring 2012
- 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
- 3) Rulemaking:
- A) Description: Public Act 97-209 amended the Emergency Medical Services (EMS) Systems Act to require Trauma Fund money collected in an EMS Region to be distributed back to that Region. Section 515.2090 is being amended to implement this statutory change.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled meeting/hearing dates: Spring 2012
- D) Date agency anticipates First Notice: Spring 2012
- 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
- k) Part(s) (Heading and Code Citation): Laboratory Service Fees (77 Ill. Adm. Code 475)
- 1) Rulemaking:
- A) Description: The proposed amendments to Section 475.24 and 475.50 will include updated references to current "Standard Methods for the Examination of Water and Wastewater"; updated test methods; removal of test methods that are no longer used; new test methods and corresponding

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fees; updated cost per test based on current and customary fees; updated fee for returned checks or insufficient payment.

- B) Statutory Authority: Section 2310-90 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-90]
 - C) Scheduled meeting/hearing dates: State Board of Health
 - D) Date agency anticipates First Notice: Spring 2012
 - E) Effect on small businesses, small municipalities, or not-for-profit corporations: Incremental increase in fees for tests performed by Department of Public Health laboratories.
 - 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): 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).
- 1) Rulemaking:
 - A) Description: These proposed amendments will implement provisions from Public Act 96-0389, which mandates that facilities draft "a policy to identify, assess, and develop strategies to control risk of injury to residents and nurses" in the transferring and moving of residents.
 - B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
 - C) Scheduled meeting/hearing dates: February 2011

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- D) Date agency anticipates First Notice: Winter 2011
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect long-term care facilities.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None
- 2) Rulemaking:
- A) Description: These proposed amendments will implement PA 97-0107, which requires that a facility designate a person or persons as Infection Prevention and Control Professionals to develop and implement policies governing control of infections and communicable diseases.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board
- D) Date agency anticipates First Notice: 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect skilled nursing facilities.
- F) Agency contact person for information:
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G) Related rulemakings and other pertinent information: None

3) Rulemaking:

A) Description: This rulemaking affects facilities licensed under Part 300 only. The amendments implement PA 97-0038 to provide that all long-term care facilities for the mentally ill shall be licensed by the Department of Public Health under the Specialized Mental Health Rehabilitation Act instead of under the Nursing Home Care Act. The legislation will require the drafting of a new Part.

B) Statutory Authority: Nursing Home Care Act [210 ILCS 45] and Specialized Mental Health Rehabilitation Act [210 ILCS 48]

C) Scheduled meeting/hearing dates: 2012

D) Date agency anticipates First Notice: 2012

E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect facilities licensed under Subpart S and Subpart T of the Skilled Nursing and Intermediate Care Facilities Code.

F) Agency contact person for information:
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m) Part(s) (Heading and Code Citation): Pregnancy Termination Report Code (77 Ill Adm. Code 505)

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- 1) Rulemaking:
 - A) Description: A report of each abortion performed in Illinois and of complications resulting from abortions is required to be made to the Department. The anonymity of the identity of each woman undergoing an abortion should be secured. Existing requirements will be clarified.
 - B) Statutory Authority: Illinois Abortion Law of 1975 [720 ILCS 510]
 - C) Scheduled meeting/hearing dates: State Board of Health
 - D) Date agency anticipates First Notice: Spring 2012
 - E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect ambulatory surgical treatment centers and other facilities that perform pregnancy terminations.
 - F) Agency contact person for information:
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535 W. Jefferson St., 5th Floor
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Telephone: (217) 782-2043
Email: dph.rules@illinois.gov
 - G) Related rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): Illinois Department of Public Health Grants Code (77 Ill. Adm. Code 110)
 - 1) Rulemaking:
 - A) Description: This rulemaking will set forth policies and procedures for the Department's grant process, including eligibility requirements; application procedures; suspension or termination of grant agreements or funding; recovery of grant funds, and monitoring and compliance.

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- B) Statutory Authority: Section 2310-195 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-195]
- C) Scheduled meetings/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect any entity that applies for or receives a grant from the Department.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- 1) Rulemaking:
- A) Description: The proposed amendments to the existing rules update specific Subparts based on the most current disease and procedure information to improve the control of communicable disease in Illinois. Information on diseases and conditions and appropriate measures to control and report communicable diseases have been updated. To improve communicable disease reporting, additional reporting entities have been added. To monitor the severity and burden of disease secondary to influenza in Illinois, the rule has been updated to add the reporting of hospitalized residents who received a diagnosis of influenza into intensive care units. The rule has been updated to reflect improved data sharing

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between the Department, local boards of health, and local public health authorities.

- B) Statutory Authority: Communicable Disease Report Act [745 ILCS 45 and the Department of Public Health Act [20 ILCS 2305]
- C) Scheduled meetings/hearing dates: State Board of Health
- D) Date agency anticipates First Notice: Spring 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: This rulemaking will affect local health departments, businesses such as food establishments, nursing homes, and long-term care facilities.
- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: None

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- a) Part(s) (Heading and Code Citations): Illinois State Library Talking Book and Braille Service (TBBS) (23 Ill. Adm. Code 3025)
- 1) Rulemaking:
- A) Description of Rule(s): This Part will be repealed and added as Subpart F to Illinois State Library Grant Programs (23 Ill. Adm. Code 3035).
- B) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320].
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: February 2012
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
Joseph Natale
Rules Coordinator
Illinois State Library
Gwendolyn Brooks Building
300 South Second Street
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217-558-4185 Fax 217-557-2619
jnatale@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: This rulemaking is being done in conjunction with amendments to 23 Ill. Adm. 3035.
- b) Part(s) (Heading and Code Citations): The Illinois State Library System Act, (23 Ill. Adm. Code 3030)
- 1) Rulemaking:
- A) Description of Rule(s): Changes in Part related to resource sharing, access and borrowing related to the regional library system's plan of service and standards.

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- B) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: February 2012
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
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jnatale@ilsos.net
- G) Related Rulemakings and Other Pertinent Information: This rulemaking is being done in conjunction with amendments to 23 Ill. Adm. Code 3035.
- c) Part(s) (Heading and Code Citations): The Illinois State Library Grant Programs, (23 Ill. Adm. Code 3035)
- 1) Rulemaking:
- A) Description of Rule(s): Update requirements for grant programs.
- B) Statutory Authority: Implementing and authorized by the Illinois State Library Act [15 ILCS 320/18].
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: February 2012
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None

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- F) Agency Contact Person for Information:
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- G) Related Rulemakings and Other Pertinent Information: Illinois State Library Talking Book and Braille Service (TBBS) (23 Ill. Adm. Code 3025) is being repealed and added as Subpart F to this Part.
- d) Part(s) (Heading and Code Citations): Illinois Business Brokers Act of 1995, 14 Ill. Adm. Code 140
- 1) Rulemaking:
- A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to legislative enactments.
- B) Statutory Authority: Illinois Business Brokers Act of 1995, 815 ILCS 307/10-1.
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown
- F) Agency Contact Person for Information:
Illinois Secretary of State
Tanya Solov, Director
Illinois Securities Department
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SECRETARY OF STATE

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G) Related Rulemakings and Other Pertinent Information: None

e) Part(s) (Heading and Code Citations): Illinois Securities Law of 1953, 14 Ill. Adm. Code 130

1) Rulemaking:

A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to state and federal legislative enactments and rules of the US Securities and Exchange Commission and practices to protect consumers.

B) Statutory Authority: Illinois Securities Law of 1953, 815 ILCS 5/1

C) Scheduled Meeting/Hearing Dates: None

D) Date Agency Anticipates First Notice: Unknown

E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown

F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: None

f) Part(s) (Heading and Code Citations): Illinois Business Opportunity Sales Law of 1995, 14 Ill. Adm. Code 135

1) Rulemaking:

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- A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to legislative enactments.
- B) Statutory Authority: Illinois Business Opportunity Sales Law of 1995, 815 ILCS 602/5-1.
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown
- F) Agency Contact Person for Information:
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- G) Related Rulemakings and Other Pertinent Information: None
- g) Part(s) (Heading and Code Citations): Illinois Loan Brokers Act of 1995, 14 Ill. Adm. Code 145
- 1) Rulemaking:
- A) Description of Rule(s): Amend rules and draft rules generally to conform regulations to legislative enactments.
- B) Statutory Authority: Illinois Loan Brokers Act, 815 ILCS 175/15-1
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown

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- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: Unknown
- F) Agency Contact Person for Information:
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- G) Related Rulemakings and Other Pertinent Information: None
- h) Part(s) (Heading and Code Citations): State Records Commission (44 Ill. Adm. Code 4400)
- 1) Rulemaking: Proposed Amendments
- A) Description of Rule(s): Proposed amendments will add greater detail to the existing procedures for compiling and submitting to the Commission lists and schedules of records proposed for disposal and procedures for the disposal of those records. Included would be matters such as allowing for the disposal of records on a cyclical or recurring basis, updating forms used by the State Records Commission and updates to how electronic records and social media can be retained and disposed of.
- B) Statutory Authority: State Records Act (5 ILCS 160)
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: June 2012
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: The rule applies only to state agencies.
- F) Agency Contact Person for Information:
Illinois Secretary of State
David A. Joens, Director

SECRETARY OF STATE

JANUARY 2012 REGULATORY AGENDA

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- G) Related Rulemakings and Other Pertinent Information: None
- i) Part(s) (Heading and Code Citations): Collection and Refund (92 Ill. Adm. Code 1003.20)
- 1) Rulemaking:
- A) Description of Rule(s): Refund currently require customer to formally apply for refund. We would like authority to process Circuit Breaker Refunds without requiring customer application. Also, we would like to replace language requiring that statements be notarized with language that would allow use of a computerized affidavit or emailed statement.
- B) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code (625 ILCS 25/2-104)
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
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Carl Forn, Director
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- G) Related Rulemakings and Other Pertinent Information: None

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- j) Part(s) (Heading and Code Citations): Collection of All Motor Vehicle Fees (92 Ill. Adm. Code 1003.30)
- 1) Rulemaking:
- A) Description of Rule(s): Collection of fees when checks returned insufficient funds. We would like to extend the tenants of the rules and legislation to read all forms of payment, not just checks.
- B) Statutory Authority: Collection of all Motor Vehicle Fees (625 ILCS 5/3-821c)
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: Unknown
- E) Impact on Small Businesses, Small Municipalities or Not for Profit Corporations: None
- F) Agency Contact Person for Information:
Illinois Secretary of State
Carl Forn, Director
Accounting Revenue
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Springfield, IL 62756
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cforn@ilsos.net
- G) Related Rulemaking and Other Pertinent Information: None
- k) Part(s) (Heading and Code Citations): PROCEDURES AND STANDARDS. The code citation is 92 Ill. Adm. Code 1001.10, *et seq.*
- 1) Rulemaking:
- A) Description of Rule(s): We will file a rulemaking to revise our non-resident offender/out-of-state program. This will involve revisions to Subparts A, C, and D of 92 IAC Part 1001. The out-of-state/mail-in hearing program was established several years ago to provide relief to out-

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of-state offenders whose driving privileges were revoked in Illinois. These include offenders who committed the offense in Illinois, then moved to other states without first applying for reinstatement of their Illinois driving privileges and who now are being denied a driver's license in their new state of residence, and offenders who resided in another state when they committed the offense in Illinois and who never before attempted to have their Illinois driving privileges reinstated. Their home state is now also refusing to renew their driving privileges/driver's license until their Illinois driving privileges are reinstated. These offenders are now coming into our system due to the enhanced and improved security required by the federal government related to driver's licenses and other forms of identification. As a result of these measures, the caseload of the Out-of-State Unit has increased dramatically in recent years. Our rulemaking will attempt to provide more efficient procedures for the processing of these petitions, and discourage the filing of petitions by petitioners who are unprepared to satisfy our requirements;

We have conducted an internal survey to determine whether our staff believes that revisions should be made to Part 1001 to improve and facilitate the hearing process, based upon our day-to-day experience with the current rules. As a result, extensive revisions will be made in Subparts A, C, and D;

Extensive revision and reorganization of §1001.460 in an attempt to clarify their substantive content. "Modification" defined; disqualifying factors recited and factors to be considered by hearing officer in considering modification recited; new subsection implements recent amendment to Section 6-206 of the IVC (new subsection (a)(16)) made by P.A. 96-1305 (HB 4580, effective 1 January 2011). The case of Webb v. White (4th Dist., 2006), 364 Ill.App.3rd 650, 850 N.E.2d 233, which criticized us for upholding a suspension based upon a Liquor Control Act violation, compels us to re-examine this rule. Further, the reorganization of §6-20 of the LCA in Public Act 95-166 (HB 3131, effective 1, January 2008) and Public Act 95-355 (HB 624, effective 1 January 2008) will enable us to more effectively respond to the court's concerns.

There will also be revisions made to the rules on the Monitoring Device Driving Permit program, to respond to issues which have come to light since the inception of the program on 1 January 2009 and to respond to SB 3775, which removes the authority of circuit courts to order the Secretary

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of State to issue a Monitoring Device Permit (MDDP) to an eligible first-time DUI offender, and instead, provides for the automatic issuance of a MDDP by the Secretary of State to an eligible first-time DUI offender. This bill has not yet been signed by the Governor, but we expect that he will do so. See §§1001.441, 442, and 444. Note that part or all of this rulemaking may be undertaken by the Office of the General Counsel rather than the Department of Administrative Hearings;

Our rules on safety responsibility hearings, at 92 IAC Subpart B, will be updated.

Our rules on restricted driving permits, at 92 IAC §1001.420, must be amended to implement the new daycare and educational permits, authorized by Public Act 95-848, and elderly and disabled person permits, authorized by Public Act 96-1180 (HB 4859).

Our rules on hearings for zero tolerance suspensions, at 93 IAC Subpart F, will be updated to require greater accountability for those offenders with multiple ZT suspensions.

- B) Statutory Authority: 625 ILCS 5/2 104
- C) Scheduled Meeting/Hearing Dates: None
- D) Date Agency Anticipates First Notice: January 2012
- E) Impact 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: At this time, the Department is not aware of any further information which may serve the public interest. The public will have an opportunity to comment on any proposed rulemaking during the first notice period.

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- a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
- 1) Rulemaking:
- A) Description: Amendments to this Part will address requirements for elementary and middle endorsements, criteria for the approval of foreign exchange programs with which school districts may contract, updates to the requirements for evaluations to conform the rules to the Performance Evaluation Reform Act of 2010, and other technical and nonsubstantive changes, to include any changes necessitated by P.A. 97-607, effective August 26, 2011.
- B) Statutory Authority: 105 ILCS 5/2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 2, 2012
- 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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100 North First Street, S-493
Springfield, Illinois 62777
Telephone: (217) 782-5270
Email: shelton@isbe.net
Fax: (217) 524-3911
- G) Related rulemakings and other pertinent information:
- b) Part(s) (Heading and Code Citation): Standards for All Illinois Teachers (23 Ill. Adm. Code 24)
- 1) Rulemaking:

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- A) Description: The effective date of the Illinois Professional Teaching Standards will be postponed a year to correspond to proposed changes in the standards for certain endorsements.
- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: February 10, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities and private postsecondary institutions wishing to offer educator preparation programs would need to meet the standards in order for their programs to be approved.

- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information:

- c) Part(s) (Heading and Code Citation): Certification (23 Ill. Adm. Code 25)

- 1) Rulemaking:

- A) Description: Part 25 will contain numerous changes related to P.A. 97-607, effective August 26, 2011, as well as address requirements for the approval of educational interpreters and for elementary and middle school endorsements, and reference several new language tests to be available for those seeking a bilingual endorsement or approval or a transitional bilingual certificate.

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- B) Statutory Authority: 105 ILCS 5/Art. 21 and Art. 21B
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: February 10, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities and private postsecondary institutions wishing to offer educator preparation programs would need to meet the standards in order for their programs to be approved.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information:
- d) Part(s) (Heading and Code Citation): Standards for Certification in Early Childhood Education and in Elementary Education (23 Ill. Adm. Code 26)
 - 1) Rulemaking:
 - A) Description: Standards for early childhood education and elementary education will be updated.
 - B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6
 - C) Scheduled meeting/hearing date: To be announced.
 - D) Date agency anticipates First Notice: February 10, 2012

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- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities and private postsecondary institutions wishing to offer educator preparation programs would need to meet the standards in order for their programs to be approved.
- F) Agency contact person for information:
- Shelley Helton
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- G) Related rulemakings and other pertinent information:
- e) Part(s) (Heading and Code Citation): Standards for Certification in Specific Teaching Fields (23 Ill. Adm. Code 27)
- 1) Rulemaking:
- A) Description: Changes in Part 27 will address new standards for individuals seeking an endorsement to teach the middle grades (i.e., grades 6 through 8).
- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: February 10, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities and private postsecondary institutions wishing to offer educator preparation programs would need to meet the standards in order for their programs to be approved.
- F) Agency contact person for information:

STATE BOARD OF EDUCATION

JANUARY 2012 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information:

f) Part(s) (Heading and Code Citation): Standards for Administrative Certification (23 Ill. Adm. Code 29)

1) Rulemaking:

- A) Description: Part 29 will be updated to reflect the new standards for the principal endorsement necessitated by the revised principal preparation program.
- B) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: February 10, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities and private postsecondary institutions wishing to offer educator preparation programs would need to meet the standards in order for their programs to be approved.
- F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

g) Part(s) (Heading and Code Citation): The “Grow Your Own” Teacher Education Initiative (23 Ill. Adm. Code 60)

1) Rulemaking:

A) Description: P.A. 96-1393, effective July 1, 2010, transferred the authority of the “Grow Your Own” Education Initiative to the Board of Higher Education, which now is responsible for rulemaking. Once those rules are promulgated, Part 60 will be repealed.

B) Statutory Authority: 110 ILCS 48

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: July 1, 2012

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)

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1) Rulemaking:

A) Description: Part 226 will be clarified as to the requirements for school districts and special education cooperatives to employ special education directors, assistant directors and supervisors; the qualifications of each position; and the circumstances under which reimbursement for the positions will be made pursuant to 105 ILCS 5/14-13.01. Additionally changes will be made to align the rules with recently enacted statutes (i.e., P.A. 97-123, effective July 14, 2011; P.A. 97-227, effective January 1, 2012; and P.A. 97-284, effective August 9, 2011).

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: February 10, 2012

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:

i) Part(s) (Heading and Code Citation): Special Education (23 Ill. Adm. Code 226)

1) Rulemaking:

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- A) Description: Section 226.860 will be amended to eliminate the category of speech-language pathologist paraprofessional as a position for which reimbursement can be requested under Section 14-13.01 of the School Code, effective July 1, 2012, and other minor corrections will be made to the qualifications of several other positions.
- 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: July 6, 2012
- 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): Transitional Bilingual Education (23 Ill. Adm. Code 228)

1) Rulemaking:

- A) Description: Part 228 will be amended to incorporate recommendations of the Illinois Advisory Council for Bilingual Education in response to P.A. 97-305. Additionally, a cross-reference to class size for preschool programs will be updated to reflect recent changes in rules governing the Early Childhood Block Grant (23 Ill. Adm. Code 235), and the 2012 WIDA standards will be incorporated into the rules by reference.

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- B) Statutory Authority: 105 ILCS 5/Art. 14C and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: June 1, 2012
- 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): Alternative Learning Opportunities Programs (23 Ill. Adm. Code 240)

1) Rulemaking:

- A) Description: Changes will be made specific to the eligibility of certain students serving suspensions or those who have been expelled to be enrolled in an Alternative Learning Opportunities Program, in accordance with the provisions of P.A. 97-495, effective January 1, 2012.
- B) Statutory Authority: 105 ILCS 5/Art. 13B
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 6, 2012

STATE BOARD OF EDUCATION

JANUARY 2012 REGULATORY AGENDA

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:

l) Part(s) (Heading and Code Citation): Secular Textbook Loan (23 Ill. Adm. Code 350)

1) Rulemaking:

A) Description: In response to P.A. 97-570, effective July 1, 2011, Part 350 will be repealed.

B) Statutory Authority: 105 ILCS 5/18-17

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: March 8, 2012

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 2012 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information:

m) Part(s) (Heading and Code Citation): Voluntary Registration and Recognition of Nonpublic Schools (23 Ill. Adm. Code 425)

1) Rulemaking:

A) Description: In response to P.A. 97-570, effective July 1, 2011, Part 425 will be modified to ensure that nonpublic schools that access funding under the textbook program use the money for nonreligious textbooks and that their use of the funds is adequately monitored.

B) Statutory Authority: 105 ILCS 5/2-3.6, 2-3.51.5 and 2-3.153

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: June 1, 2012

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The rulemaking will set forth compliance procedures for private elementary and secondary schools that receive textbook loan allocations.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information:

STATE BOARD OF EDUCATION

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- n) Part(s) (Heading and Code Citation): Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)
- 1) Rulemaking:
- A) Description: Proposed changes in Part 475 result from the enactment of P.A. 96-431, effective August 13, 2009.
- B) Statutory Authority: 5 ILCS 100/5-10(a)(i) and 105 ILCS 5/21B-75
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: February 10, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
- Shelley Helton
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Fax: (217) 524-3911
- G) Related rulemakings and other pertinent information:
- o) Part(s) (Heading and Code Citation): Appeal Proceedings before the State Teacher Certification Board (23 Ill. Adm. Code 485)
- 1) Rulemaking:
- A) Description: Part 485 is proposed for repeal since P.A. 96-431, effective August 13, 2010, eliminated appeals to the State Teacher Certification

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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.
- D) Date agency anticipates First Notice: February 10, 2012
- 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:

p) Part(s) (Heading and Code Citation): School Technology Program (23 Ill. Adm. Code 575)

1) Rulemaking:

- A) Description: Part 575 will be amended to add a new subpart specific to the establishment of learning technology centers, as well as set requirements for their operation and receipt of funding under Section 2-3.117 of the School Code.
- B) Statutory Authority: 105 ILCS 5/2-3.117
- C) Scheduled meeting/hearing date: To be announced.

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- D) Date agency anticipates First Notice: July 6, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:
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Fax: (217) 524-3911
- G) Related rulemakings and other pertinent information:
- q) Part(s) (Heading and Code Citation): Charter Schools (23 Ill. Adm. Code 650)
- 1) Rulemaking:
- A) Description: The proposed amendments respond to P.A. 97-152, which creates the State Charter School Commission, and P.A.96-734, effective August 25, 2009, that increased the time in which the State Board must act to deny or approve a charter school application.
- B) Statutory Authority: 105 ILCS 5/Art. 27A
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: July 6, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Not-for-profit entities partnering with school districts to form a charter school, as well as existing charter schools, will be affected by the changes.
- F) Agency contact person for information:

STATE BOARD OF EDUCATION

JANUARY 2012 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information:

r) Part(s) (Heading and Code Citation): Procurement by the State Board of Education (44 Ill. Adm. Code 1105)

1) Rulemaking:

A) Description: P.A. 96-795, effective July 2, 2010, necessitated a transfer of the Department of Central Management Services' rules for procurement (44 Ill. Adm. Code 1) from that agency to the Chief Procurement Officer for General Services. Since the State Board has incorporated these rules by reference into Part 1105, updates will be needed to reflect the transfer.

B) Statutory Authority: 30 ILCS 500

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: March 2, 2012

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 2012 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information:

STATE UNIVERSITIES RETIREMENT SYSTEM

JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Universities Retirement (80 Ill. Adm. Code 1600.300)
- 1) Rulemaking:
- A) Description: Revise the current Rule on Effective Beneficiary Designations to clarify whether SURS will accept a beneficiary designation signed by an agent, who names himself or herself as the beneficiary.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- 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*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: January 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
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Email: mweinstein@surs.org
Fax: (217) 378-9801
- G) Related rulemakings and other pertinent information:
- b) Part(s) (Heading and Code Citation): Universities Retirement (80 Ill. Adm. Code 1600.420)
- 1) Rulemaking:

STATE UNIVERSITIES RETIREMENT SYSTEM

JANUARY 2012 REGULATORY AGENDA

- A) Description: Revise the current rule on Making Preliminary Estimated Payments to include procedures for holding payments when the member has not responded to informational requests, and to terminate the benefit after a period of non-compliance with the request.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- 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*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: January 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
- Michael B. Weinstein, General Counsel
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Email: mweinstein@surs.org
Fax: (217) 378-9801
- G) Related rulemakings and other pertinent information:
- c) Part(s) (Heading and Code Citation): Universities Retirement (80 Ill. Adm. Code 1600.500)
- 1) Rulemaking:
- A) Description: Revise the current Rule on Rules of Practice – Nature and Requirements of Formal Hearings to clarify procedures.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.

STATE UNIVERSITIES RETIREMENT SYSTEM

JANUARY 2012 REGULATORY AGENDA

- 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*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: January 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
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Email: mweinstein@surs.org
Fax: (217) 378-9801
- G) Related rulemakings and other pertinent information:
- d) Part(s) (Heading and Code Citation): Universities Retirement (80 Ill. Adm. Code 1600.800)
- 1) Rulemaking:
- A) Description: Promulgate rules for implementation of P.A. 96-889 and 97-609.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177.
- 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*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: January 2012

STATE UNIVERSITIES RETIREMENT SYSTEM

JANUARY 2012 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
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Fax: (217) 378-9801
- G) Related rulemakings and other pertinent information:

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citations): Illinois National Guard (ING) Grant Program 23 Ill. Adm. Code 2730
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to implement state and federal statutory amendments, to respond to market changes and client suggestions, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year.
- B) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 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 2012
- E) Effect on small businesses, small 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
Telephone: 847-948-8500, ext. 2216
Email: lynn.hynes@isac.illinois.gov
Fax: 847-831-8549
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citations): Grant Program For Dependents of Correctional Officers 23 Ill. Adm. Code 2731

ILLINOIS STUDENT ASSISTANCE COMMISSION

JANUARY 2012 REGULATORY AGENDA

- 1) Rulemaking:
 - A) Description: ISAC annually reviews its rules in order to implement state and federal statutory amendments, to respond to market changes and client suggestions, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year.
 - B) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 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 2012
 - E) Effect on small businesses, small 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
Telephone: 847-948-8500, ext. 2216
Email: lynn.hynes@isac.illinois.gov
Fax: 847-831-8549
 - G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citations): Grant Program For Dependents Of Police Or Fire Officers 23 Ill. Adm. Code 2732
 - 1) Rulemaking:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- A) Description: ISAC annually reviews its rules in order to implement state and federal statutory amendments, to respond to market changes and client suggestions, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year.
- B) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 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 2012
- E) Effect on small businesses, small 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
Telephone: 847-948-8500, ext. 2216
Email: lynn.hynes@isac.illinois.gov
Fax: 847-831-8549
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citations): Illinois Veteran Grant (IVG) Program 23 Ill. Adm. Code 2733
- 1) Rulemaking:
- A) Description: ISAC annually reviews its rules in order to implement state and federal statutory amendments, to respond to market changes and client

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suggestions, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year.

- B) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 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 2012
 - E) Effect on small businesses, small 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
Telephone: 847-948-8500, ext. 2216
Email: lynn.hynes@isac.illinois.gov
Fax: 847-831-8549
 - G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citations): Monetary Award Program (MAP) 23 Ill. Adm. Code 2735
- 1) Rulemaking:
 - A) Description: ISAC annually reviews its rules in order to implement state and federal statutory amendments, to respond to market changes and client suggestions, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year.

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- B) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 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 2012
- E) Effect on small businesses, small 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
Telephone: 847-948-8500, ext. 2216
Email: lynn.hynes@isac.illinois.gov
Fax: 847-831-8549
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citations): John R. Justice Student Loan Repayment Program
23 Ill. Adm. Code 2754
- 1) Rulemaking:
- A) Description: Section 952 of the Higher Education Opportunity Act of 2008 [42 U.S.C. 3797cc-2] created the John R. Justice Student Loan Repayment Program, a federal program that provides States with funds for loan repayment assistance to encourage qualifying individuals to pursue careers as state and federal public defenders and state prosecutors to protect the rights of a State's most vulnerable citizens or provide quality enforcement of State law. ISAC was designated by the Office of the Governor as the State administrative agency responsible for oversight of

ILLINOIS STUDENT ASSISTANCE COMMISSION

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the program and distribution of funds in Illinois. Proposed rulemaking for the program will set forth the applicant eligibility requirements and program procedures.

- B) Statutory Authority: Implementing Section 952 of the Higher Education Opportunity Act (42 U.S.C. 3797-cc-21) and Section 20(b) of the Illinois Higher Education Student Assistance Act and authorized by Section 20(f) of the Illinois Higher Education Student Assistance Act.
- 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 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
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Deerfield, Illinois 60015
Telephone: 847-948-8500, ext. 2216
Email: lynn.hynes@isac.illinois.gov
Fax: 847-831-8549
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citations): College Planning Act 23 Ill. Adm. Code 2774
- 1) Rulemaking:
- A) Description: The College Planning Act [110 ILCS 17/1 et seq.] provides low-income and first-generation students in Illinois with targeted services administered by ISAC to promote college awareness and planning, including without limitation postsecondary and career counseling

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programs, college preparation programs to assist students with the completion of college admission, scholarship, and financial aid applications, simplified admission or financial assistance application programs. Proposed rulemaking for the program will set forth the participant eligibility requirements, the terms of participant agreements and program procedures.

- B) Statutory Authority: Implementing the College Planning Act [110 ILCS 17] and authorized by Section 15(c).
- 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 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
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Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
Telephone: 847-948-8500, ext. 2216
Email: lynn.hynes@isac.illinois.gov
Fax: 847-831-8549
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citations): Illinois Prepaid Tuition Program 23 Ill. Adm. Code 2775
 - 1) Rulemaking:
 - A) Description: ISAC annually reviews its rules in order to implement state and federal statutory amendments, to respond to market changes and client

ILLINOIS STUDENT ASSISTANCE COMMISSION

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suggestions, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year.

- B) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] 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 2012
- E) Effect on small businesses, small municipalities or not for profit corporations: None
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Deerfield, Illinois 60015
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Email: lynn.hynes@isac.illinois.gov
Fax: 847-831-8549
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE
RECOMMENDATION ON PROPOSED RULEMAKING

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill Adm. Code 148
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
148.120	Amendment
148.122	Amendment
- 4) Date Originally Published in the Illinois Register: October 22, 2010; 34 Ill. Reg. 15705
- 5) JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register: September 30, 2011; 35 Ill. Reg. 15694
- 6) Summary of Action Taken by the Agency: At its meeting on September 13, 2011, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that HFS, in the future, take measures to ensure that gaps do not occur between the expiration of an emergency rule and adoption of the permanent rulemaking to avoid creating a time period in which it is enforcing policy not in rule.

The Department acknowledges the recommendation made by the Joint Committee regarding our rulemaking practices and the Department will make a conscientious effort to comply with the recommended action.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 20, 2011 through December 26, 2011 and have been scheduled for review by the Committee at its January 10, 2012 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
2/4/12	<u>Environmental Protection Agency, Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions (35 Ill. Adm. Code 276)</u>	10/21/11 35 Ill. Reg. 16918	1/10/12

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

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