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March 16, 2012 Volume 36, Issue 11

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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.

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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 10, 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
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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
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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
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46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
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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 CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62706

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

The full text of the Proposed Amendment appears on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302
MERIT AND FITNESS

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302.20	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
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302.90	Appointments
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302.105	Pre-Employment Screening
302.110	Appointment From Eligible List
302.120	Responsibilities of Eligibles
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

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- 302.200 Interruptions in Continuous Service
- 302.210 Deductions From Continuous Service
- 302.215 Leave of Absence for Educational Purposes
- 302.220 Veterans Continuous Service
- 302.230 Peace or Job Corps Enrollees Continuous Service
- 302.240 Accrual and Retention of Continuous Service During Certain Leaves
- 302.250 Limitations on Continuous Service

SUBPART E: PERFORMANCE REVIEW

- Section
- 302.260 Performance Records
- 302.270 Performance Evaluation Forms

SUBPART F: PROBATIONARY STATUS

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- 302.300 Probationary Period
- 302.310 Certified Status
- 302.320 Status Change in Probationary Period
- 302.325 Intermittent Status

SUBPART G: PROMOTIONS

- Section
- 302.330 Eligibility for Promotion
- 302.335 Limitations On Promotions
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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302.490	Employee Obligations
302.495	Salary and Other Benefits of Employee
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302.630	Disciplinary Action Warning Notice
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302.660	Suspension Totaling More than Thirty Days in any Twelve Month Period
302.670	Approval of Director of Central Management Services
302.680	Notice to Employee
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302.700	Cause for Discharge
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302.720	Discharge of Certified Employee
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- 302.790 Prohibition of Discrimination
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SUBPART L: TERM APPOINTMENTS

- Section
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302.810 Positions Subject to Term Appointments
302.820 Appointment
302.821 Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)
302.822 Appointees Under Term Appointments
302.823 No Promotion to Positions Covered by Term Appointments (Repealed)
302.824 No Reallocation to Term Positions
302.825 Reemployment Rights to Term Appointment
302.830 Expiration of Term Appointment
302.840 Renewal Procedures
302.841 Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
302.842 Effective Date of Reappointment or Termination (Repealed)
302.846 Change in Position Factors Affecting Term Appointment Exclusion
302.850 Reconsideration Request
302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369
302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735, effective August 3, 1998; amended at 26 Ill. Reg. 15285, effective October 15, 2002; amended at 29 Ill. Reg. 11800, effective July 14, 2005; emergency amendment at 30 Ill. Reg. 12366, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18270, effective November 13, 2006; amended at 31 Ill. Reg. 15069, effective October 26, 2007; emergency amendment at 32 Ill. Reg. 19935, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6495, effective April 23, 2009; amended at 33 Ill. Reg. 16560, effective November 13, 2009. ; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: APPLICATION AND EXAMINATION

Section 302.30 Veterans Preference

- a) Appropriate preference in entrance examinations shall be granted to qualified persons who have been members of the armed forces of the United States or to qualified persons who, while citizens of the United States, were members of the armed forces of allies of the United States in time of hostilities with a foreign country (as set forth in Section 8b7 of the Personnel Code) and to certain other persons as set forth in this Section.
- b) To be eligible, applicant must have received discharge under honorable conditions and served under one or more of the following conditions:
 - 1) Served, for at least six months, in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States; ~~or, while a U.S. citizen, must have been a member of the armed forces of an ally of the U.S. in time of hostilities with a foreign country; or~~
 - 2) While a U.S. citizen, been a member of the armed forces of an ally of the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

U.S. in time of hostilities with a foreign country; or

- ~~32~~) Discharged on the grounds of hardship; or
- ~~43~~) Released from active duty because of a service connected disability; or
- ~~54~~) Served for the duration of hostilities regardless of the length of engagement.

c) Preference will be in the form of points added to the final grades of persons who otherwise qualify and are entitled to appear on the list of those eligible for appointments. Preference in entrance examinations will be granted as follows:

- 1) Ten points shall be added to the entrance examination grade for ~~such~~ veteran eligibles currently holding proof of a service connected disability from the ~~U.S. Department of~~United States Veterans ~~Affairs~~Administration or from ~~an~~such allied country for service connected disabilities or if the veteran is a purple heart recipient.
- 2) Five points shall be added to the entrance examination grade for ~~such~~ veteran eligibles who have served during a time of hostilities with a foreign country ~~and;~~ who meet the qualifications set forth in subsection (b);~~;~~ but who do not qualify for 10 points under subsection (c)(1).
- 3) A person not eligible for a preference under subsection (c)(1) or (c)(2) is qualified for a preference of 3 points if the person has served in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States and the person:
 - A) served for at least 6 months and has been discharged under honorable conditions; or
 - B) has been discharged on the grounds of hardship; or
 - C) was released from active duty because of a service connected disability.
- ~~4~~) An active member of the National Guard or a reserve component of the armed forces of the United States is eligible for the preference described in

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

subsection (c)(3) if the member meets the service requirements of ~~this~~ subsection (c)(3).

- d) If category ratings are used, the veteran eligibles in each category shall be preferred for appointment before the non-veteran eligibles in the same category.
- e) ~~The following shall be entitled to the same preference to which the veteran would have been entitled under this Section: A surviving unremarried spouse of a veteran who suffered a service connected death or the spouse of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment shall be entitled to the same preference to which the veteran would have been entitled under this Section:~~
- 1) ~~a surviving unremarried spouse or civil union partner, who has not subsequently married or entered into a civil union, of a veteran who suffered a service connected death; or~~
 - 2) ~~the spouse or civil union partner of a veteran who suffered a service connected disability that prevents the veteran from qualifying for civil service employment.~~
- f) A preference shall also be given to the following individuals: 10 points for one parent of ~~an unmarried~~ veteran who is not married or in a civil union partnership who suffered a service connected death or a service connected disability that prevents the veteran from qualifying for civil service employment. The first parent to receive a civil service appointment shall be the parent entitled to the preference.
- g) ~~Before a veteran's preference is granted, the Department of Central Management Services must verify the applicant's entitlement to the preference by requiring a certified copy of the applicant's most recent DD-214 (Certificate of Release or Discharge from Active Duty) or other evidence of the applicant's most recent honorable discharge from the Armed Forces of the United States. The Department of Central Management Services shall determine whether the documentation submitted by the applicant is acceptable. To be acceptable, the documentation submitted must be an authentic, official record of the United States Armed Forces evidencing the individual's military service. It is the responsibility of each agency head to obtain documentary verification that persons seeking preference under this Section are entitled to such preference. Copies of verifying documents~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

~~(discharge information such as a DD-214) shall be submitted to the Department of Central Management Services.~~

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Water Supply Operator Certification
- 2) Code Citation: 35 Ill. Adm. Code 680
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
680.101	Amended
680.1000	New
680.1005	New
680.1010	New
680.1015	New
680.1020	New
680.1025	New
680.1030	New
680.1035	New
680.1040	New
- 4) Statutory Authority: Implementing and authorized by the Public Water Supply Operations Act, 415 ILCS 45
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking will update the stated purpose of Part 680 to include setting forth procedures for approving a contract between a community water supply and a properly qualified certified operator. This rulemaking will also add Subpart J. Each community water supply is required to have a certified operator on its staff, and this requirement may be met by contracting the services of a certified operator. All contracts must be approved by the Illinois EPA. Section 680.1010 sets forth the necessary contract provisions to obtain Illinois EPA approval. The certified operator must maintain the necessary records to show compliance with the contract. Section 680.1025 provides that the Illinois EPA will approve the contract if the contract operator is properly certified, all the requirements of Subpart J are met, and the contract provisions assure proper operation of the community water supply. All contract modifications or extensions are required to be submitted to the Illinois EPA for approval as new contracts.
- 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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments establish procedures and criteria for the approval of contracts between certified operators and the community water supply. It does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on the proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:
- Joanne M. Olson
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276
- 217/782-5544
joanne.olson@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Any small businesses, small municipalities or not for profit corporations that are the owners of a community water supply under 35 Ill. Adm. Code 603.101.
- B) Reporting, bookkeeping or other procedures required for compliance: The certified operator who enters into a contract with a community water supply must maintain records documenting compliance with the terms of the contract.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 680
WATER SUPPLY OPERATOR CERTIFICATION

SUBPART A: INTRODUCTION AND DEFINITIONS

Section	
680.101	Purpose
680.102	Advisory Board
680.103	Examination
680.104	Hands-on or Necessary Skills, Knowledge, Ability, and Judgment
680.105	Law
680.106	Responsible Charge
680.107	Equivalent to a High School Education
680.108	Continuing Education Unit
680.109	Quarter Hours and Semester Hours
680.110	Grandparenting
680.111	Other Definitions

SUBPART B: EXAMINATION FREQUENCY AND LOCATION

Section	
680.201	Examination Frequency
680.202	Examination Location
680.203	Examination on Request

SUBPART C: EXAMINATION ELIGIBILITY

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680.301	Eligibility
680.302	Applications
680.303	Eligibility Determination
680.304	Review of Determination
680.305	Examination Admission
680.306	Letters of Admission

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SUBPART D: WRITTEN EXAMINATION

Section

- 680.401 Examination Classification
- 680.402 Standards for Examination and Grading
- 680.403 Award of Certificate of Competency

SUBPART E: REEXAMINATION

Section

- 680.501 Reexamination at Same Classification
- 680.502 Alternate Classification (Repealed)
- 680.503 Reexamination Fee

SUBPART F: RECIPROCITY

Section

- 680.601 Application for Reciprocal Certification
- 680.602 Authority to Obtain Information
- 680.603 Personal Interview (Repealed)
- 680.604 Reciprocity Determination
- 680.605 Change in Classification

SUBPART G: SANCTIONS

Section

- 680.701 Causes
- 680.702 Procedures
- 680.703 Hearing and Decision
- 680.704 Sanctions
- 680.705 Appeal

SUBPART H: CERTIFICATE RENEWAL, RESTORATION, AND REQUIRED TRAINING

Section

- 680.801 Certificate Expiration
- 680.802 Certificate Renewal
- 680.803 Renewal Application Filing Deadlines
- 680.804 Renewal Training Requirements

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680.805	Restoration of Expired Certificates
680.806	Training Criteria
680.807	Proof of Training Records, Record Keeping, Audits
680.808	Training Exclusions
680.809	Meetings and Conferences of Professional Operator Organizations
680.810	Submission of Training Hours
680.811	Waiver of Required Training
680.812	Issuance of Renewed and Restored Certificates
680.813	Contested Renewal, Restoration, and Training Determinations

SUBPART I: GRANDPARENTING

Section	
680.901	Grandparenting

SUBPART J: Contractual operation

<u>Section</u>	
<u>680.1000</u>	<u>Contract Operator</u>
<u>680.1005</u>	<u>Certified Operator Requirement</u>
<u>680.1010</u>	<u>Required Contract Provisions</u>
<u>680.1015</u>	<u>Documentation of Contract Provisions</u>
<u>680.1020</u>	<u>Request for Contract Approval</u>
<u>680.1025</u>	<u>Agency Review of the Contract</u>
<u>680.1030</u>	<u>Withdrawal of Approval of the Contract</u>
<u>680.1035</u>	<u>Contract Modifications and Extensions</u>
<u>680.1040</u>	<u>Termination of Contract</u>

AUTHORITY: Implementing and authorized by the Public Water Supply Operations Act [415 ILCS 45].

SOURCE: Filed April 1, 1974; Part repealed, new Part adopted at 6 Ill. Reg. 10942, effective September 1, 1982; amended at 12 Ill. Reg. 8442, May 2, 1988; amended at 24 Ill. Reg. 7263, effective April 24, 2000; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 680.101 Purpose

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

The purpose of this ~~Partpart~~ is to set forward procedures for the following:

- a) testing for and granting of water supply operator certification; ~~and~~
- b) revoking water supply operator ~~for revocation of that~~ certification; and
- c) approving a contract between a community water supply and a contract operator.

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

SUBPART J: CONTRACTUAL OPERATIONSection 680.1000 Contract Operator

For the purposes of this Subpart J, "contract operator" means a natural person certified as competent as a water supply operator under the Law who operates or supervises the operation of a community water supply by contractual agreement with the owner.

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

Section 680.1005 Certified Operator Requirement

- a) Every community water supply shall employ on its operational staff at least one natural person certified as competent as a water supply operator under the provisions of the Law. [415 ILCS 45/1]
- b) Except for exempt community water supplies as specified in Section 9.1 of the Law, all portions of a community water supply system shall be under the direct supervision of a properly certified community water supply operator. [415 ILCS 45/1]
- c) A community water supply may satisfy the requirements of this Section by contracting the services of a properly qualified certified operator as specified in Section 1(2) of the Law. [415 ILCS 45/1(3)] The contract between the community water supply and the contract operator must be approved by the Agency and meet the requirements of this Subpart and the Law.
- d) Certified operators must be of the required class or higher, as specified in Section 1(2) of the Law.

ENVIRONMENTAL PROTECTION AGENCY

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

Section 680.1010 Required Contract Provisions

The contract between the community water supply and the contract operator must delegate responsibility and authority to the contract operator. The contract must include the following:

- a) The parties involved, including names, addresses and phone numbers of each;
- b) The specific starting and expiration dates of the contract;
- c) The minimum number of visits the contract operator must make each week to the community water supply;
- d) The duties and responsibilities of each party involved, including, at a minimum, the party responsible for:
 - 1) proper operation of the community water supply;
 - 2) compliance with all construction and operating permit requirements;
 - 3) compliance with all NPDES permit effluent requirements;
 - 4) compliance with Subtitle F of this Title, including but not limited to the following:
 - A) Design, Operation and Maintenance Criteria, 35 Ill. Adm. Code 653;
 - B) Raw and Finished Water Quality and Quantity, 35 Ill. Adm. Code 654;
 - C) Primary Drinking Water Standards, 35 Ill. Adm. Code 611;
 - D) Permits, 35 Ill. Adm. Code 652; and
 - E) Emergency operation requirements found in 35 Ill. Adm. Code 607.103;

ENVIRONMENTAL PROTECTION AGENCY

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- 5) daily equipment checks;
- 6) collection of required samples and submission of these samples to a certified laboratory;
- 7) maintaining booster pump stations and high service pumps;
- 8) maintaining spare parts inventory;
- 9) maintaining and timely submitting to the Agency all required operating records and reports, including but not limited to:
 - A) consumer confidence reports;
 - B) drinking water compliance monitoring reports;
 - C) discharge monitoring reports; and
 - D) monthly operating reports;
- 10) providing labor and materials for correcting any maintenance and operational problems;
- 11) maintaining and implementing emergency operating plans;
- 12) performing preventive maintenance on equipment as recommended by the manufacturer;
- 13) performing routine operational control testing as recommended by the Agency;
- 14) issuing public notices when required by 35 Ill. Adm. Code 653.403;
- 15) issuing boil orders to the public, and contacting the regional office and local health department whenever boil orders are issued; and
- 16) responding to Agency requests for information or site visits;

ENVIRONMENTAL PROTECTION AGENCY

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- e) The signatures of the contract operator and the owner or official custodian of the community water supply.

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

Section 680.1015 Documentation of Contract Provisions

The contract operator must maintain records to document that all contract provisions are being met.

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

Section 680.1020 Request for Contract Approval

- a) The owner of the community water supply must submit the contract delegating responsibility and authority to the contract operator to the Agency for approval within 30 days following the execution of the contract.
- b) The request for approval must be sent to following address:

Illinois EPA
Drinking Water Compliance Assurance Section #19
1021 North Grand Avenue East
Springfield IL 62794-9276

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

Section 680.1025 Agency Review of the Contract

- a) The Agency shall approve a contract if:
- 1) the contract operator is properly certified;
 - 2) the provisions of this Subpart are satisfied; and
 - 3) the contract provisions assure proper operation of the community water supply.

ENVIRONMENTAL PROTECTION AGENCY

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- b) The Agency shall, not later than 45 days following the receipt of the contract, provide written notice to the community water supply of its decision to approve or disapprove the contract.

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

Section 680.1030 Withdrawal of Approval of the Contract

The Agency shall withdraw an approval of a contract if the Agency determines that the contract provisions are not being met or are inadequate to assure proper operation of the community water supply. The Agency shall provide written notice to the owner of the community water supply of its decision to withdraw approval.

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

Section 680.1035 Contract Modifications and Extensions

The owners of a community water supply must submit all modifications or extensions to contracts to the Agency for approval as a new contract.

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

Section 680.1040 Termination of Contract

If any contract approved by the Agency pursuant to this Subpart J is terminated before the expiration date in the contract, the owner of the community water supply and the contract operator must provide written notice to the Agency no less than 15 days before the contract is terminated.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1800.590	New Section
1800.1065	New Section
- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40]
- 5) A Complete Description of the Subjects and Issues Involved:

New Section 1800.590 Fingerprinting: This Section cross-references the applicable provisions of the Illinois Department of Public Health Rules pertaining to livescan vendors, namely, the definition of "livescan vendor" contained in 77 Ill. Adm. Code 955.110 and the requirements for approval as a livescan vendor contained in 77 Ill. Admin Code 955.285. The proposed rule authorizes livescan vendors that have contracted with the Department of Public Health, and have met all of that Department's other requirements, to collect fingerprints on applicants for video gaming licenses as well as Persons With Significant Influence or Control over those applicants (PSICs). Although intended to apply mostly to location licenses, the proposed language has general applicability to all video gaming licenses issued by the Board.

The location application now before the Board for approval requires all applicants and PSICs to be fingerprinted as a condition of the applicant's licensure. Because of the very large number of anticipated applicants, the Department of State Police will not have the capacity to conduct the fingerprinting on its own, and it will be necessary to use the services of outside fingerprinting companies.

The Illinois Department of Public Health has previously adopted rules in its Health Care Worker Background Check Code (77 Ill. Adm. Code Part 955) establishing requirements for "livescan vendors" – private companies that collect fingerprints of applicants for employment as health care workers. To qualify with the Department of Public Health as an approved livescan vendor, a company must enter into a standardized contract with the Department and meet all of the other requirements imposed by rule (77 Ill. Adm. Code 955.285). Notably, under 77 Ill. Adm. Code 955.285(b)(1), the livescan vendor must "use only equipment that has been certified by the Department of State Police to collect

ILLINOIS GAMING BOARD

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inkless fingerprints and software that is up to date and meets the requirements of the Department of State Police for fee applicant submissions".

New Section 1800.1065 Registration of Video Gaming Terminals: This Section parallels the Board's current Riverboat Gambling Act Rule, Registration of All Gaming Devices (86 Ill. Adm. Code 3000.280), which requires holders of owners licenses to securely affix a registration tag issued by the Board on each Gaming Device in their possession. The new Section will analogously require terminal operators licensed under the Video Gaming Act to affix registration tags on each Video Gaming Terminal (VGT) in their possession. This Section is being filed as part of an emergency rulemaking because of the urgent need to keep track of VGTs that will be used in connection with video gaming.

- 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 proposed rulemakings to this Part pending? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1800.330	New Section	35 Ill. Reg. 15418, September 23, 2011

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: No public hearing on the proposed rulemaking is scheduled at the present time. Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Lynn J. Carter
General Counsel
Illinois Gaming Board
160 North LaSalle Street

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Chicago, Illinois 60601

Phone: 312/814-7137

Fax No. 312/814-7253

lynn.carter@igb.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of businesses affected: The rulemaking will affect terminal operators subject to coverage under the Video Gaming Act [230 ILCS 40], as well as applicants for video gaming location licenses under that Act. It will also affect livescan vendors, as defined in 77 Ill. Admin. Code 955.110, who have entered into standardized contracts with the Department of Public Health as set forth in 77 Ill. Adm. Code 955.285 and have otherwise met all the requirements of that Section.
 - B) Reporting, bookkeeping or other procedures required for compliance: The rulemaking will require terminal operators in possession of any video gaming terminals to affix a registration tag on those terminals.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on a regulatory agenda.

The full text of the Proposed Amendments is identical to that of the Emergency Amendments and can be found in this issue of the *Illinois Register* on page 4150.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Maximum Setback Zones
- 2) Code Citation: 35 Ill. Adm. Code 618
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
618.100	Amend
618.105	Amend
618.110	New
618.115	New
618.200	Amend
618.205	Amend
618.210	New
618.APPENDIX B	New
- 4) Statutory Authority: Implementing Section 14.3 of the Environmental Protection Act (Act) [415 ILCS 5/14.3] and authorized by Sections 27 of the Act [415 ILCS 5/27]
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's first-notice opinion and order of March 1, 2012 in docket R11-25.

The Board has previously considered only one other proposal under Section 14.3(d) of the Act, which allows for establishment of "maximum setback zones" to prevent contamination of particularly vulnerable sources of groundwater. The zone restricts land use in the vicinity of the well, providing protection from potential sources or routes of contamination.

Fayette Water Company (FWC) obtains groundwater from six wells pumping a daily average of 494,830 gallons from the Cahokia Aquifer in Fayette County. FWC directly serves 6,510 persons and also serves four satellite systems in Fayette, Shelby, and Effingham Counties. On July 12, 2010, the Fayette County Board requested in writing that the Agency propose a maximum setback zone to the Board. Based on various assessments, the Agency concluded that the maximum setback zone was necessary to protect a highly vulnerable source of groundwater. As required by Section 14.3(d) of the Act, the Board concurred that that this expanded protection is justified.

The Board proposes amendments to Part 618 of its public water supplies regulations to establish a maximum setback zone for the six wells owned by FWC. The Board also

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

proposes a limited reorganization of Part 618 in order to accommodate future establishment of additional maximum setback zones.

- 6) Published studies or reports and sources of underlying data, used to compose this rulemaking: In its original rulemaking proposal, the Illinois Environmental Protection Agency stated that "[n]either a research report nor a published study was used in developing this rule".
- 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: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of publication. Comments should refer to docket R11-25 and be addressed to:

John Therriault
Clerk's Office
Illinois Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601

Interested persons may request copies of the Board's opinion and order in R11-25 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us. For more information, contact the Clerk's Office at 312-814-3629.

- 13) Initial Regulatory Flexibility Analysis:

POLLUTION CONTROL BOARD

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- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules would affect small businesses, small municipalities, and not-for-profit corporations if they wished to engage in activities that are either prohibited or subject to additional requirements within the delineated FWC setback zone. Those entities would be affected if they sought to place a "new potential primary source" of groundwater contamination entirely or partially within the proposed setback zone. These entities may also be affected if they own or operate entirely or partially within the setback zone that constitute "existing activities" or "new activities" under the management and control standards of Parts 615 or 616 of the Board's regulations.
- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments do not contain specific reporting, bookkeeping or other procedures. However, activities located entirely or partially within the setback zone may become subject to the management and control standards of Parts 615 or 616 of the Board's regulations, which may apply requirements pertaining to inspection, operation, and closure.
- C) Types of Professional skills necessary for compliance: Compliance with the proposed rules may require the services of persons including a registered professional engineer and an attorney.
- 14) Regulatory Agenda in which these amendments were summarized: January 2012

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 618
MAXIMUM SETBACK ZONES

SUBPART A: GENERAL

Section	
618.100	Purpose and Applicability
618.105	Definitions
618.110	Regulated Activities, Facilities or Units
618.115	Prohibitions

SUBPART B: [ESTABLISHED MAXIMUM SETBACK ZONES](#)~~MARQUETTE HEIGHTS'~~
~~MAXIMUM SETBACK ZONE~~

Section	
618.200	Purpose and Applicability
618.205	Marquette Heights' Maximum Setback Zone 1,000 Foot Maximum Setback Zone Prohibition
618.210	Fayette Water Company's Maximum Setback Zone.

618.APPENDIX A Boundaries of Marquette Heights' Maximum Setback Zone

[618.APPENDIX B Boundaries of Fayette Water Company's Maximum Setback Zone](#)

AUTHORITY: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 and 27].

SOURCE: Adopted in R05-9 at 30 Ill. Reg. 10448, effective May 23, 2006; amended at 36 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 618.100 Purpose and Applicability

- [a\)](#) This Part is established in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.

- b) ~~The Pursuant to the authority of Section 14.3(d) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/14.3(d)],~~ the provisions of this Part apply to all properties located wholly or partially within a maximum setback zone established under Section 14.3(d) of the Act and this Part.

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

Section 618.105 Definitions

- a) ~~Unless specified otherwise, all terms shall have the meanings set forth in the Illinois Environmental Protection Act [415 ILCS 5], the Illinois Groundwater Protection Act [415 ILCS 55], and 35 Ill. Adm. Code 671. Unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part are the same as those used in the Act, the Illinois Groundwater Protection Act [415 ILCS 55], or 35 Ill. Adm. Code 671.~~

- b) For the purposes of this Part, the following definitions apply:

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Facility" means *the buildings and all real property contiguous thereto, and the equipment at a single location used for the conduct of business* [430 ILCS 45/3].

"New Potential Primary Source" means:

a potential primary source which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential primary source which expands laterally beyond the currently permitted boundary or, if the primary source is not permitted, the boundary in existence as of January 1, 1988; or

POLLUTION CONTROL BOARD

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a potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.345].

"New Potential Route" means:

a potential route which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of January 1, 1988 [415 ILCS 5/3.350].

"New Potential Secondary Source":

means a potential secondary source which:

is not in existence or for which construction has not commenced at its location as of July 1, 1988; or

expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.355]; but

excludes an agrichemical facility that modifies on-site storage capacity such that the volume of the pesticide storage does not exceed 125% of the available capacity in existence on April 1, 1990, or the volume of fertilizer storage does not exceed 150% of the available capacity in existence on April 1, 1990; provided that a written endorsement for an agrichemical

POLLUTION CONTROL BOARD

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facility permit is in effect under Section 39.4 of the Act and the maximum feasible setback is maintained. This on-site storage capacity includes mini-bulk pesticides, package agricultural storage areas, liquid or dry fertilizers, and liquid or dry pesticides. [415 ILCS 5/14.2(g)(4)]-

"Potential Primary Source" means *any unit at a facility or site not currently subject to a removal or remedial action which:*

is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances [415 ILCS 5/3.345].

"Potential route" means *abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel [415 ILCS 5/3.350].*

"Potential secondary source" means *any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:*

is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or

POLLUTION CONTROL BOARD

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stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act [415 ILCS 5/3.355].

"Setback zone" means *a geographic area, designated pursuant to the Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters [415 ILCS 5/3.450].*

"Site" means *any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Act or regulations thereunder [415 ILCS 5/3.460].*

"Unit" means *any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agrichemical facilities. [415 ILCS 5/3.515]*

"Unit boundary" means *a line at the land's surface circumscribing the area on which, above which, or below which waste, pesticides, fertilizers, road oils or de-icing agents will be placed during the active life of the facility. The space taken up by any liner, dike or other barrier designed to contain waste, pesticides, fertilizer, road oils, or de-icing agents falls within the unit boundary.*

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

[Section 618.110 Regulated Activities, Facilities or Units](#)

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All new or existing activities, facilities or units located wholly or partially in any maximum setback zone created by this Part will be subject to the groundwater rules set forth in Section 14.4 of the Act and any Board regulations promulgated pursuant to Section 14.4 of the Act, including, but not limited to, 35 Ill. Adm. Code 615 and 616.

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

Section 618.115 Prohibitions

New potential primary sources of groundwater contamination are prohibited from locating wholly or partially within any maximum setback zone established under Section 14.3 of the Act or **this Part**.

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

SUBPART B: ESTABLISHED MAXIMUM SETBACK ZONES
MARQUETTE HEIGHTS, MAXIMUM SETBACK ZONE

Section 618.200 Purpose and Applicability

a) This Subpart prescribes maximum setback zones for individual community water supply wells zone prohibitions and the applicable technology control regulations that apply under 35 Ill. Adm. Code 615 and 616 in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.

- b) The provisions of this Subpart apply to all properties located wholly or partially within the maximum setback zone boundaries of Marquette Heights, as delineated in Appendix A of this Part:
- 1) That are new potential primary sources of groundwater contamination pursuant to Section 14.3(d) of the Act; or
 - 2) That are existing or new activities regulated under 35 Ill. Adm. Code 615 or 616, excluding agrichemical facilities that affirmatively opt out of 35 Ill. Adm. Code 615 or 616, which are regulated instead under 8 Ill. Adm. Code 257 or 77 Ill. Adm. Code 830.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

Section 618.205 Marquette Heights' Maximum Setback Zone~~1,000 Foot Maximum Setback Zone Prohibition~~

~~The New potential primary sources of groundwater contamination are prohibited from locating wholly or partially within the~~ Marquette Heights' maximum setback zone is established ~~as boundaries~~ delineated in Appendix A of this Part.

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

Section 618.210 Fayette Water Company's Maximum Setback Zone

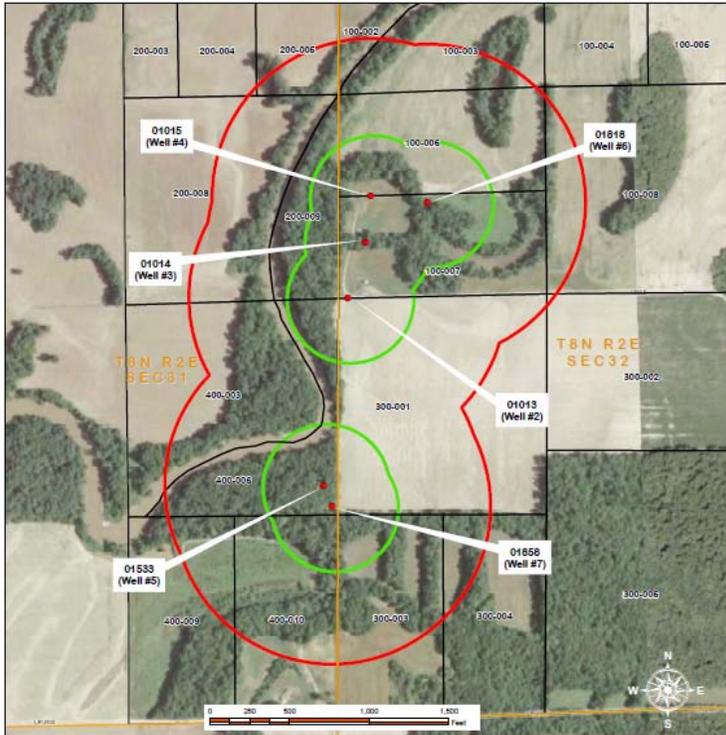
The Fayette Water Company's maximum setback zone is established as delineated in Appendix B of this Part.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 618.APPENDIX B Boundaries of Fayette Water Company's Maximum Setback Zone



**PROPOSED MAXIMUM SETBACK ZONE
FAYETTE WATER COMPANY (IL0510010)
T8N R2E 3TH PRINCIPAL MERIDIAN**

SECTION 31

Partially Contained	Wholly Contained
200 - 004	400 - 008
200 - 005	
200 - 008	
400 - 003	
400 - 006	
400 - 008	
400 - 009	
400 - 010	

SECTION 32

Partially Contained	Wholly Contained
100 - 002	100 - 007
100 - 003	
100 - 006	
100 - 008	
300 - 001	
300 - 002	
300 - 003	
300 - 004	

Legend

- Community Water Supply Wells
- CWS Wells Minimum Setback Zone
- Proposed Maximum Setback Zone
- Fayette County PINS
- Section Boundaries

SOURCE INFORMATION

Fayette County PINS obtained from the Fayette County Assessor's Office. Aerial photography obtained from Microsoft's Virtual Earth. Minimum and maximum setback zones, and CWS wells maintained by, and map compiled and created by the Illinois EPA, Division of Water Supplies, Groundwater Section.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 III. Adm. Code 300
- 3) Section Number: 300.20 Adopted Action:
Amended
- 4) Statutory Authority: Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3], and Public Act 96-1513
- 5) Effective Date of Amendment: March 5, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 27, 2011; 35 Ill. Reg. 8005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The only changes made are minor editing and formatting changes recommended by the Joint Committee on Administrative Rules. Those changes, and only those changes, have been made by the Department in the adopted rule.
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
300.20	Amend	35 Ill. Reg. 20962, December 30, 2011
300.30	Amend	35 Ill. Reg. 20962, December 30, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rule Amendment: The Department is amending the definition of relative in Part 300 to comply with Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act, which provides persons entering into a civil union with the same obligations, responsibilities, protections, and benefits as spouses under Illinois law.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
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The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section	
300.10	Purpose
300.20	Definitions
300.30	Reporting Child Abuse or Neglect to the Department
300.40	Content of Child Abuse or Neglect Reports
300.45	Five Year Demonstration of the Differential Response Program
300.50	Transmittal of Child Abuse or Neglect Reports
300.60	Special Types of Reports (Recodified)
300.70	Referrals to the Local Law Enforcement Agency and State's Attorney
300.80	Delegation of the Investigation
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300.100	Initial Investigation
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300.120	Taking Children into Temporary Protective Custody
300.130	Notices Whether Child Abuse or Neglect Occurred
300.140	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.150	Referral for Other Services
300.160	Special Types of Reports
300.170	Child Death Review Teams
300.180	Abandoned Newborn Infants
300.APPENDIX A	Acknowledgement of Mandated Reporter Status
300.APPENDIX B	Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985;

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amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003; peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005; amended at 33 Ill. Reg. 7862, effective June 15, 2009; amended at 34 Ill. Reg. 6373, effective May 1, 2010; amended at 35 Ill. Reg. 1599, effective January 15, 2011; amended at 35 Ill. Reg. 2861, effective February 8, 2011; amended at 36 Ill. Reg. 4026, effective March 5, 2012.

Section 300.20 Definitions

"Abandonment" means parental conduct that demonstrates the purpose of relinquishing all parental rights and claims to the child. Abandonment is also defined as any parental conduct that evinces a settled purpose to forego all parental duties and relinquish all parental claims to the child.

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child

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physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child;

inflicts excessive corporal punishment; or

commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child. [325 ILCS 5/3]

"Act" means the Abused and Neglected Child Reporting Act [325 ILCS 5].

"CANTS/SACWIS 8" or "C/S8" means the Department's document titled Notification of a Report of Suspected Child Abuse and/or Neglect. This document explains the Department's child abuse/neglect allegation investigation process.

"CANTS/SACWIS 9" or "C/S9" means the Department's document titled Notification of Intent to Indicate Child Care Worker for Report of Child Abuse and/or Neglect. This document is used to notify a person that the Department plans to indicate that person as a perpetrator of child abuse/neglect.

"CANTS/SACWIS 10" or "C/S10" means the Department's document titled Notice of Intent to Indicate a Child Care Worker for Report of Child Abuse and/or Neglect-Questions and Answers. This is an informational document explaining the impact of a determination of indicated child abuse/neglect and the appeal process.

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"CANTS/SACWIS 11" or "C/S11" means the Department's document titled Notification of Indicated Decision in an Employment Related Report of Suspected Child Abuse and/or Neglect. This is the document by which the Department notifies a person that the Department has determined that there is credible evidence that he or she is responsible for the child abuse or neglect described in that document.

"Caregiver" means the child's parents, guardian, custodian or relative with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services. [325 ILCS 5/3]

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Child care worker" means any person who is employed to work directly with children and any person who is an owner/operator of a child care facility, regardless of whether the facility is licensed by the Department. Child care facilities, for purposes of this definition, include child care institutions; child welfare agencies; day care/night care centers; day care/night care homes; day care/night care group day care homes; group homes; hospitals or health care facilities; schools, including school teachers and administrators, but not tenured school teachers or administrators who have other disciplinary processes available to them; and before and after school programs, recreational programs and summer camps. "Child care worker" also means persons employed as full-time nannies. A child care worker may, at his or her discretion, be subject to this Part if alleged to be responsible for child abuse or neglect outside of his or her employment. "Child care worker" includes a person: currently employed as a child care worker; currently enrolled in an academic program that leads to a position as a child care

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worker; or who has applied for a license required for a child care worker position. A person will be considered to be "employed as a child care worker" under this Part if, at the time of the notice of the investigation, he or she: has applied for, or will apply within 180 days for, a position as a child care worker; is enrolled in, or will commence within 180 days, an academic program that leads to a position as a child care worker; or has applied for a license as a child care worker.

"Child-placing agency" means a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster family home or other facility for child care, apart from the custody of the child's parents. [325 ILCS 2/10]

"Child Protective Service Unit" or "CPS" means certain specialized State employees of the Department assigned by the Director or his or her designee to perform the duties and responsibilities described under this Part. CPS staff is also referred to as investigative staff. [325 ILCS 5/3]

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"CPSW" means a Child Protective Service Worker.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the investigation of a report of child abuse or neglect has been deferred to another authority. The Department maintains responsibility for determining whether the report is indicated or unfounded, entering information about the report in the State Central Register and notifying the subjects of the report and mandated reporters of the results of the investigation.

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"Department" or "DCFS" means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded".

"DR Specialist" means a Differential Response Specialist as described in Section 300.45(e)(1).

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Ecomap" means a pictorial representation of family connections to different systems and community and other resources to identify significant people and/or systems around the family to illustrate the strengths, impact and quality of each connection. (Hartman, A., Diagrammatic Assessment of Family Relationships. Social Casework, 59, 465-476. (1978))

"Emergency medical facility" means a freestanding emergency center or trauma center, as defined in the Emergency Medical Services (EMS) Systems Act. [325 ILCS 2/10]

"Emergency medical professional" includes licensed physicians, and any emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, trauma nurse specialist, and pre-hospital RN, as defined in the Emergency Medical Services (EMS) Systems Act. [325 ILCS 2/10]

"Fire station" means a fire station within the State with at least one staff person. [325 ILCS 2/10]

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Those activities shall include: *an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such*

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report, the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report, in writing, of the existence of the report and their rights existing under the Act in regard to amendment or expungement. [325 ILCS 5/3]

"Genogram" means a pictorial representation of an individual's family relationships.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising a child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection [Criteria](#)) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Hospital" has the same meaning as in the Hospital Licensing Act [210 ILCS 85].

"Indicated report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Initial investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial oral report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved subject" means a child who is the alleged victim of child abuse or

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neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Legal custody" means the relationship created by a court order in the best interest of a newborn infant that imposes on the infant's custodian the responsibility of physical possession of the infant, the duty to protect, train, and discipline the infant, and the duty to provide the infant with food, shelter, education, and medical care, except as these are limited by parental rights and responsibilities. [312 ILCS 2/10]

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30 of this Part.

"Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs. [325 ILCS 5/3]

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, urine or meconium contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected

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or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because the parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, the child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to the child and his or her health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. [325 ILCS 5/3]

"Newborn infant" means a child who a licensed physician reasonably believes is 30 days old or less at the time the child is initially relinquished to a hospital, police station, fire station, or emergency medical facility, and who is not an abused or a neglected child. [325 ILCS 2/10]

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Person responsible for the child's welfare" means the child's parent, guardian, foster parent, relative caregiver, an operator, supervisor, or employee of a public or private residential agency or institution or public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy and volunteers or support personnel in any setting where children may be subject to abuse or neglect. [325 ILCS 5/3]

"Police station" means a municipal police station or a county sheriff's office. [315 ILCS 2/10]

"Private guardianship" means an individual person appointed by the court to

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assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt, or

is the spouse, [or party to a civil union](#), of such a relative, or

is the child's step-father, step-mother, or adult step-brother or step-sister. [or-](#)

[is the partner, or adult child of a partner, in a civil union with the child's mother or father.](#)

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 30 days old or less, to a hospital, police station, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving the new born infant at the hospital without expressing an intent to return for the infant or stating that she will not return for the infant is not a "relinquishment" under the Act. [325 ILCS 2/10]

"Strengthening and Supporting Families service period" means a level of service intervention that will average 90 days, but no more than 120 days.

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"State Central Register" is the record of child abuse and/or neglect reports maintained by the Department pursuant to the Act.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"SSF worker" means a Strengthening and Supporting Families worker.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours, excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

(Source: Amended at 36 Ill. Reg. 4026, effective March 5, 2012)

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- 1) Heading of the Part: Placement and Visitation Services
- 2) Code Citation: 89 III. Adm. Code 301
- 3) Section Number: 301.20 Adopted Action:
Amended
- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505]; the Child Care Act of 1969 [225 ILCS 10/5.2]; the Adoption Act [750 ILCS 50]; and the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75]
- 5) Effective Date of Amendment: March 5, 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 27, 2011; 35 Ill. Reg. 8018
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In addition to minor editing and formatting changes recommended by the Joint Committee on Administrative Rules, the only changes made are changes agreed upon by the agency and JCAR as memorialized in the agreement issued by JCAR. Those changes, and only those changes, have been made by the Department in the adopted rule.
- 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 Amendment: The Department is amending the definitions of relative and family in Part 301 to comply with Public Act 96-1513, the Illinois Religious

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Freedom Protection and Civil Union Act, which provides persons entering into a civil union with the same obligations, responsibilities, protections, and benefits as spouses under Illinois law.

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

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 301

PLACEMENT AND VISITATION SERVICES

Section

- 301.1 Purpose (Renumbered)
- 301.2 Definition (Repealed)
- 301.3 Foster Care Placement Goal (Renumbered)
- 301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section

- 301.10 Purpose
- 301.20 Definitions
- 301.30 Introduction
- 301.40 Legal Authority to Place
- 301.50 Emergency Placement
- 301.60 Placement Selection Criteria
- 301.70 Sibling Placement
- 301.80 Relative Home Placement
- 301.90 Foster Family Home Care
- 301.100 Residential Care
- 301.110 Care in a Medical/Psychiatric Facility
- 301.120 Sharing Appropriate Information with the Caregiver
- 301.130 Medical Examinations for Children in Placement
- 301.140 Education of Children While in Placement

SUBPART B: VISITATION SERVICES

Section

- 301.200 Purpose
- 301.210 Family-Child Visitation
- 301.220 Sibling Visitation
- 301.230 Contact Among Siblings Placed Apart
- 301.240 Grandparents Visitation

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SUBPART C: FOSTER CARE PLACEMENT GOAL

Section	Purpose
301.310	Purpose
301.320	Foster Care Placement Goal
301.330	Plans to Achieve This Goal

SUBPART D: FOSTER PARENT/RELATIVE CAREGIVER
IDENTIFYING INFORMATION

Section	Purpose
301.410	Purpose
301.420	Confidentiality of Foster Parent/Relative Caregiver Identifying Information
301.430	Routine Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.440	Specific Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.450	Specific Notice of Disclosure
301.460	Disclosure Prohibited
301.470	Redislosure Prohibited

301.APPENDIX A Criminal Convictions which Prevent Placement of Children with
Relatives

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 13580, effective October 1, 1997; amended at 23 Ill. Reg. 13062, effective October 20, 1999; emergency amendment at 24 Ill. Reg. 6427, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 25 Ill. Reg. 841, effective January 5, 2001; amended at 25 Ill. Reg. 11803, effective September 14, 2001; amended at 26 Ill. Reg. 11739, effective August 1, 2002; amended at 34 Ill. Reg. 7898, effective May 31, 2010; amended

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at 36 Ill. Reg. 2098, effective January 30, 2012; amended at 36 Ill. Reg. 4039, effective March 1, 2012.

SUBPART A: PLACEMENT SERVICES

Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 USC 675(1) and 20 ILCS 505/6a.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Human Services in 89 Ill. Adm. Code 111 (Assistance Standards).

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings", as used in this Part, means telephone and written communication among siblings who are placed apart from one another.

"Department" as used in this Part, means the Department of Children and Family Services.

"Diligent search", as used in this Part, means the efforts used by the Department to find a joint placement for siblings who must be placed apart from their families. Diligent search is further defined in Section 301.70(c) of this Part.

"Family" means one or more adults and children, related by blood, marriage, civil

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union, or adoption and residing in the same household.

"Father" means a man presumed to be the natural father of a child if:

- *he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;*
- *after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act;*
- *he and the child's natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of Healthcare and Family Services under Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-17.7] [750 ILCS 45/5]; or*
- *he and the child's mother have signed a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of the Act. (See Sections 5(a)(4) and 6 of the Act [750 ILCS 45/5(a)(4) and 6].)*

A man can rebut a presumption of paternity before a court of jurisdiction ~~[750 ILCS 45/5]~~. Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"Final placement decision" means the decision made by the Department, within 90 days after the initial placement of a child with a relative, to leave or remove the child in the relative home based on the evaluation of the results of the criminal background check of the relative and household members and based on the best interest of the child.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

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"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in Section 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in Section 301.80 must be met.

"Joint placement", in the context of sibling placement, means the siblings are placed in the same substitute care setting.

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent family placement" means placement in a foster family home or a relative home that is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Placement Clearance Process" means the approval of a child's placement in foster care or unlicensed relative care from the Placement Clearance Unit.

"Region" means Cook County or any of the downstate Department of Children

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and Family Services regions.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

- *is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt, or*
- *is the spouse, or party to a civil union, of such a relative, or*
- *is the child's step-father, step-mother, or adult step-brother or step-sister, or:*

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Residential facility", for the purposes of the Aristotle P. Consent Decree, means all non-foster care or relative home care placements.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children required by 42 USC 675(5), 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning).

"Short-term diagnostic placement" means a placement limited to 30 days after the time period deemed clinically necessary to complete the appropriate diagnostic evaluation or treatment, and in no event shall last more than 90 days.

"Siblings" means children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

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"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

"Visitation", as used in this Subpart, means face-to-face contact between parents and their children who are in substitute care or among siblings who are placed apart from one another.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 36 Ill. Reg. 4039, effective March 1, 2012)

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- 1) Heading of the Part: Services Delivered by the Department of Children and Family Services
- 2) Code Citation: 89 III. Adm. Code 302
- 3) Section Number: 302.20 Adopted Action:
Amended
- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505]; the Adoption Act [750 ILCS 50]; and the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75]
- 5) Effective Date of Amendment: March 5, 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 principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 27, 2011; 35 Ill. Reg. 8027
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In addition to minor editing and formatting changes recommended by the Joint Committee on Administrative Rules, the only changes made are those agreed upon by the agency and JCAR as memorialized in the agreement issued by JCAR. Those changes, and only those changes, have been made by the Department in the adopted rule.
- 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

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- 15) Summary and Purpose of Amendment: The Department is amending the definitions of relative and family in Part 302 to comply with Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act, which provides persons entering into a civil union with the same obligations, responsibilities, protections, and benefits as spouses under Illinois law. Also, a definition of "voluntary placement agreement" is added.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 302
SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services (Repealed)
302.305	Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible

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302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.365	Mental Health Services (Repealed)
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Behavioral Health Services
302.400	Successor Guardianship (Repealed)
302.405	Subsidized Guardianship Program
302.410	Subsidized Guardianship Program (KinGap)

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Purpose
302.510	Implementation of the Family Preservation Act
302.520	Types of Intensive Family Preservation Services
302.530	Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames

302.APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; the Adoption Act [750 ILCS 50]; and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June

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14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. 20354, effective November 30, 2005; amended at 30 Ill. Reg. 2323, effective February 2, 2006; amended at 32 Ill. Reg. 11611, effective July 10, 2008; emergency amendment at 33 Ill. Reg. 14310, effective October 1, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 3248, effective February 26, 2010; emergency amendment at 34 Ill. Reg. 13182, effective September 1, 2010, for a maximum of 150 days; emergency expired January 28, 2011; amended at 35 Ill. Reg. 2899, effective February 8, 2011; amended at 35 Ill. Reg. 8204, effective May 15, 2011; amended at 36 Ill. Reg. 4048, effective March 5, 2012.

SUBPART A: GENERAL PROVISIONS

Section 302.20 Definitions

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"Adoption assistance" or "adoption subsidy" means financial assistance from the Department that is provided to the adoptive parents after the finalization of an adoption.

"Adoption placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement the child must be placed in a licensed foster family home or a license-exempt relative home and either:

be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

"Child welfare services" means publicly funded social services that are directed toward the accomplishment of the following purposes:

protecting and promoting the health, safety and welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems ~~that~~which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems,

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and preventing breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children for whom the Department is legally responsible who are pregnant and unmarried; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are ~~persons with a developmental disability~~~~developmentally disabled~~, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

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who are siblings²⁵ in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, protective and family maintenance day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection, and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents has signed an adoptive surrender or voluntary placement agreement with the Department.

"Custodial Caregiver" means an individual with whom a child resides who is directly responsible for the day-to-day care of the child ensuring the child's safety and well-being.

"Department" means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood, marriage, [civil union](#), or adoption and residing in the same household.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Level of care" means one of the following types of substitute care that would be appropriate for the child, if placed in foster care: regular foster care, intensive foster care, or specialized foster care.

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"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education as required by law.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Pre-existing condition" means, for purposes of adoption assistance and subsidized guardianship, a disabling physical, emotional or mental health condition that the child had prior to the finalization of the adoption or transfer of guardianship. Such condition must be documented by a duly licensed or credentialed professional.

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined [in](#) this Section), great-uncle, or great-aunt; or

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is the spouse, or party to a civil union, of such relative; or

is the child's step-father, step-mother, or adult step-brother or step-sister;
or

is the partner, or adult child of a partner, in a civil union with the child's mother or father.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, where the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Service constellation" means a variety of services provided to a child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Siblings" means children in the custody or guardianship of the Department who have a shared biological or adoptive parent.

"Subsidized Guardianship Program" means a child welfare demonstration project that offers a financial subsidy to relative care or licensed foster home caregivers who are willing to assume private guardianship of children who are eligible for the program. The Subsidized Guardianship Program is further defined in Section 302.405 (Subsidized Guardianship).

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services that include placement.

(Source: Amended at 36 Ill. Reg. 4048, effective March 5, 2012)

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the same obligations, responsibilities, protections, and benefits as spouses under Illinois law.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 304

ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

Section

304.1	Purpose
304.2	Definitions
304.3	Introduction to Child Welfare Services
304.4	Eligibility for Child Welfare Services
304.5	Access to Child Welfare Services
304.6	Decision Concerning Case Opening

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/2 and 5/2.1]; Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20]; Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 USCA 671 (a) (14)).

SOURCE: Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. 9429, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10738, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1569, effective January 10, 1996; amended at 22 Ill. Reg. 18843, effective October 1, 1998; amended at 26 Ill. Reg. 11756, effective August 1, 2002; amended at 36 Ill. Reg. 4058, effective March 5, 2012.

Section 304.2 Definitions

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes

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death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961 as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child;~~or~~

inflicts excessive corporal punishment; or

commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child. [325 ILCS 5/3]

"Addicted ~~minor~~Minor" includes any minor who is an addict or an alcoholic as defined in the ~~Illinois~~ Alcoholism and Other Drug Abuse and Dependence Act [20 ILCS ~~301305/1-101-103~~].

"Adjudicated" as used in these rules means that the Juvenile Court has entered an order declaring that a child is neglected, dependent, a minor requiring authoritative intervention, a delinquent minor or an addicted minor.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

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"Child welfare services" means publicly funded social services ~~that~~^{which} are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems ~~that~~^{which} may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety ;

restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in Section 5(1-1) of the Act [20 ILCS 505/5(1-1)] so that permanency may occur at the earliest opportunity. Consideration should be given so that, if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

providing supportive services and living maintenance which contribute to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age

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and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, ~~or~~ in a licensed shelter facility or secure child care facility. The Department is not required to place or maintain children:

who are in a foster home;

who are persons with a developmental disability ~~developmentally disabled~~, as defined in the Mental Health and Developmental Disabilities Code;

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5]

"Delinquent minor" means a minor who before his or her 17th birthday violated or attempted to violate a Federal or State law or municipal ordinance. Delinquent minor is further defined in the Juvenile Court Act of 1987.

"Department client" means a child or a family who is receiving child welfare services either directly from the Department or through the Department's purchase of service providers.

"Dependent minor" means any minor under 18 years of age:

who is without a parent, guardian or legal custodian;

who is without proper care because of the physical or mental disability of his parent, guardian or custodian;

who is without proper medical or other remedial care recognized under State law or other care necessary for his or her well being through no fault, neglect or lack of concern by his parents, guardian or custodian, provided that no order may be made terminating parental rights, nor may a minor be removed from the custody of his or her parents for longer than 6 months, pursuant to an adjudication as a dependent minor under Section

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2-4(c) of the Juvenile Court Act of 1987, *unless it is found to be in his or her best interest by the court or the case automatically closes as provided under Section 2-31 of the Act; or*

who has a parent, guardian or legal custodian who with good cause wishes to be relieved of all residual parental rights and responsibilities, guardianship or custody, and who desires the appointment of a guardian of the person with power to consent to the adoption of the minor under Section 2-29 of the Act.

This definition does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parents, guardian or custodian or to a minor solely because his or her parent or guardian has left the minor for any period of time in the care of an adult relative. [705 ILCS 405/2-4]

"Family" means one or more adults and children, related by blood, marriage, [civil union](#) or adoption and residing in the same household.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the ~~relationship~~[relationship](#). If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code ~~301.60302-60~~ (Placement Selection [Criteria](#)) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest, concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards,

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unless the parent has arranged for the child's care in the home of a relative who is willing and capable of assuming responsibility for the child. In addition, a parent who is addicted to alcohol or who is a drug addict, as defined in Section 1-103 of the ~~Illinois~~ Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301305/1-101-103] and who has consistently failed to cooperate in a rehabilitation program for a period of at least six months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well being despite the parent's addiction.

"Minor requiring authoritative intervention" or Requiring Authoritative Intervention ("MRAI") means *any minor under 18 years of age:*

who is:

absent from home without consent of parent, guardian or custodian, or

beyond the control of his or her parent, guardian or custodian, or circumstances which constitute a substantial or immediate danger to the minor's physical safety; and

who, after being taken into limited custody for the period provided for in this Section and offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement.

Any minor taken into limited custody for the reasons specified in this Section may not be adjudicated an MRAI-a minor requiring authoritative intervention until the following number of days have elapsed from his or her having been taken into limited custody: 21 days for the first instance of being taken into limited custody and 5 days for the second, third, or fourth instances of being taken into limited custody. For the fifth or any subsequent instance of being taken into limited custody for the reasons specified in this Section, the minor may be adjudicated as requiring authoritative intervention without any specified period of time expiring after his or her being taken into limited custody, without the minor's being offered interim crisis intervention services and without the minor's being offered interim crisis intervention services, and without the minor's being afforded an opportunity to agree to an arrangement

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for an alternative voluntary residential placement. Notwithstanding any other provision of this Section, for the first instance in which a minor is taken into limited custody where one year has elapsed from the last instance of his having been taken into limited custody, the minor may not be adjudicated an MRA~~a minor requiring authoritative intervention~~ until 21 days have passed since being taken into limited custody. [705 ILCS 405/3-3]

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 [705 ILCS 405/3-5] and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or who is a newborn infant whose blood, urine or meconium contains any amount of controlled substance as defined in ~~subsection (f) of~~ Section 102(f) of the Illinois Controlled ~~Substances~~Substance Act or a ~~metabolite~~metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 5]. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial ~~care~~care under Section 4 of the Abused and Neglected Child Reporting Act. ~~When~~Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk

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of harm because ~~the~~such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, ~~the~~such child is subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to ~~the~~such child and his or her health needs, and, in such cases, spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for ~~such~~-necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. *A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code.* [325 ILCS 5/3]

"Purchase of services provider" means an agency or individual offering services to a Department client through a signed contract with the Department.

"~~Relative,~~" for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

- *is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt, or*
- *is the spouse, or party to a civil union, of such a relative, or*
- *is the child's step-father, step-mother, or adult step-brother or step-sister, or-*
is the partner, or adult child of a partner, in a civil union with the child's mother or father.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

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"Services delivered by the Department" means those social services provided either directly by Department of Children and Family Services staff or by purchase of service providers.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 36 Ill. Reg. 4058, effective March 5, 2012)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible
- 2) Code Citation: 89 Ill. Adm. Code 309
- 3) Section Number: 309.105 Adopted Action:
Amended
- 4) Statutory Authority: Section 5 of the Children and Family Services Act [20 ILCS 505/5] and the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75]
- 5) Effective Date of Amendment: March 5, 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 principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 27, 2011, 35 Ill. Reg. 8047
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The only changes made are minor editing and formatting changes recommended by the Joint Committee on Administrative Rules. Those changes, and only those changes, have been made by the Department in the adopted rule.
- 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 Amendment: The Department is amending the definition of who may adopt a child to include couples in a civil union in Part 309 to comply with Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act,

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which provides persons entering into a civil union with the same obligations, responsibilities, protections, and benefits as spouses under Illinois law.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 309
ADOPTION SERVICES FOR CHILDREN FOR WHOM THE DEPARTMENT OF
CHILDREN AND FAMILY SERVICES IS LEGALLY RESPONSIBLE

Section	
309.10	Purpose
309.20	Definitions
309.30	Recruitment of Adoptive Families
309.40	Adoption Listing Services
309.50	Identification of Children for Potential Adoption Planning
309.60	Legal Risk Placements
309.70	Freeing Children for Adoption
309.80	Termination of Parental Rights
309.90	Putative Father Registry
309.100	Preparation of Children for Adoption
309.105	Who May Adopt a Child
309.110	Preparation and Training of Adoptive Families
309.120	Preparation of the Child's Biological Parents
309.130	Placement Considerations
309.140	Placement of Children with Adoptive Families
309.150	Providing Information to Adoptive Families
309.160	Post-Placement Services
309.170	Post-Adoption Services
309.180	Adoption Assistance
309.190	Adoption Registry

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5], the Adoption Act [750 ILCS 50] and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq.; 45 CFR 1356.40 and 1356.41) and the Adoption and Safe Families Act (42 USC 1305).

SOURCE: Adopted at 22 Ill. Reg. 8769, effective May 15, 1998; amended at 23 Ill. Reg. 11098, effective September 16, 1999; amended at 25 Ill. Reg. 11778, effective September 14, 2001; amended at 26 Ill. Reg. 16449, effective October 23, 2002; emergency amendment at 30 Ill. Reg.

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17123, effective October 13, 2006, for a maximum of 150 days; emergency expired March 11, 2007; amended at 31 Ill. Reg. 8466, effective June 8, 2007; amended at 36 Ill. Reg. 4069, effective March 5, 2012.

Section 309.105 Who May Adopt a Child

- a) *Any of the following persons, who is under no legal disability (except the minority specified in subsection (a)(2)) and who has resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of an adoption proceeding, or any member of the armed forces of the United States who has been domiciled in the State of Illinois for 90 days, may institute such proceedings:*
- 1) *A reputable person of legal age and of either sex, provided that if such person is married, or a party to a civil union, and has not been living separate and apart from his or her spouse, or civil union partner, for 12 months or longer, his or her spouse shall be a party to the adoption proceeding, including a husband or wife desiring to adopt a child of the other spouse or a civil union partner desiring to adopt a child of the other partner, in all of which cases the adoption shall be by both spouses or civil union partners jointly;*
 - 2) *A minor, by leave of court upon good cause shown.*
- b) *The residence requirement specified in subsection (a) of this Section shall not apply to an adoption of a related child or to an adoption of a child placed by an agency. [750 ILCS 50/2]*

(Source: Amended at 36 Ill. Reg. 4069, effective March 5, 2012)

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- 1) Heading of the Part: Permanency Planning
- 2) Code Citation: 89 III. Adm. Code 315
- 3) Section Number: 315.20 Adopted Action:
Amended
- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Act [750 ILCS 50], Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75]
- 5) Effective Date of Amendment: March 5, 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 principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 27, 2011; 35 Ill. Reg. 8051
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The only changes made are minor editing and formatting changes recommended by the Joint Committee on Administrative Rules. Those changes, and only those changes, have been made by the Department in the adopted rule.
- 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 Department is amending the definition of relative in Part 315 to comply with Public Act 96-1513, the Illinois Religious Freedom

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Protection and Civil Union Act, which provides persons entering into a civil union with the same obligations, responsibilities, protections, and benefits as spouses under Illinois law.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: 217/524-1983

TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 315

PERMANENCY PLANNING

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section

- 315.10 Purpose
- 315.20 Definitions
- 315.30 Best Interests Health and Safety of the Child
- 315.40 Accountability
- 315.45 The Need for a Permanent Home
- 315.50 Reasonable Efforts/Reasonable Progress
- 315.60 The Child's Sense of Time
- 315.70 The Critical Decisions
- 315.80 Components of the Permanency Planning Process

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section

- 315.100 Assessment
- 315.110 Worker Interventions and Contacts
- 315.120 Family Meetings
- 315.130 Developing the Service Plan
- 315.140 Distributing the Service Plan
- 315.150 Revising the Service Plan
- 315.160 Case Reviews and Court Hearings

SUBPART C: SELECTING THE PERMANENCY GOAL

Section

- 315.200 Selection of the Permanency Goal
- 315.205 Return Home Within Five Months
- 315.210 Return Home Within One Year
- 315.215 Return Home Pending Status Hearing
- 315.220 Substitute Care Pending Court Determination on Termination of Parental Rights
- 315.225 Adoption
- 315.230 Guardianship

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315.235	Independence
315.240	Cannot Be Provided for in a Home Environment
315.245	Concurrent Planning
315.250	Applicability of Reunification Services

SUBPART D: EVALUATION AND DECISIONMAKING

Section	
315.300	Evaluating Whether Children in Placement Should Be Returned Home
315.305	When Reunification Is Inappropriate
315.310	Termination of Services and Planning for Aftercare

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980, section 475 of the Social Security Act (42 USC 675), the Juvenile Court Act of 1987 [705 ILCS 405], the Adoption Act [750 ILCS 50] and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20].

SOURCE: Adopted at 23 Ill. Reg. 2539, effective February 1, 1999; amended at 25 Ill. Reg. 11785, effective September 14, 2001; amended at 26 Ill. Reg. 7720, effective May 24, 2002; amended at 26 Ill. Reg. 11765, effective August 1, 2002; amended at 28 Ill. Reg. 8465, effective June 4, 2004; amended at 32 Ill. Reg. 8103, effective May 30, 2008; amended 35 Ill. Reg. 14934, effective September 1, 2011; amended at 36 Ill. Reg. 4073, effective March 5, 2012.

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section 315.20 Definitions

"Administrative case review" means a review of permanency planning open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review pursuant to ~~section~~Section 475 of the Social Security Act (42 ~~USC~~USCA 675). The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents as specified in ~~89 Ill. Adm. Code~~Section 316.60 (Administrative Case Reviews)-~~of 89 Ill. Adm. Code 316 (Case Reviews, Court Hearings and Permanency Hearings)~~.

"Best interest of the child" has been defined by law to include the following

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factors:

the physical safety and welfare of the child, including food, shelter, health, and clothing;

the development of the child's identity;

the child's background and ties, including familial and religious;

the child's sense of attachments, including:

where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

the child's sense of security;

the child's sense of familiarity;

continuity of affection for the child;

the least disruptive placement alternative for the child;

the child's wishes and long-term goals;

the child's community ties, including church, school, and friends;

the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

the uniqueness of every family and child;

the risks attendant to entering and being in substitute care; and

the preferences of the persons available to care for the child. [705 ILCS 405/1-3]

"Children for whom the Department is legally responsible" means children for

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whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Client service plan" means a written plan on a form prescribed by the Department that guides all participants in the plan of intervention toward the permanency goals for the children.

"Concurrent planning" means a process whereby the Department or its service provider works toward family reunification with a family whose children has been removed from the home while, at the same time, developing an alternative plan, if reunification with the family cannot be attained.

"Family" means one or more adults and children, related by blood, marriage, [civil union](#), or adoption and residing in the same household.

"Father" means a *man presumed to be the natural father of a child if:*

he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;

after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act;

he and the natural mother have signed an acknowledgment of paternity in accordance with 89 Ill. Adm. Code 160 (Child Support Enforcement);

he and the child's mother have signed a petition to establish the parent and child relationship by consent of the parties in accordance with Section 6 of the Illinois Parentage Act of 1984.

A man can rebut a presumption of paternity before a court of jurisdiction.
[750 ILCS 45/5] Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Godparent" is a person who sponsors a child at baptism or one in whom the

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parents have entrusted a special duty that includes assisting the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code ~~301.60302.60~~ (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"Guardian" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/~~Art.~~Article XI].

"Individual Treatment Plan" ~~or ("ITP")~~ or "Treatment Plan" as defined in 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services) means a written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services and the planned interventions for achieving these goals.

"Individualized Education Plan/Program" ~~or ("IEP")~~ means the document prepared by the local school district, as a result of a Multi-disciplinary Conference, that identifies the specific special education services that will be provided to the child. The IEP also includes education goals, services, frequency, quantity and duration. IEP is further defined in 23 Ill. Adm. Code 226 (Special Education).

"Individualized Family Service Plan" ~~or ("IFSP")~~ means a written working document developed for each child in order to facilitate the provisions of Early Intervention (EI) services. The IFSP is created by the family, an inter-disciplinary team, the core EI agency, and the case manager (service coordinator). The EI agency is responsible for coordinating the IFSP implementation.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare is able and willing to ensure that a child is healthy and safe,

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which includes ensuring that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education required by law.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or by a court of law.

"Rehabilitative services plan" means a written plan developed in accordance with 59 Ill. Adm. Code 132.155 (Medicaid Community Mental Health Services), which includes identification of the problems to be addressed, the rehabilitative services to be provided and the outcomes to be achieved for eligible clients served by the Department pursuant to the Abused and Neglected Child Reporting Act, the Children and Family Services Act or the Juvenile Court Act of 1987.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood~~-or~~, adoption, marriage, or civil union: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section~~above~~), great-uncle, or great-aunt, or

is the spouse, or party to a civil union, of such a relative, or

is the child's step-father, step-mother, or adult step-brother or step-sister through a current marriage, or

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is the partner, or adult child of a partner, in a civil union with the child's mother or father.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Service termination planning" means service planning that starts with the first contact with the family and ~~that~~^{which} focuses on providing a smooth transition from Department guardianship or custody. It includes the receipt of child welfare services to discharge from guardianship or custody and the termination of Department funded services.

"Substitute care" means the care of children who require placement away from their families or private guardians. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301 (Placement and Visitation Services), Section 301.80 (Relative Home Placement), care provided in a group home, care provided in a maternity center or a child care, mental health or other institution, and care provided in an independent living arrangement.

"Termination of parental rights" means a court order that relieves the legal parents of parental responsibility for the child and revokes all legal rights with respect to the child. The termination order also frees the child from all obligations of maintenance and obedience with respect to the legal parents.

(Source: Amended at 36 Ill. Reg. 4073, effective March 5, 2012)

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- 15) Summary and Purpose of Amendment: The Department is amending the definition of family in Part 316 to comply with Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act, which provides persons entering into a civil union with the same obligations, responsibilities, protections, and benefits as spouses under Illinois law.
- 16) Information and questions regarding this rulemaking shall be directed to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 316

ADMINISTRATIVE CASE REVIEWS AND COURT HEARINGS

Section

316.10	Purpose
316.20	Definitions
316.30	Administrative Case Review System
316.40	Frequency of Administrative Case Reviews
316.50	Conduct and Participation at Administrative Case Reviews
316.60	Notice of Administrative Case Reviews
316.70	Roles and Responsibilities of the Administrative Case Reviewer
316.80	Caseworker Responsibilities at the Administrative Case Review
316.90	Decision Review
316.100	Appealability of Decisions
316.110	The Department's Role in the Juvenile Court
316.120	Permanency Hearings
316.130	Caseworker Responsibilities at the Permanency Hearing
316.140	Compliance with the Client Service Planning Requirements

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USC 675), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5], Section 1 of the Adoption Act [750 ILCS 50/1] and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20].

SOURCE: Adopted at 23 Ill. Reg. 2528, effective February 1, 1999; amended at 26 Ill. Reg. 16909, effective November 8, 2002; amended at 35 Ill. Reg. 14942, effective September 1, 2011; amended at 36 Ill. Reg. 4082, effective March 5, 2012.

Section 316.20 Definitions

"Administrative case review" means a review of permanency planning open to the participation of the parents of the child, conducted by a person who is not responsible for the case management of, or the delivery of services to, either the

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child or the parents who are the subjects of the review. (See 42 USCUSCA 675(6)). The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents as specified in Section 316.50 (Conduct and Participation at Administrative Case Reviews).

"Administrative case reviewer" means a trained professional who is not responsible for the case management of, or delivery of services to, either the child or the parents who are the subjects of the review.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Family" means one or more adults and children, related by blood, marriage, civil union, or adoption and residing in the same household.

"Parents" means the child's legal parents, including adoptive parents, whose rights have not been terminated. Biological fathers are considered legal parents when paternity has been established as required by the definition in Permanency Planning (89 Ill. Adm. Code 315.20).

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Service plan" means a written plan on a form prescribed by the Department that guides all participants in the plan toward the permanency goals for the children.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301.80 (Relative Home Placement), care provided in a group home, and care provided in a child care or other institution.

(Source: Amended at 36 Ill. Reg. 4082, effective March 5, 2012)

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- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
402.2	Amended
402.4	Amended
402.12	Amended
402.21	Amended
402.27	Amended
402.29	Amended
- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10/5.2] and the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75]
- 5) Effective Date of Amendments: March 5, 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 27, 2011; 35 Ill. Reg. 8064
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In addition to minor editing and formatting changes recommended by the Joint Committee on Administrative Rules, the Department changed the proposed amendment in Section 402.29 to ensure that non-safety related waivers are in the best interest of the child and deleted the proposed amended language regarding waivers from Section 402.1(b) and Section 402.12(p) that stated "On a case-by-case basis, the Director or designee may waive non-safety related licensing standards that may impede or prevent licensure for relatives".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Department is amending Part 402 by changing the definition of relative, clarifying that parties in a civil union may be jointly licensed, and requiring a new application if a licensee's civil union is dissolved. This is to comply with Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act, which provides persons entering into a civil union with the same obligations, responsibilities, protections, and benefits as spouses under Illinois law.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: 217/524-1983

TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402

LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section

402.1	Purpose
402.2	Definitions
402.3	Effective Date of Standards (Repealed)
402.4	Application for License
402.5	Application for Renewal of License
402.6	Provisions Pertaining to Permits
402.7	Provisions Pertaining to the License
402.8	General Requirements for the Foster Home
402.9	Requirements for Sleeping Arrangements
402.10	Nutrition and Meals
402.11	Business and Employment of Foster Family
402.12	Qualifications of Foster Parents
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402.15	Number and Ages of Children Served
402.16	Meeting Basic Needs of Children
402.17	Health Care of Children
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402.19	Recreation and Leisure Time
402.20	Education
402.21	Discipline of Children
402.22	Emergency Care of Children
402.23	Release of Children
402.24	Confidentiality of Information
402.25	Required Written Consents
402.26	Records to be Maintained
402.27	Licensing Supervision
402.28	Adoptive Homes
402.29	Director's Waivers
402.30	Severability of This Part
402.APPENDIX A	Criminal Convictions That Prevent Licensure

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402.APPENDIX B	Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care
402.APPENDIX C	Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 33 Ill. Reg. 11441, effective August 1, 2009; amended at 36 Ill. Reg. 4086, effective March 5, 2012.

Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

- be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

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- be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Smoke Detector Act [425 ILCS 60/2])

"Approved in-service training" means:

- Foster PRIDE module or other Department approved training;
- foster parent conferences sponsored by the Department;
- other conferences approved by the Department;
- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York NY 10018;
- materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;
- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or
- other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

"Background check" means:

Individuals 17 years of age or older:

- a criminal history check via fingerprints that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI)

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for comparison to their criminal history records, as appropriate;
and

Individuals 13 years of age or older:

- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System, which has been replaced by SACWIS .

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act. [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints obtained through an electronic or ink printing process that were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means *a completed written*

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application form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.
[225 ILCS 10/4]

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain.

"Department" means the Illinois Department of Children and Family Services.
[225 ILCS 10/2.02]

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive

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placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code [301.60302.60](#) (Placement Selection [Criteria](#)) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"In-service training" means approved training provided to currently licensed foster parents.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act)

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

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"Licensing representative" means persons authorized by the Department under the Child Care Act to perform licensing activities.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"*Minor traffic violation*" means a traffic violation under the laws of the State of Illinois or any municipal authority in Illinois~~herein~~ or another state or municipal authority which is punishable solely by fines as a petty offense. [625 ILCS 5/6-601]

"Multi-purpose room" means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the Department or supervising agency.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individuals to become eligible for an initial foster family home license.

"*Petty offense*" means any offense for which a sentence to a fine only is provided. [730 ILCS 5/5-1-17]

"*Relative*", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the

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parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle or great-aunt, or
- *is the spouse, or party to a civil union, of such a relative, or*
- *is the child's step-father, step-mother, or adult step-brother or step-sister, or*
- *is the partner, or adult child of a partner, in a civil union with the child's mother or father.*

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. Respite foster care is provided to foster children in order to give the full-time caregivers a rest from caregiving responsibilities.

"Responsible" means trustworthy performance of expected duties that serves the best interests of the foster children as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that replaced the Child Abuse and Neglect Tracking System (CANTS).

"Specialized care" means care provided to a child who has developmental,

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emotional, behavioral, or medical needs and who has been determined to require specialized care. The need for specialized care shall be redetermined once every six months.

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

Section 402.4 Application for License

- a) Application for license as a foster family home shall be completed, signed by the foster parent applicants, and filed with the Department of Children and Family Services by the supervising agency on forms prescribed by the Department. Applications submitted to the Department after July 1, 1995 shall be a complete application for a foster family home license, as defined in Section 402.2. Any relative who receives a child or children for placement on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of the Child Care Act of 1969 [225 ILCS 10/2.17].
- b) When a contractor with the Department or an employee of the State of Illinois seeks to become licensed as a foster family home, the study to determine compliance with licensing standards shall be provided by a licensed child welfare agency other than the Department and by persons who have no significant working relationship or personal relationship with the contractor or State employee. If the license is granted, the contractor or State employee may continue his or her contract or employment while operating the foster family home. The contractor's or employee's foster family home shall be supervised, monitored, licensed and evaluated by a licensed child welfare agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The contractor or employee shall consult with appropriate contract monitors and/or supervisors to make sure his or her official duties do not involve any interaction with the licensed child welfare

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agency responsible for supervising, monitoring, licensing, or evaluating the foster family home of the contractor or employee. When a foster parent contracted by the Department to provide support services to other foster parents chooses not to be supervised and monitored by a private agency, the foster parent may be licensed by the Department only when licensing and supervision is provided from Department staff in a region outside the contracted foster parent's region of residence and service provision.

- c) As part of the application, each foster family home applicant and adult member of the household shall authorize background checks in accordance with 89 Ill. Adm. Code 385 (Background Checks) and shall submit to fingerprinting to determine if the individual has ever been charged with a crime, and if so, the disposition of the charges. In addition, members of the household ages 13 through 17 must authorize a check of CANTS and the Child Sex Offender Registry.
- d) The supervising agency shall study each foster home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a qualified licensing representative and shall be reviewed and approved by the assigned supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards. The study shall be in writing and shall be signed by the licensing representative performing the study and by the assigned supervisor. When the application for a license is denied, the supervising agency shall advise the applicant in writing of the reasons for the denial.
- e) A new application shall be filed when any of the following occurs:
 - 1) when an application for license has been withdrawn, and the licensee or agency seeks to reapply; or
 - 2) when there is a change in the name of the licensee, the address of the foster home or the supervising agency; or
 - 3) when there is a change in the status of joint licensees, such as marriage, [entering into a civil union](#), separation, divorce, [dissolving a civil union](#), or death; or
 - 4) not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.

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- f) A new application may be submitted at any time, including following the denial of an application for license, except that when a license has been revoked or the Department has refused to renew a license, the licensee may not reapply for licensure as a foster family home for a period of one year after revocation or refusal to renew.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

Section 402.12 Qualifications of Foster Family

- a) The licensees shall be either a single person or [two persons in a marriage or civil union with a man and woman married to](#) each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.
- b) An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The foster family is responsible for reporting to the supervising agency that an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure. The individual will be subject to the same requirements as other members of the household, such as health certification and background checks as required in 89 Ill. Adm. Code 385 (Background Checks). The license capacity will be redetermined based on the new family composition.
- c) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.
- d) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following:
- 1) the foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
 - 2) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent's own children under age

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18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;

- 3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;
 - 4) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs, and behaviors of the children who may be placed in the foster family home; and
 - 5) the number of foster parents in the home and the availability and experience of child care assistants.
- e) All members of the household age 13 and older (except for foster children) shall have passed the background check required by 89 Ill. Adm. Code 385 (Background Checks).
 - f) Foster parents shall accept agency supervision.
 - g) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.
 - h) Foster home applicants shall provide the names and addresses of at least three persons who are not related to them who can attest that the applicants are of reputable and responsible moral character.
 - i) Unless parental rights have been terminated, foster parents shall respect and support a child's ties to his or her biological family and shall cooperate with the supervising agency and the service plan for the child and his/her family.
 - j) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.
 - k) As a condition of initial licensure, each foster parent shall complete Pre-licensure Foster PRIDE/Adopt PRIDE Training or an equivalent pre-licensure foster parent training that has been approved by the Department.

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- l) As a condition of fostering unrelated children in a licensed foster home, each foster parent shall complete Pre-placement Foster PRIDE/Adopt PRIDE Training or an equivalent pre-placement foster parent training that has been approved by the Department.
- m) In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-service training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple, or couple in a civil union, has completed educational advocacy training by the Department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.
- n) An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.
- o) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether foster children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The statement shall be updated to reflect any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

Section 402.21 Discipline of Children

- a) Discipline shall be appropriate to the developmental age of the child, related to

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the child's act, and shall not be out of proportion to the particular inappropriate behavior. Discipline shall be handled without prolonged delay.

- b) The foster parent shall be responsible for the discipline of the child. Discipline shall never be delegated to a child's peer or peers, nor to persons who are strangers to the child.
- c) No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about him or her or his or her family.
- d) No child shall be deprived of a meal or part of a meal as punishment.
- e) No child shall be deprived of visits with family or other persons who have established a parenting bond with the child~~him~~. [Cancellation of arranged visits as a form of discipline is prohibited.](#)
- f) No child shall be deprived of clothing or sleep as punishment.
- g) A child may be restricted to an unlocked bedroom for a reasonable period of time. While restricted, the child shall have full access to sanitary facilities.
- h) A child may be temporarily restrained by a person physically holding the child if the child poses a danger to himself or to others.
- i) The personal spending money of a child may be used as a constructive disciplinary measure to teach the child about responsibility and the consequences of his behavior. However, no more than 50% of the child's monthly personal spending money shall be withheld for any reason.
 - 1) Withholding a child's monthly personal spending money shall occur only under the following circumstances:
 - A) for reasonable restitution for damages done by the child; or
 - B) for breaking the family's rules if the child has been given an oral warning that his spending money will be reduced for this infraction.
 - 2) When a child's spending money has been reduced because he has broken a

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rule, the foster parent shall keep the withheld money for the child and shall not use it for any reason. The foster parent shall give the child opportunities to earn the money back and shall explain to the child how the spending money can be restored.

- j) Special or additional chores may be assigned as a disciplinary measure.
- k) Privileges may be temporarily removed as a disciplinary measure.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

Section 402.27 Licensing Supervision

Foster parents shall cooperate with the supervising agency to assure continuing compliance with licensing requirements. Each licensed facility, except those in non-active status, supervised by the Department or a private child welfare agency shall be visited by the licensing worker of the Department or the agency at least semiannually to ensure that the standards for licensing continue to be met.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

Section 402.29 Director's Waivers

- a) On a case-by-case basis, the Director or designee may waive non-safety related licensing standards that may impede or prevent licensure for relatives. Such waivers shall be for specific children in care and shall be in the best interest of those children.
- b) Unless prohibited by law, the Director of the Department may waive, or may conditionally waive, any requirement under this Part, if doing so is in the best interest of the foster children. Waivers from the Director shall be in writing. Written notification of any waiver under this Section, with an explanation of the waived provision and the basis for the best interest determination, shall be sent to the child's parents, unless their parental rights have been terminated, the State's Attorney, and the child's attorney.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 406
- 3) Section Number: 406.2 Adopted Action:
Amended
- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10/5.2] and the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75]
- 5) Effective Date of Amendment: March 5, 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 principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 27, 2011; 35 Ill. Reg. 8082
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The only changes made are minor editing and formatting changes recommended by the Joint Committee on Administrative Rules. Those changes, and only those changes, have been made by the Department in the adopted rule.
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
406.2	Amend	35 Ill. Reg. 17491, December 19, 2011
406.4	Amend	35 Ill. Reg. 17491, December 19, 2011
406.6	Amend	35 Ill. Reg. 17491, December 19, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

406.9 Amend 35 Ill. Reg. 17491, December 19, 2011

- 15) Summary and Purpose of Amendment: The Department is amending the definition of related in Part 406 to comply with Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act, which provides persons entering into a civil union with the same obligations, responsibilities, protections, and benefits as spouses under Illinois law.
- 16) Information and questions regarding this rulemaking shall be directed to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: 217/524-1983

TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section

406.1	Purpose
406.2	Definitions
406.3	Effective Date of Standards (Repealed)
406.4	Application for License
406.5	Application for Renewal of License
406.6	Provisions Pertaining to the License
406.7	Provisions Pertaining to Permits
406.8	General Requirements for Day Care Homes
406.9	Characteristics and Qualifications of the Day Care Family
406.10	Qualifications for Assistants
406.11	Substitutes
406.12	Admission and Discharge Procedures
406.13	Number and Ages of Children Served
406.14	Health, Medical Care and Safety
406.15	Discipline of Children
406.16	Activity Requirements
406.17	Nutrition and Meals
406.18	Transportation of Children By Day Care Home
406.19	Swimming
406.20	Children with Special Needs
406.21	School Age Children
406.22	Children Under 30 Months of Age
406.23	Night Care
406.24	Records and Reports
406.25	Confidentiality of Records and Information
406.26	Cooperation with the Department
406.27	Severability of This Part
406.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
406.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
406.APPENDIX C	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home

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- 406.APPENDIX D Pre-Service and In-Service Training
406.APPENDIX E List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2], Section 5 of the Missing Children Records Act [325 ILCS 50/5] and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20].

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days; emergency expired on January 26, 2003; amended at 27 Ill. Reg. 19180, effective December 15, 2003; amended at 30 Ill. Reg. 18280, effective November 13, 2006; amended at 32 Ill. Reg. 9137, effective June 20, 2008; amended at 34 Ill. Reg. 18358, effective December 15, 2010; amended at 36 Ill. Reg. 4103, effective March 5, 2012.

Section 406.2 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Adult" means any person who is 18 years of age or older.

"Applicant" means a person living in the residence to be licensed who will be the primary caregiver in the day care home.

"Approved smoke detector" or "detector" means a smoke detector of the

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ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the day care home.

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and
- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

"Basement" means the story below the street floor where occupants must traverse a full set of stairs, 8 or more risers, to access the street floor.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

"Caregiver" means the individual directly responsible for child care.

"Children with special needs" means children who exhibit one or more of the following characteristics, confirmed by clinical evaluation:

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- Visual impairment: the child's visual impairment is such that development to full potential without special services cannot be achieved.
- Hearing impairment: the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited that prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.
- Physical or health impairment: the child exhibits a physical or health impairment that requires adaptation of the physical plant.
- Speech and/or language impairment: the child exhibits deviations of speech and/or language processes that are outside the range of acceptable variation within a given environment and prevent full social development.
- Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.
- Behavioral disability: the child exhibits an effective disability and/or maladaptive behavior that significantly interferes with learning and/or social functioning.
- Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

"Consultants" means those individuals providing technical assistance or advice regarding any aspect of the operation of the day care home.

"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

"Corporal punishment" means hitting, spanking, swatting, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other

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measures that produce physical pain.

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient, fire retardant, sanitizable fabric that is on legs or otherwise above the floor and can be stored to allow for air flow.

"Day care homes" means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The maximum of 12 children includes the family's natural, foster, or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of ¼ cup household liquid chlorine bleach added to one gallon of water (or one tablespoon bleach to one quart water) and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects. A weaker solution of 1 tablespoon bleach to 1 gallon of cool water is effective for use on toys, eating utensils, etc. Commercial products may also be used.

"Family home" or "family residence" means the location or portion of a location where the applicant and his or her family reside, and may include basements and attics. It does not include other structures that are separate from the home but are considered part of the overall premises, such as adjacent apartments, unattached basements in multi-unit buildings, unattached garages, and other unattached buildings.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any surface that is not above or below the ground.

"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ILCS 10/2.03])

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"Infant" means a child through 12 months of age.

"Initial background check" means fingerprints have been obtained for a criminal history check, and the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) and the Illinois Sex Offender Registry.

"License" means a document issued by the Department that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant", for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969 [225 ILCS 10/4.4])

"License study" means the review of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the number of children the Department has determined the day care home can care for at any one time in addition to any children living in the home who are under the age of 12 years. Children age 12 and over on the premises are not considered in determining licensed capacity.

"Licensing representative" means a person authorized by the Department under Section 5 of the Child Care Act of 1969 to examine facilities for licensure.

"Licensing year" often called the anniversary year, means the period of time from the date a day care home license is issued until the same date of the following year.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of

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Illinois or any municipal authority ~~in Illinois~~ ~~therein~~ or another state or municipal authority that is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"Parents", as used in this Part, means those persons assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a 2-month period to allow the individuals to become eligible for a license.

"Person" means any individual, group of persons, agency, association, or organization.

"Persons subject to background checks" means:

- the operators of the child care facility;
- all current and conditional employees of the child care facility;
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in this Section.

If the child care facility operates in a family home, the license applicants and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Premises" means the location of the day care home wherein the family resides and includes the attached yard, garage, basement and any other outbuildings.

"Preschool age" means children under 5 years of age and children 5 years old who do not attend full day kindergarten.

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"Program" means all activities provided for the children during their hours of attendance in the day care home.

"Protected exit from a basement" means an exit that is separated from the remainder of the day care home by barriers (such as walls, floors, or solid doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

"*Related*" means any of the following relationships by blood, marriage, [civil union](#), or adoption: parent, grandparent, sibling, great-grandparent, great-uncle, great-aunt, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, or first cousin. (Section 2.04 of the Child Care Act of 1969 [225 ILCS 10/2.04])

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that is replacing the Child Abuse and Neglect Tracking System (CANTS).

"School age" means children from 6 to 12 years of age and 5 year olds who are in full-day kindergarten.

"Special use areas" means areas of the home that may not be included in the measurements of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Story" means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Street floor" means a story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than 4 risers above or below the ground level and arranged and utilized to qualify as the main floor.

"Substantiated violation" means that the licensing representative has determined, during a licensing complaint investigation or a monitoring or renewal visit, that the licensee has violated a licensing standard of this Part or the Child Care Act.

"Supervising agency", as used in this Part, means a licensed child welfare agency,

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a licensed day care agency, or the Department.

"Swimming pool" means any natural or artificial basin of water intended for public swimming or recreational bathing that exceeds 2'6" in depth as specified in the Illinois Swimming Pool and Bathing Beach Code (77 Ill. Adm. Code 820). The term includes bathing beaches and pools at private clubs, health clubs, or private residences when used for children enrolled in a child care facility.

"Wading pool" means any natural or artificial basin of water less than 2'6" in depth that is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than 2'6" in depth in swimming pools that are designated primarily for children.

(Source: Amended at 36 Ill. Reg. 4103, effective March 5, 2012)

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408.35 Amend 35 Ill. Reg. 17541; December 19, 2011

- 15) Summary and Purpose of Amendment: The Department is amending provisions pertaining to the license to include couples in a civil union as licensees in Part 408 to comply with Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act, which provides persons entering into a civil union with the same obligations, responsibilities, protections, and benefits as spouses under Illinois law.
- 16) Information and questions regarding this rulemaking shall be directed to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section

408.1	Purpose
408.5	Definitions
408.7	Effective Date of Standards (Repealed)
408.10	Application For License
408.15	Application for Renewal of License
408.20	Provisions Pertaining to the License
408.25	Provisions Pertaining to Permits
408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregivers
408.50	Child Care Assistants
408.55	Substitutes
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health, Medical Care and Safety
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
408.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
408.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age

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408.APPENDIX C	Minimum Equipment and Supplies – Preschool Programs
408.APPENDIX D	Minimum Equipment and Supplies – Infant and Toddler Programs
408.APPENDIX E	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
408.APPENDIX F	Early Childhood Teacher Credentialing Programs
408.APPENDIX G	Pre-Service and In-Service Training
408.APPENDIX H	Chart of Number and Ages of Children Served
408.APPENDIX I	List of Items for Fire Safety Inspection

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2], Section 5 of the Missing Children Records Act [325 ILCS 50/5] and Section 20 of the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75/20].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003; amended at 30 Ill. Reg. 18310, effective November 13, 2006; amended at 32 Ill. Reg. 9164, effective June 20, 2008; amended at 34 Ill. Reg. 18411, effective December 15, 2010; amended at 36 Ill. Reg. 4114, effective March 5, 2012.

Section 408.20 Provisions Pertaining to the License

- a) The licensees shall be a primary caregiver or caregivers who reside in the family home and meet the requirements of this Part. Further, the licensees shall be an individual, two individuals in a marriage or civil union with a man and woman married to each other or 2 persons related by blood, marriage, civil union, or adoption who reside in the family home.
- b) A group day care home license is valid for three years unless revoked by the Department or voluntarily surrendered by the licensee.
- c) The number and ages of children under age 12 cared for in the group day care

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home at any one time shall be in compliance with provisions in Section 408.65. Increases in the license capacity or the ages of children served shall be with written approval of the supervising agency.

- d) The age limits specified on the license shall be observed, unless the licensee has submitted a transition plan to the Department in accordance with Section 408.65(e) in order to keep members of a sibling group together, and the Department has approved the plan.
- e) Child care may be provided only in those areas specified on the license.
- f) The license is valid only for the family residence of the licensee and shall not be transferred to another person or other legal entity.
- g) The license shall not be valid for a name or an address other than the name and address on the license.
- h) No group day care home provider shall be licensed to provide care for more than 18 hours within a 24-hour period.
- i) The license shall be prominently displayed in the home at all times.
- j) There shall be no fee or charge for the license.

(Source: Amended at 36 Ill. Reg. 4114, effective March 5, 2012)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Rights and Responsibilities
- 2) Code Citation: 89 Ill. Adm. Code 102
- 3) Section Number: 102.210 Adopted Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: March 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 15, 2011; 35 Ill. Reg. 11094
- 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? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The amendment is necessary to comply with the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA). The rulemaking exempts from estate recovery medical assistance provided toward Medicare cost-sharing expenses on or after January 1, 2010.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jeanette Badrov

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

| CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES~~PUBLIC AID~~
SUBCHAPTER a: GENERAL PROVISIONS

PART 102

RIGHTS AND RESPONSIBILITIES

Section

102.1	Incorporation by Reference
102.10	Rights of Clients
102.20	Nondiscrimination
102.21	Voter Registration
102.25	Grievance Rights of Clients
102.30	Confidentiality of Case Information
102.35	Case Records
102.40	Freedom of Choice
102.50	Reporting Change of Circumstances
102.60	Referral Requirements
102.63	Reporting Child Abuse/Neglect
102.66	Suitability of Home
102.70	Notice to Client
102.80	Right to Appeal
102.81	Continuation of Assistance Pending Appeal
102.82	Time Limit for Filing an Appeal
102.83	Examining Department Records
102.84	Child Care
102.90	Voluntary Repayment of Assistance
102.100	Excess Assistance (Recodified)
102.110	Recoupment of Overpayments (Recodified)
102.120	Correction of Underpayments
102.200	Recovery of Assistance
102.210	Estate Claims
102.220	Real Property Liens
102.230	Filing and Renewal of Liens
102.235	Liens on Property of Institutionalized Recipients
102.240	Foreclosure of Liens
102.250	Release of Liens
102.260	Personal Injury Claims
102.270	Convictions of Fraud – Eligibility

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

102.280 Single Conviction of Fraud – Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. XI and 12-13] implementing and authorized by Executive Order 2005-3, effective July 1, 2005.

SOURCE: Filed and effective December 31, 1977; preemptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978; amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective January 26, 1995; emergency amendment at 19 Ill. Reg. 12320, effective August 14, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 883, effective December 29, 1995; amended at 21 Ill. Reg. 619, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 4037, effective March 14, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7438, effective June 1, 1997; amended at 21 Ill. Reg. 11955, effective August 13, 1997; amended at 24 Ill. Reg. 10294, effective July 1, 2000; amended at 25 Ill. Reg. 16111, effective December 1, 2001; amended at 35 Ill. Reg. 14486, effective August 12, 2011; amended at 36 Ill. Reg. 4119, effective March 1, 2012.

Section 102.210 Estate Claims

- a) Definitions in this Section are as follows:

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- 1) "Estate" – all real and personal property within an individual's estate as provided in Illinois probate law. For a decedent who received benefits under a qualified long term care insurance policy in connection with which assets were disregarded (see subsection (f), the term "estate" includes all real and personal property in which the individual had legal title or interest at the time of death (to the extent of ~~that~~ interest), including assets conveyed to a survivor, heir or assignee of the deceased person through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement.
 - 2) "Beneficiary" – any person nominated in a will to receive an interest in property other than in a fiduciary capacity.
 - 3) "Heir" – any person entitled under the statutes to an interest in property of a decedent.
- b) The Department's claim against the estate of a deceased recipient or against the estate of the recipient's deceased spouse, regardless of the order of death, shall encompass:
- 1) All income maintenance assistance paid out at any time; and
 - 2) All medical assistance paid out:
 - A) at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien; or
 - B) except the costs of Community Care Program (CCP) services, prior to October 1, 1993, for a recipient ~~while~~ 65 years of age or older; or
 - C) on or after October 1, 1993, for a recipient ~~while~~ 55 years of age or older; or
 - D) for Medicare cost sharing expenses (Part A and B premiums, deductibles, coinsurance and copayments) made on behalf of persons described in 42 USC 1396a(a)(10)(E), when a request for payment of those expenses was received by the Department prior to January 1, 2010. Requests for payment of Medicare cost sharing

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expenses made after January 1, 2010 are exempt from estate recovery of a Qualified Medicare Beneficiary (QMB).

- c) The claim shall apply to assistance provided to or in behalf of a recipient on or after the following dates:

Assistance Program	Effective Date
1) AABD (Aged) (AABD(A))	1) 1963
2) AABD (Blind) and (Disabled) (AABD(B) and (D))	2) November 1963
3) MANG (Aged), (Blind), and (Disabled) (MANG(A),(B), and (D))	3) January 1, 1966

- d) The Department shall not enforce a claim for medical assistance against any property, real or personal, of a deceased recipient while one or more of the following relatives survives: spouse of decedent, child under 21, or child over 21 who is blind or permanently and totally disabled.
- e) The Department shall not enforce a claim for income maintenance assistance against homestead property of a deceased recipient while the homestead is occupied by one or more of the surviving relatives previously specified.
- f) The Department shall not enforce a claim against the estate of a decedent to the extent assets were disregarded because the person was covered under a qualified long term care policy as provided under Section 120.382(c) of this Part.
- g) To avoid undue hardship, the Department will waive its right to recover from a decedent's estate if pursuing recovery would cause an heir or beneficiary of the estate to become or remain eligible for a public benefit program, such as SSI, TANF or Food Stamps. The Department may limit the scope of its waiver to that portion of the estate that the heir or beneficiary would receive and pursue recovery against the balance of the estate, if any. The Department will not waive recovery despite undue hardship if payment of the claims of other estate creditors

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that are equal or inferior in priority to the Department's claim will exhaust the estate and defeat the purpose of the waiver. The Department will provide written notice to heirs and beneficiaries known to the Department of the opportunity, time frame and method to request a waiver of estate recovery based on undue hardship.

- h) The Department may defer or waive enforcement of its claim for income maintenance assistance if it determines that:
 - 1) The deceased recipient is survived by a dependent spouse and minor child or children; or
 - 2) Rehabilitative training for employment or other means of self-support for the surviving spouse or children is feasible, and deferment or waiver will facilitate achievement of self-support status and prevent or reduce the likelihood of return to dependency on public assistance of the spouse or children.

(Source: Amended at 36 Ill. Reg. 4119, effective March 1, 2012)

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- 1) Heading of the Part: Application Process
- 2) Code Citation: 89 Ill. Adm. Code 110
- 3) Section Number: 110.10 Adopted Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: March 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 15, 2011; 35 Ill. Reg. 11101
- 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? No agreements were necessary.
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The proposed amendment is necessary to comply with the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA). MIPPA mandates expansion of eligibility for the Medicare Savings Program (MSP) and simplifies the application process for applying to the program. Persons who are eligible for Medicare Part D may also be eligible for MSP. MSP benefits include premium payments, deductibles and coinsurance for individuals based on their income.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 110

APPLICATION PROCESS

Section

- 110.1 Incorporation by Reference
- 110.10 Application for Assistance
- 110.15 Local Office Action on Application for Public Assistance
- 110.20 Time Limitations on the Disposition of an Application
- 110.30 Approval of an Application and Initial Authorization of Financial Assistance
- 110.32 Initial Authorization of Medical Assistance (MAG)
- 110.34 Approval of an Application and Initial Authorization of Medical Assistance – (MANG)
- 110.36 Initial Authorization of General Assistance – Medical
- 110.38 General Assistance and Aid to the Medically Indigent Special Approval Provisions
- 110.40 Denial of an Application

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

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 44, p. 167, effective October 19, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 6 Ill. Reg. 8125, effective July 1, 1982; codified at 7 Ill. Reg. 5195; amended at 8 Ill. Reg. 6760, effective May 3, 1984; amended at 9 Ill. Reg. 6798, effective April 30, 1985; amended at 9 Ill. Reg. 13087, effective August 16, 1985; amended at 12 Ill. Reg. 11457, effective July 1, 1988; amended at 13 Ill. Reg. 3836, effective March 10, 1989; amended at 13 Ill. Reg. 10628, effective June 22, 1989; amended at 14 Ill. Reg. 13198, effective August 6, 1990; amended at 16 Ill. Reg. 16618, effective October 23, 1992; amended at 17 Ill. Reg. 640, effective December 31, 1992; emergency amendment at 19 Ill. Reg. 8429, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15053, effective October 17, 1995; amended at 20 Ill. Reg. 14834, effective November 1, 1996; amended at 36 Ill. Reg. 4126, effective March 1, 2012.

Section 110.10 Application for Assistance

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- a) An application is:
- 1) a signed request for assistance on a Department of Healthcare and Family Services~~Public Aid~~ ("Department") form which has been completed to the best of the client's knowledge and ability; or:
 - 2) an electronic transmission received from the Social Security Administration on behalf of an applicant for enrollment in the Medicare Savings Program (MSP) and Low-Income Subsidy (LIS) Program pursuant to 42 USC 1320b-14(c). Such a transmission shall be treated as the initiation of an application for MSP benefits as if the application was submitted directly by the applicant.
- b) The application must contain:
- 1) an original signature or signatures. If the application does not contain an original signature or signatures, the local office shall return the application to the sender to obtain the original signature or signatures.
 - 2) an electronic signature from the Social Security Administration pursuant to an application received under subsection (a)(2).
- c) The application must be signed by the applicant with the following exceptions:
- 1) When a conservator has been appointed for the applicant, the conservator must sign the application.
 - 2) When the applicant is physically or mentally unable to sign the application, the application may be signed by someone acting responsibly in behalf of the applicant.
 - 3) When application is made in behalf of a child, the child's caretaker must sign the application.
 - 4) When the applicant has appointed an authorized representative with the Department. (An authorized representative is a person authorized by the applicant to act on his or her behalf.)

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5) When an electronic application is received from the Social Security Administration as described in subsection (a)(2).

- d) Application for medical assistance may be made in behalf of a deceased person. In order for payment to be made by the Department for the funeral and burial expenses of the decedent, the completed application must be received in the local office not more than 30 calendar days after the individual's death, excluding the day on which death occurred, unless delay in receipt of the form occurred through no fault of the individual applying.
- e) The applicant may be assisted by the Department and by individuals of the applicant's choice in completing the application.
- f) The date of application shall be the date a completed original application is received by the local office serving the area of the State in which the applicant lives, with one exception: for applications completed by pregnant women and children under age 18 at a disproportionate share hospital or federally qualified health center, the date the application is signed by the applicant shall be the date of application.
- g) Medical Assistance No Grant – Aid to the Aged, Blind or Disabled (MANG) (AABD) Application shall be made for residents of facilities operated by the Department of ~~Human Services-MHDD~~Mental Health and Developmental Disabilities (DMHDD) only when the services received by the residents are being provided in a covered setting. Covered setting is defined according to the services provided, the age and diagnosis of the patient and the facility certification. The following are covered settings:
- 1) Psychiatric Hospital Service
 - A) Client Age: 65 and over
 - i) Client Diagnosis: Any
 - ii) Facility Certification: Title XVIII (Medicare)
 - B) Client Age: Under 21 or up to age 22 when services were being received immediately prior to attaining age 21 and the treatment

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plan includes re-entry into the community

- i) Client Diagnosis: Mentally Ill
- ii) Facility Certification: Joint Commission on the Accreditation of Healthcare Organizations (JCAHO)

2) Medical/Surgical Services

- A) Client Age: No Restrictions
- B) Client Diagnosis: No Restrictions
- C) Facility Certification: Title XVIII (Medicare)

3) Skilled Nursing Facility (SNF), Intermediate Care Facility (ICF) and Intermediate Care Facility for the Mentally Retarded (ICF-MR) Services

- A) Client Age: 65 and over
 - i) Client Diagnosis: No Restriction
 - ii) Facility Certification: By Department of Public Health for Title XX (Medicaid)
- B) Client Age: Up to 65
 - i) Client Diagnosis: Mentally Retarded
 - ii) Facility Certification: By Department of Public Health and Title XX (Medicaid)
- C) Client Age: Under 21
 - i) Client Diagnosis: Mentally Ill ONLY
 - ii) Facility Certification: JCAHO (Does not include ICF-MR)

- h) Eligibility exists only when the DHS-MHDD~~MHDD~~ patient has not been

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adjudicated incompetent or if there has been an adjudication of incompetency, a conservator has been legally appointed.

- i) Application shall be made for a patient age 21 or over by the patient, conservator or by someone acting responsibly in the patient's behalf. Application for patients under age 21 shall be made by the patient's parent or parents, legal guardian or conservator.
- j) If the parents are unwilling to apply for assistance, the patient is not eligible.

(Source: Amended at 36 Ill. Reg. 4126, effective March 1, 2012)

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
120.70	Amendment
120.73	Amendment
120.75	Amendment
120.382	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: March 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 15, 2011; 35 Ill. Reg. 11108
- 10) Has JCAR issued a Statement of Objection to this rulemakings? No
- 11) Differences Between Proposal and Final Version: Non-substantive changes were made.
- 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 other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.80	Amendment	35 Ill. Reg. 19737; December 16, 2011
120.310	Amendment	35 Ill. Reg. 19635; December 9, 2011
120.335	Amendment	35 Ill. Reg. 19337; December 2, 2011

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- 15) Summary and Purpose of Amendments: These proposed amendments are necessary to comply with the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA). MIPPA mandates expansion of eligibility for the Medicare Savings Program (MSP) and simplifies the application process for applying to the program. Persons who are eligible for Medicare Part D may also be eligible for MSP. MSP benefits include premium payments, deductibles and coinsurance for individuals based on their income.
- 16) Information and questions regarding these adopted rulemakings shall be directed to:

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility for Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 FamilyCare Assist
120.34 FamilyCare Share and FamilyCare Premium Level 1
120.40 Exceptions To Use Of MANG Income Standard (Repealed)
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Community Cases
120.61 Long Term Care
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643 (Repealed)
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings (Repealed)
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements (Repealed)

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SUBPART D: MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums for a Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1) Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiaries Beneficiary (SLIBs SLIB) and <u>Qualified Individuals-1 (QI-1)</u> Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)

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120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT (MANG) ELIGIBILITY FACTORS

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment

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120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.328	Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329	Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts and Annuities
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In-Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment

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NOTICE OF ADOPTED AMENDMENTS

120.380	Resources
120.381	Exempt Resources
120.382	Resource Disregard
120.383	Deferral of Consideration of Assets
120.384	Spenddown of Resources
120.385	Factors Affecting Eligibility for Long Term Care Services
120.386	Property Transfers Occurring On or Before August 10, 1993
120.387	Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007
120.388	Property Transfers Occurring On or After January 1, 2007
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395	Payment Levels for MANG (Repealed)
120.399	Redetermination of Eligibility
120.400	Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section	
120.500	Health Benefits for Persons with Breast or Cervical Cancer
120.510	Health Benefits for Workers with Disabilities
120.520	SeniorCare (Repealed)
120.530	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
120.540	Illinois Healthy Women Program
120.550	Asylum Applicants and Torture Victims
120.TABLE A	Value of a Life Estate and Remainder Interest
120.TABLE B	Life Expectancy (Repealed)

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing the federal Deficit Reduction Act of 2005.

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SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective

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October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg.

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16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days;

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amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; peremptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; peremptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; peremptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; peremptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; peremptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a

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maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. 4133, effective March 1, 2012.

SUBPART D: MEDICARE PREMIUMS

Section 120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program

- a) The Department shall pay the premium for Supplementary Medical Insurance benefits (SMIB) (Part B of Medicare) for specified clients in accordance with the buy-in agreement with the Social Security Administration (SSA) and the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360). Individuals may previously have enrolled in SMIB themselves or they will be enrolled by the Department.
- b) Eligible Individuals
 - 1) The Department shall pay the SMIB premium for the following individuals:
 - A) individuals who receive financial assistance (including zero grant) under the AABD or TANFAFDC program;
 - B) individuals who, except for the Social Security benefit increase of 1972 (42 CFR 435.134), would still be eligible to receive cash assistance as an aged, blind or disabled person (89 Ill. Adm. Code 113) and who are eligible for both SMIB and medical assistance; the Department's Medicaid program (89 Ill. Adm. Code 120);
 - C) individuals with Supplemental Security Income (SSI) income who receive full Medicaid benefits under the AABD program; ~~and~~
 - D) Qualified Medicare Beneficiaries (QMBs)(~~QMBs~~) (see Section 120.72);~~;~~
 - E) Specified Low-Income Medicare Beneficiaries (SLIBs) (~~see Section 120.73(b)~~)(~~SLIBs~~); and
 - F) to the extent federal matching funds are available, Qualified

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Individuals-1 (QI-1) (see Section 120.73(c)).

- 2) Individuals who qualify under subsections (b)(1)(A) ~~through~~ (b)(1)(C) ~~above~~ may include individuals not eligible for Part A of Medicare (see Title XVIII of the Social Security Act).
- c) Beginning Eligibility
- 1) Individuals who qualify under ~~subsections~~ (b)(1)(A), (b)(1)(B) or (b)(1)(C) shall be added to the SMIB Buy-in Program for the first month in which they are eligible for both SMIB enrollment and medical assistance. Recipients shall remain in the Buy-in Program while in \$0 grant status and for any month in which they qualify under ~~subsections~~ (b)(1)(A) ~~through~~ (b)(1)(D) ~~above~~.
 - 2) Individuals who qualify under subsection (b)(1)(D) shall be added to the SMIB Buy-in Program for the first month following the month in which they are determined eligible for QMB status. Recipients shall remain in the SMIB Buy-in Program for any month in which they qualify under ~~subsections~~ (b)(1)(A) ~~through~~ (b)(1)(D) ~~above~~.
 - 3) Individuals who qualify under subsection (b)(1)(E) may be added to the SMIB Buy-in Program effective three months prior to the month of application for SLIB or QI-1 benefits only or SLIB or QI-1 benefits and medical assistance. For persons for whom an electronic application from the Social Security Administration (SSA) (pursuant to 89 Ill. Adm. Code 110.10(a)(2)) is received and who the Department determines qualify as SLIBs or QI-1s, eligibility may begin up to three months prior to the application with SSA for low income subsidies (LIS) under 42 USC 1395w-114, as that application date is indicated in the electronic transmission to the Department from SSA. Eligibility for each of the three months prior to the LIS application must be established.

(Source: Amended at 36 Ill. Reg. 4133, effective March 1, 2012)

Section 120.73 Eligibility for ~~Medical~~ Payment of Medicare Part B Premiums ~~for a~~ Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1) Beneficiary (SLIB)

- a) To the extent permitted under federal law (42 USC 1396a(a)(10)), eligibility

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~~Eligibility for Medicaid~~ payment of Medicare Part B premiums exists for Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1)~~(SLIBs)~~.

b) A SLIB is an individual who:

- 1) is a beneficiary of Medicare Part A (i.e., Hospital Insurance);
- 2) meets the general non-financial factors of eligibility for the Medicaid Program (see Sections 120.310, 120.311, 120.319 and 120.325);
- 3) has countable monthly income ~~which greater than 100 percent of the Federal Poverty Level (FPL), but less than 120 percent of the FPL exceeds the Qualified Medicare Beneficiary (QMB) income standard (see Section 120.74), but is less than or equal to the SLIB income standard (see Section 120.75);~~ and
- 4) has countable assets ~~that~~which do not exceed the QMB asset disregard (see Section 120.382(f)(1)(d)).

c) A QI-1 is an individual who:

- 1) is a beneficiary of Medicare Part A (i.e., Hospital Insurance);
- 2) meets the general non-financial factors of eligibility for the Medicaid Program (see Sections 120.310, 120.311, 120.319 and 120.325);
- 3) has countable monthly income that is at least 120 percent of the FPL, but less than 135 percent of the FPL;
- 4) has countable assets that do not exceed the QMB asset disregard (see Section 120.382(f)(1));
- 5) is not otherwise eligible for medical assistance; and
- 6) has been selected as a qualifying individual as provided under 42 USC 1396u-3.

db) In determining countable monthly income~~When considering Social Security Benefits~~, the monthly amount of Social Security benefits to consider for January

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through the month following the month in which the annual ~~Federal Poverty Level (FPL)~~ amounts are announced will not include the annual Retirement Survivors Disability Insurance (RSDI) Cost of Living Adjustment (COLA). For all other months of the year, the full amount of RSDI benefits will be considered.

- e) ~~SLIBs with incomes from 100 percent of the FPL up to 120 percent of the FPL may be eligible for the full range of Medicaid services (see 89 Ill. Adm. Code 140) only if they meet all eligibility requirements for Medicaid (see 89 Ill. Adm. Code 120).~~
- d) ~~Individuals with incomes of at least 120 percent of the FPL but less than 175 percent of the FPL, who receive Medicaid benefits, are not eligible for the benefits described in subsection (g) of this Section.~~
- e) Eligibility for ~~payment~~ Medicaid Payment of Medicare Part B premiums may be effective up to three months prior to the month of application.
- f) Eligibility for SLIB status will be redetermined at least every 12 months.
- g) ~~SLIBs with incomes from 100 percent of the FPL up to 135 percent of the FPL are eligible for Medicaid payment of Medicare Part B premiums (see Title XVIII of the Social Security Act), in accordance with Sections 120.70 and 89 Ill. Adm. Code 140.21. Individuals with incomes from 135 percent of the FPL up to 175 percent of the FPL are not eligible for Medicaid payment of Part B Medicare premiums. These persons are only eligible for a monthly payment that is for the portion of Medicare cost sharing described in the Social Security Act (U.S.C. 1905(p)(3)(A)(ii)).~~

(Source: Amended at 36 Ill. Reg. 4133, effective March 1, 2012)

Section 120.75 Specified Low-Income Medicare ~~Beneficiaries~~ Beneficiary (SLIBs SLIB) and Qualified Individuals-1 (QI-1) Income Standards

The SLIB and QI-1 income standards are equal to a percentage of the ~~then current~~ Federal Poverty Level (FPL) Income Guidelines as published annually in the Federal Register for the size of the household. If the household's countable monthly income (see 89 Ill. Adm. Code 112, 113, 120) exceeds the appropriate SLIB or QI-1 income standard, eligibility for SLIB or QI-1 status does not exist. The applicable percentages are as follows:

- a) Effective January 5, 1998, the SLIB income standard is greater than at least 100

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percent of the FPL, but less than ~~120~~¹³⁵ percent of the FPL.

- b) Effective January 5, 1998, ~~the QI-1 income standard is persons with incomes that are~~ at least ~~120~~¹³⁵ percent of the FPL, but less than ~~135~~¹⁷⁵ percent of the FPL~~,5~~
~~may receive the special monthly payment described in Section 120.73(f).~~

(Source: Amended at 36 Ill. Reg. 4133, effective March 1, 2012)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.382 Resource Disregard

- a) In addition to the exempt resources listed in Section 120.381, the cash value of resources shall be disregarded for AABD MANG as follows:
- 1a) \$2,000 for a person and \$3,000 for a person and one dependent residing together. A dependent means a "qualifying" person as that term is described in 26 USC 152.
- 2b) \$50 for each additional dependent residing in the same household.
- 3e) Resources equal in amount to the benefits paid on behalf of a person under a qualified long term care insurance policy as provided under 42 USC 1396p(b)(1)(C) and (b)(5). Policies written in Illinois are approved by the Director of the Illinois Department of Insurance under the Qualified Long Term Care Insurance Partnership (QLTCIP) program (50 Ill. Adm. Code 2012). The dollar value of the amount paid for QLTCIP benefits is disregarded; the extent to which the disregard is applied to a resource will depend and may vary with the underlying equity value (see Section 120.381(a)(6)) the person holds in the resource.
- b~~d~~) Eligibility for medical assistance or the benefits described in Sections 120.72 and 120.73 does not exist when nonexempt resources exceed allowable disregards outlined in subsection (a).
- ce) For Qualified Medicare Beneficiaries (~~QMBs~~^{QMB}), Specified Low-Income Medicare Beneficiaries (SLIBs), and Qualified Individuals-1 (QI-1)
- 1) An amount not to exceed the maximum resource level applied for the year under section 1860D-14(a)(3)(D) of the Social Security Act (42 USC

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~~1395w-114(a)(3)(D)) shall be disregarded \$4,000 for a single person and \$6,000 for a person with one or more dependents.~~

- 2) Eligibility for QMB, SLIB or QI-1 status does not exist when resources exceed the disregard amounts described in ~~this~~ subsection (c)(1)-(e).

(Source: Amended at 36 Ill. Reg. 4133, effective March 1, 2012)

ILLINOIS GAMING BOARD

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- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1800.590	New Section
1800.1065	New Section
- 4) Statutory Authority: Implementing and authorized by the Video Gaming Act [230 ILCS 40], specifically Section 78 of that Act [230 ILCS 40/78]
- 5) Effective date of Amendments: February 29, 2012
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendments will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: February 29, 2012
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Illinois Gaming Board's principal office and is available for public inspection.
- 9) Reason for Emergency: The Illinois Gaming Board is mandated by Section 78 (b) of the Video Gaming Act [230 ILCS 40/78 (b)] to "adopt emergency rules to administer this Act in accordance with Section 5-45 of the Illinois Administrative Procedure Act".
- 10) A Complete Description of the Subjects and Issues Involved:

New Section 1800.590 Fingerprinting: This Section cross-references the applicable provisions of the Illinois Department of Public Health Rules pertaining to livescan vendors, namely, the definition of "livescan vendor" contained in 77 Ill. Adm. Code 955.110 and the requirements for approval as a livescan vendor contained in 77 Ill. Adm. Code 955.285. The proposed rule authorizes livescan vendors that have contracted with the Department of Public Health, and have met all of that Department's other requirements, to collect fingerprints on applicants for video gaming Licenses as well as Persons With Significant Influence or Control over those applicants (PSICs). Although intended to apply mostly to location licenses, the proposed language has general applicability to all video gaming licenses issued by the Board.

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The location application now before the Board for approval requires all applicants and PSICs to be fingerprinted as a condition of the applicant's licensure. Because of the very large number of anticipated applicants, the Department of State Police will not have the capacity to conduct the fingerprinting on its own, and it will be necessary to use the services of outside fingerprinting companies.

The Illinois Department of Public Health has previously adopted rules in its Health Care Worker Background Check Code (77 Ill. Adm. Code Part 955) establishing requirements for "livescan vendors" – private companies that collect fingerprints of applicants for employment as health care workers. To qualify with the Department of Public Health as an approved livescan vendor, a company must enter into a standardized contract with the department and meet all of the other requirements imposed by rule (77 Ill. Adm. Code 955.285). Notably, under (77 Ill. Adm. Code 955.285(b)(1), the livescan vendor must "use only equipment that has been certified by the Department of State Police to collect inkless fingerprints and software that is up to date and meets the requirements of the Department of State Police for fee applicant submissions".

New Section 1800.1065 Registration of Video Gaming Terminals: This Section parallels the Board's current Riverboat Gambling Act Rule, Registration of All Gaming Devices (86 Ill. Adm. Code 3000.280), which requires holders of owners licenses to securely affix a registration tag issued by the Board on each Gaming Device in their possession. The new Section will analogously require terminal operators licensed under the Video Gaming Act to affix registration tags on each Video Gaming Terminal (VGT) in their possession. This Section is being filed as part of an emergency rulemaking because of the urgent need to keep track of VGTs that will be used in connection with video gaming.

- 11) Are there any other amendments pending to this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1800.330	New Section	35 Ill. Reg. 15418, September 23, 2011

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

- 13) Information and questions regarding this emergency rulemaking shall be directed to

Lynn J. Carter
General Counsel

ILLINOIS GAMING BOARD

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Illinois Gaming Board
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Chicago, Illinois 60601

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

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TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

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1800.920	Notice of Enforcement of a Security Interest
1800.930	Prior Registration

SUBPART J: TRANSPORTATION, [REGISTRATION](#), AND DISTRIBUTION
OF VIDEO GAMING TERMINALS

Section	
1800.1010	Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020	Transportation of Video Gaming Terminals into the State
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1800.1050	Approval to Transport Video Gaming Terminals Outside of the State
1800.1060	Placement of Video Gaming Terminals
1800.1065	Registration of Video Gaming Terminals
EMERGENCY	
1800.1070	Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

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Section

1800.1110 State-Local Relations

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days.

SUBPART E: LICENSING PROCEDURES

**Section 1800.590 Fingerprinting
EMERGENCY**

Any applicant or interested party thereof who is required to be fingerprinted as a condition of the applicant's licensure shall be deemed to fulfill the fingerprinting requirement by obtaining inkless fingerprints from a livescan vendor, as defined in 77 Ill. Adm. Code 955.110, provided the vendor has entered into a standardized contract with the Department of Public Health as set forth in 77 Ill. Adm. Code 955.285 and has otherwise met all the requirements of that Section.

(Source: Added by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days)

SUBPART J: TRANSPORTATION, REGISTRATION, AND DISTRIBUTION
OF VIDEO GAMING TERMINALS**Section 1800.1065 Registration of Video Gaming Terminals
EMERGENCY**

- a) Any terminal operator that possesses any video gaming terminal shall have a registration tag issued by the Board securely affixed on each such terminal.
- b) Any video gaming terminal without a current registration tag shall be

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subject to seizure. Any agent of the Board may demand and gain access to any property relating to a licensed video gaming location or any location where video gaming terminals are stored, sold, distributed, or transported, and seize any video gaming terminal which does not bear a current registration tag or is operating in a manner that violates any provision of the Act, this Part, or operating procedures established by the Board. Such video gaming terminals so seized shall be subject to confiscation and forfeiture. In the event the Board seizes video gaming terminals in accordance with this Section, the Board shall notify the terminal operator of such seizure and of the terminal operator's right to a hearing under Subpart G of this Part.

(Source: Added by emergency rulemaking at 36 Ill. Reg. 4133, effective February 29, 2012, for a maximum of 150 days)

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

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.APPENDIX A TABLE L	Amendment
310.APPENDIX A TABLE X	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table L to reflect the Agreement between CMS and the International Brotherhood of Boiler Makers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers that was signed June 12, 2009. The contract agreement states that the Illinois Department of Labor shall notify CMS of the Prevailing Rate. On February 6, 2012, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rate effective January 1, 2012 in the southern region. On February 17, 2012, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rate effective January 1, 2010 and 2011 in the southern region. The contract agreement also states that effective January 1, 2006 Boiler Safety Specialist title shall be paid an additional 4.00% above the prevailing rate of wages for the employees on the standard pension formula. The Boiler Safety Specialist rate in the southern region is \$5,679.36 effective January 1, 2010 and 2011 and \$5,592.36 effective January 1, 2012. The rates effective January 1, 2010 and 2011 are lower than the rate effective January 1, 2009. The rate effective January 1, 2012 is lower than the rates effective January 1, 2010 and 2011.

Section 310.Appendix A Table X reflects the Memorandum of Understanding (MOU) between the State of Illinois and the American Federation of State, County and Municipal Employees (AFSCME) signed February 9, 2012. The MOU is for the Public Service Administrator (PSA) title Option 8S, which is Special License - Social Worker/Clinical Social Worker, positions at the Departments of Human Services and Veterans' Affairs. The Pay Plan Codes B and Q pay grade RC-063-24 are assigned to the positions effective June 28, 2011. That same date, the Illinois Labor Relations Board (ILRB) issued a Certification of Representative (Case No. S-RC-10-176) assigning the PSA title Option 8S positions at the Departments of Human Services and Veterans' Affairs to the AFSCME RC-063 bargaining unit with four position numbers excluded.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 15 of the

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Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].

- 6) Effective Date: March 5, 2012
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table L, the rate for the southern region effective January 1, 2009 is removed and the rates effective January 1, 2010, 2011 and 2012 are added.
- In Section 310.Appendix A Table X and the title table, the positions at the Departments of Human Services and Veterans' Affairs with the Option 8S are added to the other positions allocated to the Public Service Administrator title and assigned to the RC-063-24 pay grade. Option 8S is added to the Note following the title table where the positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-063 pay grade are listed.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: March 5, 2012
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.47	Amendment	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

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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
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
310.50	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.500	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX A TABLE D	Amendment	36 Ill. Reg. 3312, March 9, 2012

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310.APPENDIX A TABLE E	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX A TABLE F	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX A TABLE L	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX A TABLE X	Amendment	36 Ill. Reg. 3312, March 9, 2012
310.APPENDIX B TABLE X	Amendment	36 Ill. Reg. 3312, March 9, 2012

- 13) Statement of Statewide Policy Objectives: The preemptory amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these Preemptory Amendments shall be directed to:

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

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

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

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NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (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
310.260	Trainee Rate

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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

Section	
310.600	Jurisdiction

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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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)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)

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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 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)

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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, 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;

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peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990;

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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 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,

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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. 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

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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. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a

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maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg.

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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, 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.

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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. 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; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 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 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6,

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2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; peremptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; peremptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; peremptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE L RC-008 (Boilermakers)**

<u>Title</u>	<u>Title Code</u>	<u>Region</u>	<u>Effective Date</u>	<u>Monthly Salary</u>
Boiler Safety Specialist	04910	Northern	July 1, 2011	7863.06
Boiler Safety Specialist	04910	Central	January 1, 2012	6335.34
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>January 1, 2010</u>	<u>5679.36</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>January 1, 2011</u>	<u>5679.36</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>January 1, 2012</u>	<u>5592.36</u>
<u>Boiler Safety Specialist</u>	<u>04910</u>	<u>Southern</u>	<u>January 1, 2009</u>	<u>5700.24</u>

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

Effective January 1, 2011, employees newly hired into positions allocated to the Boiler Safety Specialist title at the Department of Human Services receive the negotiated regular pension formula rate for the State of Illinois. Employees newly hired are employees hired on or after January 1, 2011 who have never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges

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Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

(Source: Amended by peremptory rulemaking at 36 Ill. Reg. 4158, effective March 5, 2012)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE X RC-063 (Professional Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Actuary III	00203	RC-063	26
Architect	01440	RC-063	22
Chaplain I	06901	RC-063	16
Chaplain II	06902	RC-063	19
Child Welfare Administrative Case Reviewer	07190	RC-063	22
Child Welfare Advanced Specialist	07215	RC-063	19
Child Welfare Court Facilitator	07196	RC-063	22
Child Welfare Senior Specialist	07217	RC-063	22
Child Welfare Specialist	07218	RC-063	18
Civil Engineer I	07601	RC-063	15
Civil Engineer II	07602	RC-063	17
Civil Engineer III	07603	RC-063	19
Civil Engineer IV	07604	RC-063	22
Clinical Pharmacist	08235	RC-063	25
Clinical Psychologist	08250	RC-063	23
Clinical Psychology Associate	08255	RC-063	18
Day Care Licensing Representative II	11472	RC-063	18
Dentist I	11751	RC-063	23
Dentist II	11752	RC-063	26
Electrical Engineer, Department of Public Health	13180	RC-063	22
Environmental Engineer I	13751	RC-063	15
Environmental Engineer II	13752	RC-063	17
Environmental Engineer III	13753	RC-063	19
Environmental Engineer IV	13754	RC-063	22
Environmental Protection Engineer I	13791	RC-063	15
Environmental Protection Engineer II	13792	RC-063	17
Environmental Protection Engineer III	13793	RC-063	19
Environmental Protection Engineer IV	13794	RC-063	22
Environmental Protection Geologist I	13801	RC-063	15
Environmental Protection Geologist II	13802	RC-063	17
Environmental Protection Geologist III	13803	RC-063	19
Geographic Information Specialist I	17271	RC-063	19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Geographic Information Specialist II	17272	RC-063	23
Geographic Information Trainee	17276	RC-063	15
Graduate Pharmacist	17345	RC-063	20
Hearing and Speech Advanced Specialist	18227	RC-063	22
Hearing and Speech Associate	18231	RC-063	18
Hearing and Speech Specialist	18233	RC-063	20
Historical Library Chief of Acquisitions	16987	RC-063	19
Information Services Intern	21160	RC-063	15
Information Services Specialist I	21161	RC-063	17
Information Services Specialist II	21162	RC-063	19
Information Systems Analyst I	21165	RC-063	21
Information Systems Analyst II	21166	RC-063	23
Information Systems Analyst III	21167	RC-063	25
Laboratory Research Scientist	23025	RC-063	23
Landscape Architect	23145	RC-063	22
Landscape Planner	23150	RC-063	19
Librarian I	23401	RC-063	16
Librarian II	23402	RC-063	18
Management Systems Specialist	25583	RC-063	21
Manuscripts Manager, Historic Preservation Agency	25610	RC-063	19
Mechanical Engineer I	26201	RC-063	15
Mechanical Engineer II	26202	RC-063	17
Mechanical Engineer III	26203	RC-063	19
Nutritionist	29820	RC-063	18
Occupational Therapist	29900	RC-063	17
Occupational Therapist Program Coordinator	29908	RC-063	19
Occupational Therapist Supervisor	29910	RC-063	21
Optometrist	30300	RC-063	14
Pharmacy Services Coordinator	32010	RC-063	25
Physical Therapist	32145	RC-063	17
Physical Therapist Program Coordinator	32153	RC-063	19
Podiatrist	32960	RC-063	14
Project Designer	34725	RC-063	19
Psychologist I	35611	RC-063	17
Psychologist II	35612	RC-063	20
Psychologist III	35613	RC-063	22
Psychologist Associate	35626	RC-063	15

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Public Health Educator	36430	RC-063	19
Public Service Administrator, Option 8D	37015	RC-063	23
Public Service Administrator, Option 8I			
Department of Natural Resources	37015	RC-063	22
Public Service Administrator, Option 8P	37015	RC-063	26
Department of Human Services			
Public Service Administrator, Option 8U	37015	RC-063	21
Department of Human Services			
Public Service Administrator, Options 1, 3, 4, 6E, 7 (Criminal Justice Information Authority), 8A (Department of Public Health), 8E, 8N, 8S Departments of Human Services and Veterans' Affairs and 8T	37015	RC-063	24
Public Service Administrator, Options 8H, 8I Department of Natural Resources and 9G	37015	RC-063	22
Rehabilitation/Mobility Instructor	38163	RC-063	19
Rehabilitation/Mobility Instructor Trainee	38167	RC-063	15
School Psychologist	39200	RC-063	19
Senior Public Service Administrator, Options 8E and 8H	40070	RC-063	26
Senior Public Service Administrator, Option 8P	40070	RC-063	27
Social Worker II	41412	RC-063	19
Social Worker III	41413	RC-063	20
Social Worker IV	41414	RC-063	22
Staff Pharmacist	41787	RC-063	24
Statistical Research Supervisor	42745	RC-063	20
Veterinarian I	47901	RC-063	18
Veterinarian II	47902	RC-063	20
Veterinarian III	47903	RC-063	21
Vision/Hearing Consultant I	47941	RC-063	16
Vision/Hearing Consultant II	47942	RC-063	20
Vision/Hearing Consultant III	47943	RC-063	21

NOTE: The positions allocated to the Public Service Administrator title that are assigned to the negotiated RC-063 pay grade have the following options: 1; 3; 4; 6E; 7; 8A; 8D; 8E; 8H; 8I; 8N; 8P; [8S](#); 8T; 8U; and 9G. The positions allocated to the Senior Public

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Service Administrator title that are assigned to a negotiated pay grade have the Options 8E, 8H and 8P. See the definition of option in Section 310.50.

Effective July 1, 2011
Bargaining Unit: RC-063

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
14	B	3729	3871	4022	4199	4351	4517	4780	4971
14	Q	3888	4036	4201	4382	4547	4721	4996	5194
14	S	3960	4116	4276	4461	4627	4802	5075	5275
15	B	3878	4049	4216	4380	4559	4729	5013	5212
15	Q	4046	4223	4399	4577	4766	4942	5237	5448
15	S	4121	4302	4477	4658	4847	5021	5319	5531
16	B	4059	4240	4429	4611	4805	4997	5292	5503
16	Q	4235	4429	4629	4822	5020	5221	5532	5755
16	S	4317	4508	4710	4905	5101	5304	5609	5833
17	B	4253	4448	4653	4851	5048	5252	5564	5787
17	Q	4437	4650	4864	5066	5272	5489	5814	6049
17	S	4518	4732	4946	5151	5354	5567	5900	6134
18	B	4476	4691	4910	5134	5342	5557	5887	6124
18	Q	4675	4907	5133	5366	5585	5807	6156	6401
18	S	4753	4984	5212	5447	5666	5891	6233	6484
19	B	4716	4957	5191	5430	5661	5897	6256	6506
19	Q	4929	5182	5421	5680	5916	6165	6536	6798
19	S	5012	5263	5505	5760	5999	6246	6616	6881

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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20	B	4983	5236	5478	5739	5989	6237	6615	6880
20	Q	5208	5470	5728	6000	6258	6518	6917	7192
20	S	5291	5552	5807	6079	6338	6599	6994	7274
21	B	5262	5534	5801	6071	6347	6612	7025	7305
21	Q	5500	5784	6061	6345	6635	6913	7341	7635
21	S	5581	5862	6140	6428	6715	6991	7423	7719
22	B	5563	5854	6138	6430	6727	7006	7443	7741
22	Q	5812	6118	6418	6718	7029	7325	7778	8087
22	S	5897	6195	6498	6798	7111	7408	7860	8174
23	B	5901	6214	6533	6842	7157	7468	7940	8258
23	Q	6171	6496	6829	7149	7481	7806	8294	8625
23	S	6250	6575	6909	7232	7561	7886	8376	8709
24	B	6281	6614	6963	7294	7633	7975	8477	8815
24	Q	6565	6916	7275	7626	7973	8335	8859	9214
24	S	6647	6993	7353	7704	8057	8418	8938	9296
25	B	6695	7060	7433	7804	8174	8547	9095	9459
25	Q	6994	7379	7764	8158	8546	8932	9505	9886
25	S	7077	7459	7846	8235	8623	9010	9585	9971
26	B	7143	7535	7936	8336	8725	9117	9705	10093
26	Q	7488	7894	8312	8732	9141	9549	10167	10574
26	S	7558	7969	8393	8816	9227	9641	10268	10678
27	B	7627	8042	8466	8894	9312	9730	10358	10773
27	Q	7971	8405	8847	9300	9734	10171	10828	11261

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3802	3947	4101	4282	4437	4605	4873	5069
14	Q	3964	4115	4284	4468	4636	4813	5094	5296
14	S	4037	4196	4360	4549	4717	4896	5174	5379
15	B	3954	4129	4298	4466	4649	4821	5112	5314
15	Q	4126	4306	4486	4666	4860	5039	5339	5555
15	S	4202	4387	4565	4750	4942	5120	5424	5640
16	B	4138	4323	4516	4702	4899	5095	5396	5611
16	Q	4318	4516	4720	4916	5119	5324	5641	5868
16	S	4401	4597	4803	5001	5201	5408	5719	5948
17	B	4337	4535	4744	4946	5147	5355	5673	5901
17	Q	4524	4741	4960	5166	5376	5596	5928	6167
17	S	4606	4825	5043	5252	5459	5676	6015	6255
18	B	4564	4783	5007	5234	5446	5666	6003	6244
18	Q	4766	5003	5233	5471	5694	5921	6276	6526
18	S	4846	5081	5314	5554	5777	6006	6355	6611
19	B	4809	5054	5293	5537	5772	6012	6378	6633
19	Q	5025	5283	5528	5792	6032	6286	6664	6932
19	S	5111	5366	5613	5873	6116	6369	6745	7016
20	B	5080	5338	5586	5851	6107	6360	6744	7015
20	Q	5310	5578	5841	6117	6380	6646	7052	7333
20	S	5394	5661	5921	6198	6463	6729	7131	7416
21	B	5365	5642	5914	6190	6472	6741	7162	7448
21	Q	5608	5898	6180	6470	6765	7048	7485	7784
21	S	5691	5977	6261	6554	6846	7128	7568	7871

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

22	B	5672	5969	6259	6556	6859	7144	7589	7893
22	Q	5926	6238	6544	6849	7167	7468	7930	8245
22	S	6012	6317	6626	6932	7251	7554	8014	8335
23	B	6016	6336	6661	6976	7298	7615	8095	8420
23	Q	6292	6624	6963	7289	7627	7959	8456	8794
23	S	6372	6704	7045	7374	7710	8040	8540	8880
24	B	6404	6743	7099	7437	7782	8132	8643	8988
24	Q	6693	7051	7417	7775	8130	8499	9032	9394
24	S	6778	7130	7497	7855	8215	8583	9114	9479
25	B	6827	7199	7578	7957	8335	8714	9274	9645
25	Q	7131	7523	7916	8318	8713	9107	9692	10080
25	S	7216	7606	8000	8397	8792	9186	9773	10166
26	B	7283	7682	8091	8500	8896	9296	9896	10291
26	Q	7635	8049	8475	8903	9320	9736	10367	10782
26	S	7706	8126	8557	8989	9408	9830	10470	10888
27	B	7776	8199	8632	9069	9494	9921	10561	10984
27	Q	8128	8570	9021	9483	9925	10371	11041	11482

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Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3776	3919	4072	4251	4405	4573	4840	5033
14	Q	3937	4086	4254	4437	4604	4780	5058	5259
14	S	4010	4167	4329	4517	4685	4862	5138	5341

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NOTICE OF PEREMPTORY AMENDMENTS

15	B	3926	4100	4269	4435	4616	4788	5076	5277
15	Q	4097	4276	4454	4634	4826	5004	5302	5516
15	S	4173	4356	4533	4716	4908	5084	5385	5600
16	B	4110	4293	4484	4669	4865	5059	5358	5572
16	Q	4288	4484	4687	4882	5083	5286	5601	5827
16	S	4371	4564	4769	4966	5165	5370	5679	5906
17	B	4306	4504	4711	4912	5111	5318	5634	5859
17	Q	4492	4708	4925	5129	5338	5558	5887	6125
17	S	4574	4791	5008	5215	5421	5637	5974	6211
18	B	4532	4750	4971	5198	5409	5626	5961	6201
18	Q	4733	4968	5197	5433	5655	5880	6233	6481
18	S	4812	5046	5277	5515	5737	5965	6311	6565
19	B	4775	5019	5256	5498	5732	5971	6334	6587
19	Q	4991	5247	5489	5751	5990	6242	6618	6883
19	S	5075	5329	5574	5832	6074	6324	6699	6967
20	B	5045	5301	5546	5811	6064	6315	6698	6966
20	Q	5273	5538	5800	6075	6336	6599	7003	7282
20	S	5357	5621	5880	6155	6417	6681	7081	7365
21	B	5328	5603	5874	6147	6426	6695	7113	7396
21	Q	5569	5856	6137	6424	6718	6999	7433	7730
21	S	5651	5935	6217	6508	6799	7078	7516	7815
22	B	5633	5927	6215	6510	6811	7094	7536	7838
22	Q	5885	6194	6498	6802	7117	7417	7875	8188
22	S	5971	6272	6579	6883	7200	7501	7958	8276
23	B	5975	6292	6615	6928	7246	7561	8039	8361
23	Q	6248	6577	6914	7238	7575	7904	8398	8733
23	S	6328	6657	6995	7322	7656	7985	8481	8818

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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24	B	6360	6697	7050	7385	7728	8075	8583	8925
24	Q	6647	7002	7366	7721	8073	8439	8970	9329
24	S	6730	7080	7445	7800	8158	8523	9050	9412
25	B	6779	7148	7526	7902	8276	8654	9209	9577
25	Q	7081	7471	7861	8260	8653	9044	9624	10010
25	S	7165	7552	7944	8338	8731	9123	9705	10096
26	B	7232	7629	8035	8440	8834	9231	9826	10219
26	Q	7582	7993	8416	8841	9255	9668	10294	10706
26	S	7652	8069	8498	8926	9342	9762	10396	10811
27	B	7722	8143	8572	9005	9428	9852	10487	10908
27	Q	8071	8510	8958	9416	9856	10298	10963	11402

Effective February 1, 2012
Bargaining Unit: RC-063

Pay Grade	Pay Plan Code	S T E P S							
		1	2	3	4	5	6	7	8
14	B	3852	3997	4153	4336	4493	4664	4937	5134
14	Q	4016	4168	4339	4526	4696	4876	5159	5364
14	S	4090	4250	4416	4607	4779	4959	5241	5448
15	B	4005	4182	4354	4524	4708	4884	5178	5383
15	Q	4179	4362	4543	4727	4923	5104	5408	5626
15	S	4256	4443	4624	4810	5006	5186	5493	5712
16	B	4192	4379	4574	4762	4962	5160	5465	5683
16	Q	4374	4574	4781	4980	5185	5392	5713	5944
16	S	4458	4655	4864	5065	5268	5477	5793	6024

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

17	B	4392	4594	4805	5010	5213	5424	5747	5976
17	Q	4582	4802	5024	5232	5445	5669	6005	6248
17	S	4665	4887	5108	5319	5529	5750	6093	6335
18	B	4623	4845	5070	5302	5517	5739	6080	6325
18	Q	4828	5067	5301	5542	5768	5998	6358	6611
18	S	4908	5147	5383	5625	5852	6084	6437	6696
19	B	4871	5119	5361	5608	5847	6090	6461	6719
19	Q	5091	5352	5599	5866	6110	6367	6750	7021
19	S	5177	5436	5685	5949	6195	6450	6833	7106
20	B	5146	5407	5657	5927	6185	6441	6832	7105
20	Q	5378	5649	5916	6197	6463	6731	7143	7428
20	S	5464	5733	5998	6278	6545	6815	7223	7512
21	B	5435	5715	5991	6270	6555	6829	7255	7544
21	Q	5680	5973	6260	6552	6852	7139	7582	7885
21	S	5764	6054	6341	6638	6935	7220	7666	7971
22	B	5746	6046	6339	6640	6947	7236	7687	7995
22	Q	6003	6318	6628	6938	7259	7565	8033	8352
22	S	6090	6397	6711	7021	7344	7651	8117	8442
23	B	6095	6418	6747	7067	7391	7712	8200	8528
23	Q	6373	6709	7052	7383	7727	8062	8566	8908
23	S	6455	6790	7135	7468	7809	8145	8651	8994
24	B	6487	6831	7191	7533	7883	8237	8755	9104
24	Q	6780	7142	7513	7875	8234	8608	9149	9516
24	S	6865	7222	7594	7956	8321	8693	9231	9600
25	B	6915	7291	7677	8060	8442	8827	9393	9769
25	Q	7223	7620	8018	8425	8826	9225	9816	10210
25	S	7308	7703	8103	8505	8906	9305	9899	10298

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

26	B	7377	7782	8196	8609	9011	9416	10023	10423
26	Q	7734	8153	8584	9018	9440	9861	10500	10920
26	S	7805	8230	8668	9105	9529	9957	10604	11027
27	B	7876	8306	8743	9185	9617	10049	10697	11126
27	Q	8232	8680	9137	9604	10053	10504	11182	11630

(Source: Amended by preemptory rulemaking at 36 Ill. Reg. 4158, effective March 5, 2012)

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 February 28, 2012 through March 5, 2012 and have been scheduled for review by the Committee at its April 17, 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>
4/18/12	<u>Environmental Protection Agency,</u> Environmental Laboratory Certification Fee Rules (35 Ill. Adm. Code 185)	12/30/11 35 Ill. Reg. 20983	4/17/12
4/18/12	<u>Environmental Protection Agency,</u> Procedures for Review of Petitions for Mercury Product Exemptions (35 Ill. Adm. Code 182)	9/30/11 35 Ill. Reg. 15507	4/17/12

EXECUTIVE ORDER

2012-1**EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN FUNCTIONS OF THE DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES TO THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF JUVENILE JUSTICE, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF VETERANS' AFFAIRS**

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Central Management Services (CMS), the Department of Corrections (DoC), the Department of Juvenile Justice (DJJ), the Department of Human Services (DHS), the Department of Veterans' Affairs (DVA), collectively the "Receiving Agencies," and the Department of Healthcare and Family Services (HFS), the "Transferring Agency," are executive agencies directly responsible to the Governor and exercise the rights, powers, duties and responsibilities derived from 20 ILCS 405 et seq., 730 ILCS 5/1-1-1 et seq., 730 ILCS 5/3-2.5-1 et seq., 20 ILCS 1305 et seq., 20 ILCS 2805 et seq., and 20 ILCS 2205 et seq., respectively; and

WHEREAS, on April 1, 2005, the Governor issued Executive Order Number 3 (Executive Order Number 3 (2005)); and

WHEREAS, changes in the provision of healthcare at a state and federal level have diluted the similarities in purchasing which were set forth in Executive Order Number 3 (2005); and

WHEREAS, certain functions and persons purported to be transferred under Executive Order Number 3 (2005) still remain at DOC, DJJ, DHS and DVA; and

WHEREAS, the return of the healthcare purchasing functions to the Receiving Agencies offers the opportunity to simplify the organizational structure of the Executive Branch, improve accessibility and accountability with respect to the functions, provide more efficient use of

EXECUTIVE ORDER

specialized expertise and facilities, and promote more effective sharing of best practices and state of the art technology, among others things; and

WHEREAS, in light of these concerns, it would be appropriate to rescind Executive Order Number 3 (2005) in part; and

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

- A. Effective sixty calendar days after the date on which this Executive Order is delivered to the General Assembly, or as soon thereafter as practicable, the respective powers, duties, rights and responsibilities related to State Healthcare Purchasing which were transferred pursuant to Executive Order Number 3 (2005) shall be returned to the agencies from which they were transferred. The statutory powers, duties, rights and responsibilities of CMS, DOC, DJJ, DHS, and DVA that are associated with State Healthcare Purchasing derive primarily from 5 ILCS 375 et seq., 20 ILCS 405 et seq., 320 ILCS 55/1 et seq., 105 ILCS 55/5, 730 ILCS 5/1-1-1 et seq., 730 ILCS 5/3-2.5-1 et seq., 20 ILCS 1305 et seq., and 20 ILCS 2805 et seq., respectively. The functions associated with State Healthcare Purchasing (Programs) intended to be transferred hereby include, without limitation, rate development and negotiation with hospitals, physicians and managed care providers; health care procurement development; contract implementation and fiscal monitoring; contract amendments; payment processing; and purchasing aspects of health care plans administered by the state on behalf of (i) state employees, including the quality care health plan, managed care health plan, vision plan, pharmacy benefits plan, dental plan, behavioral health plan, employee assistance plan, utilization management plan, SHIPs and various subrogation arrangements, as well as purchasing and administration of flu shots, hepatitis B vaccinations and tuberculosis tests, (ii) non-state employees, including the retired teachers' health insurance plan, the local government health insurance plan, the community colleges health insurance plan, the active teacher prescription program, and the Illinois Prescription Drug Discount Program, and (iii) residents of state-operated facilities, including DoC and DJJ correctional and youth facilities, DHS mental health centers and developmental centers and DVA veterans homes.
- B. Whenever any provision of this Executive Order or any statute or section thereof transferred by this Executive Order provides for membership of the Director of the Transferring Agency on any council, commission, board or other entity relating to the Programs, the Director of the Receiving Agencies or his designee(s) shall serve in the place of the Transferring Agency only as related to the Programs of the Receiving Agencies. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Receiving Agencies shall so serve. In addition, any statutory mandate which provides for action on the part of the Director of the Transferring

EXECUTIVE ORDER

Agency relating to the Programs shall become the responsibility of the Directors of the Receiving Agencies responsible for the Programs.

II. REVOCATION

On September 30, 2012, or upon written agreement by both the Director of HFS and the Director of CMS that the transfer of the respective powers, duties, rights and responsibilities related to State Healthcare Purchasing from the Transferring Agency to the Receiving Agencies has been completed as contemplated hereunder, whichever is sooner, Executive Order Number 3 (2005) shall be hereby revoked and rescinded with the exception of Section I (renaming the Department of Public Aid as the Department of Healthcare and Family Services) which shall remain in effect.

III. EFFECT OF TRANSFER

- A. The powers, duties, rights and responsibilities vested in the Programs shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operations of the Programs shall be provided by the Receiving Agencies.
- B. Personnel and positions of CMS Programs under the Transferring Agency affected by this Executive Order shall be transferred to and continue their service within CMS. The status and rights of such employees under the Personnel Code shall not be affected by the reorganization. Personnel and positions of DOC, DJJ, DHS, and DVA were not transferred under Executive Order 3 (2005) and, thus, are not affected by this Executive Order.
- C. All books, records, papers, documents, correspondence, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Programs and transferred by this Executive Order from the Transferring Agency to the Receiving Agencies, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agencies responsible for the Programs; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints. The access by personnel of the Receiving Agencies to databases and electronic health information which are currently maintained by the Transferring Agency and which contain data and information necessary to the performance of the functions of the Programs shall continue in the same manner and level of access as prior to this Executive Order. Staff of the Receiving Agencies are authorized to work with staff at the Transferring Agency to add new information relevant to the Programs.
- D. All unexpended appropriations and balances and other funds available for use in connection with any of the Programs shall be transferred for use by CMS pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made. Appropriations of DOC, DJJ, DHS, and DVA were not transferred under Executive Order 3 (2005) and, thus, are not affected by this Executive Order.

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IV. SAVINGS CLAUSE

- A. The powers, duties, rights and responsibilities related to the Programs transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agencies responsible for the Programs. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agency or its divisions, officers or employees.
- B. Any rules of the Illinois Prescription Drug Discount Program, or any other function or program transferred to CMS by this Executive Order, in full force on the effective date of this Executive Order and that have been duly adopted by HFS shall become the rules of CMS. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by HFS as they pertain to the Illinois Prescription Drug Discount Program, or any other function or program transferred to CMS by this Executive Order, that are pending in the rulemaking process on the effective date of this Executive Order shall be deemed to have been filed by CMS. CMS may propose and adopt under the Illinois Administrative Act such other rules of the Illinois Prescription Drug Discount Program, or any other function or program transferred to CMS by this Executive Order, subsequent to the effective date of this Executive Order.
- C. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agency or its divisions, officers or employees.
- D. Every officer of the Receiving Agencies shall, for every offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- E. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with any of the functions of the Programs transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agencies responsible for the Programs.
- F. To the extent necessary or prudent to fully implement the intent of this Executive Order, CMS, DOC, DHS, DJJ, DVA and HFS may enter into one or more interagency agreements to ensure the full and appropriate transfer of all features of State Healthcare Purchasing transferred pursuant to this Executive Order.

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- G. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Programs before this Executive Order takes effect; such actions or proceedings may be defended, prosecuted and continued by the Receiving Agencies responsible for the Programs.

V. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

VI. EFFECTIVE DATE

This Executive Order shall be effective upon filing with the Secretary of State.

Pat Quinn
Governor

Issued by the Governor: March 1, 2012

Filed with the Secretary of State: March 1, 2012

PROCLAMATIONS

2012-51**Desert Storm Remembrance Day**

WHEREAS, since the birth of this great nation, millions of brave American men and women have courageously answered the call to defend their country's ideals of freedom and democracy; and,

WHEREAS, twenty-one years ago, over 600,000 members of the United States Armed Forces risked their lives in the Persian Gulf to liberate Kuwait during Operation Desert Storm, some making the ultimate sacrifice for their country; and,

WHEREAS, the men and women who served in the United States Armed Forces during Operation Desert Storm have earned the gratitude and respect of their nation; and,

WHEREAS, the observance of the 21st anniversary of Operation Desert Storm allows citizens throughout Illinois, and across the country, the opportunity to honor those who served during this conflict for their valor and selflessness; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 28, 2012 as **DESERT STORM REMEMBRANCE DAY** in Illinois, in honor and remembrance of those who made the ultimate sacrifice to protect our country.

Issued by the Governor February 8, 2012

Filed by the Secretary of State February 28, 2012

2012-52**Ronald McDonald House Charities Day**

WHEREAS, service to others is a hallmark of the American character, and throughout our history, corporate citizens have stepped up to meet challenges by volunteering their resources to the communities they serve; and,

WHEREAS, children hold a special place in our lives. Raising happy, healthy children is the greatest success any parent can hope to achieve and should be an important goal of every member of society; and,

WHEREAS, when children are sick, families will travel great distances to ensure they receive the best care possible; and,

WHEREAS, Ronald McDonald House Charities believes that families are stronger when they are together, and in 1979, with the help of sales from McDonald's Shamrock Shakes, the first

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Ronald McDonald house was opened in Philadelphia to provide a "home away from home" for families so they can stay close by a hospitalized child at little or no cost; and,

WHEREAS, since then, more than 300 Ronald McDonald Houses have opened all over the World; and,

WHEREAS, Ronald McDonald House Charities have expanded from their original house projects to create, find and support programs that directly improve the health and well-being of children; and,

WHEREAS, Ronald McDonald House Charities rely on their three core programs: Ronald McDonald House, Ronald McDonald Family Room, and Ronald McDonald Care Mobile to make an immediate, positive impact on children's lives, through the work of 54 regional chapters spread across the World; and,

WHEREAS, on June 26, 2012, Ronald McDonald House Charities of Chicagoland and Northwest Indiana, in partnership with the new Ann & Robert H. Lurie Children's Hospital of Chicago, will open the doors to the world's largest Ronald McDonald House and the fourth such house in the State of Illinois; and,

WHEREAS, the 14-story Ronald McDonald House will serve 86 families each night and contribute to Chicago's premier medical landscape; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 26, 2012 as **RONALD MCDONALD HOUSE CHARITIES DAY** in the State of Illinois, in recognition of their commitment to the health and wellbeing of children, and their dedication to helping keep families together in their greatest time of need.

Issued by the Governor February 9, 2012

Filed by the Secretary of State February 28, 2012

2012-53**Emergency Medicine Day**

WHEREAS, Emergency Medicine is responsible for treating the most critically ill and injured patients and is part of the first response to public health emergencies such as natural disasters and terrorist attacks; and,

WHEREAS, Emergency Physicians must have the skills of many specialists—the ability to resuscitate a patient (Critical Care Medicine), manage a difficult airway (Anesthesia), suture a complex laceration (Plastic Surgery), reduce (set) a fractured bone or dislocated joint

PROCLAMATIONS

(Orthopedic Surgery), treat a heart attack (Cardiology), manage a stroke (Neurology), work-up a pregnant patient with bleeding (Obstetrics and Gynecology), care for the very young (Pediatrics) and very aged (Geriatrics) and care for the mentally ill (Psychiatry); and,

WHEREAS, Emergency Medicine has been described as society's medical safety net since it is the only place where patients know they can be seen regardless of their financial resources or time of day; and,

WHEREAS, in their safety net role, Emergency Physicians and Emergency Departments face a steady demand for uncompensated care, which raises concern about the financial viability of their operations; and,

WHEREAS, the growth in Emergency Department (ED) visits over the last decade coupled with the decline in the number of hospitals operating an ED have led some experts to declare that emergency care has reached a breaking point; and,

WHEREAS, the closures of Emergency Departments have led to an increasingly common ED overcrowding crisis, where the demand for care exceeds the ability of the ED to provide care in a timely way; and,

WHEREAS, there is a need for increased awareness, funding, and support for Emergency Medicine and to preserve this safety net; and,

WHEREAS, the observance of Emergency Medicine Day provides an opportunity for people and families whose lives have been positively impacted by Emergency Medicine to honor the field of Emergency Medicine and the Emergency Physicians who have helped in a time of need; and,

WHEREAS, the establishment of Emergency Medicine Day will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Emergency Medicine and the issues critical to its continuation as society's medical safety net; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 7, 2012 as **EMERGENCY MEDICINE DAY** in Illinois, in order to increase awareness of Emergency Medicine and its contribution to the lives of the people of Illinois.

Issued by the Governor February 9, 2012

Filed by the Secretary of State February 28, 2012

2012-54

Illinois Latino Advisory Council on Higher Education Day

PROCLAMATIONS

WHEREAS, the State of Illinois boasts the 5th Largest Latino population in the United States of America; and,

WHEREAS, the State of Illinois recognizes the continuously-increasing Latino population; and,

WHEREAS, this increase demonstrates that the education of the Latino community is and will continue to be vital to the growth and sustainability of the State of Illinois; and,

WHEREAS, the Illinois Latino Advisory Council on Higher Education (ILACHE) is dedicated to issues impacting Latinos in higher education and to providing a statewide forum for educators, community representatives, and legislative leaders; and,

WHEREAS, ILACHE is committed to the advancement and educational attainment of Latinos by educational policy reform, advocacy, identification of best practices, and the dissemination of research and information; and,

WHEREAS, ILACHE will convene on March 23, 2012 for its 20th annual conference in order to continue its mission to advance and support the Latino educational attainment and the advancement of the educational opportunities for citizens of Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 23, 2012 as **ILLINOIS LATINO ADVISORY COUNCIL ON HIGHER EDUCATION DAY**, in recognition of this groups commitment to education and in celebration of this significant anniversary.

Issued by the Governor February 9, 2012

Filed by the Secretary of State February 28, 2012

2012-55**Grow Your Own Teachers Day**

WHEREAS, in 2004, the Illinois General Assembly passed an innovative initiative called the Grow Your Own Teacher Education Act, which aims to recruit and train a pipeline of new teachers for Illinois schools with low-income students; and,

WHEREAS, what sets the Grow Your Own Teachers initiative apart from other programs is its focus on attracting candidates from local communities in addition to its educational investments and support mechanisms; and,

PROCLAMATIONS

WHEREAS, the intention of the Grow Your Own Teachers initiative is to counter the high rates of teacher turnover in low-income schools; and,

WHEREAS, in addition to high turnover, the total number of African-American and Latino teacher graduates in Illinois is declining; and,

WHEREAS, to date, the Grow Your Own Teachers initiative is responsible for recruiting more than 300 new teacher candidates and graduating over 50 GYO teachers statewide, 85 percent of whom are minorities, with an average GPA of 3.3. These individuals will become excellent teachers but had previously been unable to afford college; and,

WHEREAS, the Grow Your Own statewide initiative is supported by Grow Your Own Illinois, in partnership with 14 community organizations, 8 public universities, 3 private colleges and universities, 10 community colleges, 30 school districts, and 1 union; and,

WHEREAS, on February 29, a rally will be held at the Illinois State Capitol to celebrate the initiative, the candidates, and the progress made since the Grow Your Own Teacher Education Act became law; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 29, 2012 as **GROW YOUR OWN TEACHERS DAY** in Illinois, in honor and recognition of this important and bold initiative, and encourage all residents to support meaningful educational programs like this one that greatly benefit our schools, students, teachers, and communities.

Issued by the Governor February 15, 2012

Filed by the Secretary of State February 28, 2012

2012-56**Illinois State Historical Society Markers Awareness Week**

WHEREAS, many places in Illinois are significant sites of local, state, national and world history; and

WHEREAS, Illinois residents and visitors coming to these sites may learn about historic people, ideas and developments there; and

WHEREAS, such visits may deepen their interest in, and appreciation of, history; and

WHEREAS, history can help them understand their places in the world and how they might improve it; and

PROCLAMATIONS

WHEREAS, increasing visitations at historic sites may stimulate beautification, preservation, conservation, tourism and business in Illinois communities and counties where they are located; and

WHEREAS, the Illinois State Historical Society, established by the Illinois General Assembly in 1899, has already placed its markers at more than four hundred historic sites around the State; and

WHEREAS, the Illinois State Historical Society now seeks to heighten historical awareness in Illinois residents and visitors by calling attention to these markers and historic sites throughout the State:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 27 through March 5, 2012, as **ILLINOIS STATE HISTORICAL SOCIETY MARKERS AWARENESS WEEK** in Illinois to raise awareness about the importance of history in Illinois and the Illinois State Historical Society's markers, and encourage all citizens to learn about historic sites in their locales, visit them, reflect on their importance in history, communicate with others about them, and attend ceremonies commemorating them.

Issued by the Governor February 16, 2012

Filed by the Secretary of State February 28, 2012

2012-57**Playground Safety Week**

WHEREAS, the safety and well being of children is a priority of the State of Illinois; and,

WHEREAS, more than 200,000 children are injured on playgrounds in the United States each year, equaling an average of one playground-related emergency room visit every two-and-one-half minutes; and,

WHEREAS, the National Program for Playground Safety was created at the University of Northern Iowa to help inform the nation about playground injuries and possible ways to reduce them; and,

WHEREAS, the National Program for Playground Safety has identified key areas that could help to substantially reduce the number of playground injuries and keep our children SAFE – providing: proper Supervision, Age appropriate equipment, materials to soften Falls to the surface, and Equipment maintenance; and,

PROCLAMATIONS

WHEREAS, it is appropriate to set aside a week each year for the direction and thought on how to keep our children safer on playgrounds; and,

WHEREAS, spring is often a time that children head to the playground, as a result, a large percentage of playground injuries occur in the months of April through June; and,

WHEREAS, child care centers, schools, parks and other public facilities are preparing for summer season and associated playground use. It is essential that we take the time to inspect, repair, and sustain the many playgrounds that provide our children with much needed exercise and enjoyment; and,

WHEREAS, the State of Illinois is committed to ensuring that no children play on unsafe playgrounds:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 23 – 27, 2012 as **PLAYGROUND SAFETY WEEK** in Illinois, and encourage all citizens to help to keep our children safe on community playgrounds.

Issued by the Governor February 16, 2012

Filed by the Secretary of State February 28, 2012

2012-58**Turner Syndrome Awareness Month**

WHEREAS, Turner Syndrome (TS) is a non-inheritable chromosomal disorder that affects one in 2,500 live female births; and,

WHEREAS, early diagnosis can ensure that affected girls and women receive a complete cardiac screening; and,

WHEREAS, risk for acute aortic dissection is increased in young and middle-aged women with TS; and,

WHEREAS, early diagnosis facilitates prevention or remediation of growth failure, hearing problems and learning difficulties; and,

WHEREAS, individuals with TS have an increased risk of non-verbal learning disorder(NLD) and in school and work these impairments can cause problems in math, visuospatial skills, executive function skills and job retention; and,

WHEREAS, a disproportionately small amount of funding is available for Turner Syndrome research and support; and,

PROCLAMATIONS

WHEREAS, with the help of medical specialists and a good social support system, a woman with TS can live a happy, healthy life; and,

WHEREAS, the establishment of TS Awareness Month will provide an opportunity to share experiences and information with the public and the media, in order to raise public awareness about Turner Syndrome; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 2012, as **TURNER SYNDROME AWARENESS MONTH** and encourages all citizens to support awareness, education, and services for Turner Syndrome which affects hundreds of female babies in Illinois.

Issued by the Governor February 16, 2012

Filed by the Secretary of State February 28, 2012

2012-59**International Mother Language Day**

WHEREAS, there are close to 6,000 languages estimated to be spoken in today's world. About half of those languages are under threat of disappearing forever; and

WHEREAS, in the 1956 Pakistan Constitution, Bengali and Urdu were declared as state languages of Pakistan. In the constitution of Bangladesh, adopted in 1972, it is stated, "The Language of the Republic would be Bengali." In Bangladesh, efforts continue to establish Bangla in all walks of life; and

WHEREAS, International Mother Language Day, which is celebrated on February 21 every year, was launched at the thirtieth session of the General Conference of UNESCO in 1999; and

WHEREAS, the existence of different languages in a culture allows us to gain a different perspective of its history and illuminates the outstanding ability of any culture to create communication; and

WHEREAS, International Mother Language Day aims at promoting linguistic diversity and multilingual education, and at raising awareness of linguistic cultural traditions based on understanding, tolerance and dialogue; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim February 21, 2012 as **INTERNATIONAL MOTHER LANGUAGE DAY** in Illinois, and encourage all citizens to recognize the value that languages have in understanding our shared cultural history.

PROCLAMATIONS

Issued by the Governor February 16, 2012

Filed by the Secretary of State February 28, 2012

2012-60

Park District of Oak Park Day

WHEREAS, the Park District of Oak Park was formed by a voter referendum on April 2, 1912, and since that day has been providing quality parks and recreational opportunities for its residents and guests from around the world; and,

WHEREAS, the Park District established its mission to provide quality parks and recreation experiences for the residents of Oak Park in partnership with the community; and,

WHEREAS, for 100 years the Park District has had a strong record of excellent management, creative programming, prudent spending, and accountability to the community, all to the benefit of its residents and guests; and,

WHEREAS, the Park District has grown into a multifaceted organization with 18 parks, 9 recreation centers, two historic mansions, a horticulture conservatory, and numerous additional facilities, all devoted to serving its residents with exceptional programs and active and passive recreation opportunities; and,

WHEREAS, the Park District provides over 3,000 programs and serves over 44,000 participants annually regardless of age, income, ethnicity, or level of ability or any other characteristics that may distinguish one person from another; and,

WHEREAS, the Park District has created strong, lasting relationships with numerous sports, conservation, culture and recreation organizations, service agencies, and sister government agencies that use Park District resources to the great benefit of residents ; and,

WHEREAS, the Park District continues to renovate and reenergize its parks and other facilities to ensure their lasting benefit to the community; and,

WHEREAS, the Park District offers cultural, recreational, and sports activities that enhance the lives of individuals, work forces, and the community by building strong family bonds and increasing the desirability of the community; and,

WHEREAS, the Village of Oak Park's recognition as a great place to live, work, and play is due in large to the many benefits provided by the Park District; and,

PROCLAMATIONS

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2, 2012 as **PARK DISTRICT OF OAK PARK DAY** in Illinois, in recognition of their 100th anniversary of service to the community.

Issued by the Governor February 16, 2012

Filed by the Secretary of State February 28, 2012

2012-61**Neuropathy Awareness Week**

WHEREAS, Peripheral Neuropathy is one of the most common chronic neurological diseases in the United States, affecting over 20 million Americans; and,

WHEREAS, Peripheral Neuropathy affects the motor, sensory and autonomic nerves connecting the spinal column to muscles, skin, and internal organs, causing weakness, numbness, tingling, and pain; and,

WHEREAS, the National Institute of Neurological Disorders and Stroke (NINDS) and other institutes of the National Institute of Health (NIH) conduct research related to peripheral neuropathies and also support additional research through grants to major medical institutions across the country; and,

WHEREAS, it is fitting to recognize the many health care providers and researchers who help patients live better lives with neuropathy and who search for more treatment options and cures for this under-recognized disease; and,

WHEREAS, increased public education and awareness about neuropathy not only helps people who are living with this debilitating disease, but also encourages much-needed research for more treatment options and cures; and,

WHEREAS, 2012 marks the eighth year that The Neuropathy Association has dedicated the third week of May to raise awareness about the neuropathy epidemic; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 14-18, 2012 as **NEUROPATHY AWARENESS WEEK** in Illinois and urge everyone to work together to raise awareness of this disease that affects so many of our friends and family members.

Issued by the Governor February 17, 2012

Filed by the Secretary of State February 28, 2012

2012-62

PROCLAMATIONS

Lions Candy Day

WHEREAS, the Lions Club was founded in 1917 by Melvin Jones. His goal was to create an organization of businesses who shared a common goal of bettering the community; and,

WHEREAS, Lions Club International has grown to incorporate more than 1.4 million members who participate in 46,000 clubs in 193 countries across the globe; and,

WHEREAS, addressing the Lions in 1925, Helen Keller challenged them to become "Knights of the Blind in the Crusade against Blindness." Today, with nearly 600 Clubs in Illinois, Illinois Lions continue to try to meet that challenge; and,

WHEREAS, Illinois Lions created the Lions of Illinois Foundation with the mission to provide quality programs and services to the people of Illinois for the detection, treatment, and rehabilitation of visual & hearing impairments; and,

WHEREAS, the Lions Club of Illinois has raised an unprecedented amount of money for those who are visually and hearing impaired over the years through events such as Candy Day; and,

WHEREAS, Candy Day is the premiere fund raising campaign of the Lions of Illinois Foundation, raising over 50 percent of the total operating cost for the thirteen service programs of the Foundation that assist the visually and hearing impaired in Illinois; and,

WHEREAS, Candy Day allows the citizens of Illinois to contribute to an organization that will in turn give back to the public. The candy they receive is a token of appreciation from the Lions Club for their donation; and,

WHEREAS, the month of October is recognized as Blindness Awareness Month; it is therefore fitting that Lions Candy Day should be held on the second Friday of this month, as all proceeds from Candy Day will go to programs the Lions Club of Illinois promotes to continue to help the visual and hearing impaired:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 12, 2012 as LIONS CANDY DAY in Illinois, and applaud the Lions Club for their continued service to our communities.

Issued by the Governor February 21, 2012

Filed by the Secretary of State February 28, 2012

2012-63

Lions and Lionesses Tootsie Pop Day

PROCLAMATIONS

WHEREAS, the Lions and Lioness Clubs of Illinois have dedicated their time to helping the blind, visually impaired, deaf, and hearing impaired; and

WHEREAS, the Lions and Lioness Clubs of Illinois are sponsoring Lions and Lioness Tootsie Pop Day for Sight and Sound throughout our State May 5, 2006; and

WHEREAS, Tootsie Pop Day is being held under the auspices of the Lions and Lioness of Illinois Foundation, a nonprofit organization that raises money for worthwhile projects through Tootsie Pop sales; and

WHEREAS, the proceeds from Tootsie Pop Day will help to provide detection treatment and rehabilitation programs for the blind, visually impaired, deaf, and hearing impaired residents of Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 4, 2012 as **LIONS AND LIONESSES TOOTSIE POP DAY** in Illinois, and encourage all citizens to support this noble endeavor aimed at creating a better and more independent life for the blind, visually impaired, deaf, and hearing impaired of our communities.

Issued by the Governor February 21, 2012

Filed by the Secretary of State February 28, 2012

2012-64**Lions and Lionesses Diabetes Awareness Campaign Days**

WHEREAS, diabetes has reached epidemic proportions in the United States; 23.6 million people or 7.8 percent of the population have diabetes. 17.9 million have diagnosed diabetes and 5.7 million undiagnosed. In Illinois, more than 841,626 adults (age 18 and older) or 8.8 percent have diagnosed diabetes. An additional 260,000 adults may have undiagnosed diabetes and approximately 3 million people are at increased risk for developing diabetes due to age, obesity and sedentary lifestyle; and

WHEREAS, type 2 diabetes can be prevented in those at high risk by changes in lifestyle with improved diet, increased physical activity, and/or modest weight loss; and

WHEREAS, in Illinois, diabetes - both type 1 and type 2 - account for nearly \$7.3 billion in total direct healthcare and indirect costs every year. It is estimated that the direct medical care costs per person per year with diabetes is 2.3 times higher than the person without diabetes. Studies estimate that a one percent reduction in A1c values can reduce total healthcare costs for a patient with type 2 diabetes by up to \$950 per year; and

PROCLAMATIONS

WHEREAS, numerous studies support that people with diabetes can prevent or delay the progression of complications by practicing goal-oriented management of blood glucose, lipids and blood pressure, receiving diabetes self-management education, ensuring proper food intake and physical activity to help achieve target values, maintaining a healthy body weight, and receiving recommended eye and foot examinations; and

WHEREAS, as many as one in four people with diabetes will develop a foot ulcer in their lifetime. Proper daily foot care, regular examinations by a physician or podiatrist and early detection and treatment of possible ulcers may prevent amputations. People with diabetes under the care of a podiatrist or multidisciplinary health care team have fewer deep ulcers; and

WHEREAS, retinopathy, a disease of the small blood vessels in the retina, is one of the most common eye problems for people with diabetes; and people with diabetes have a higher risk of blindness than people without diabetes. A person with diabetes should have regular eye examinations with an eye care professional. Early detection and treatment of retinopathy may prevent further damage and blindness:

WHEREAS, the Lions and Lioness Clubs of Illinois are sponsoring the Lions and Lioness Diabetes Awareness Campaign this year throughout the months of March, April and May; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 1 through May 31, 2012 as **LIONS AND LIONESSES DIABETES AWARENESS CAMPAIGN DAYS** in Illinois.

Issued by the Governor February 21, 2012
Filed by the Secretary of State February 28, 2012

2012-65**Japanese Earthquake Commemoration Day**

WHEREAS, natural disasters such as earthquakes, windstorms, and floods can strike anywhere on earth, often without warning. These events are usually triggered by environmental factors that cause devastating humanitarian, physiological and economic hardships to affected nations; and,

WHEREAS, on March 11, 2011, the strongest earthquake in Japanese recorded history struck off its northeastern coast. The massive tsunami wave triggered by the impact left a trail of debris among the cities and villages along the 2,100 kilometer stretch of coastline; and,

WHEREAS, families and friends were lost, homes destroyed and whole towns vanished instantly as the huge tsunami caused unimaginable damage to Japan's East Pacific Ocean front.

PROCLAMATIONS

This disastrous spectacle has caused irreparable damage in the hearts and minds of the people, leaving behind a death toll of over 15,000 with another 5,000 missing; and

WHEREAS, the Osaka Committee of Chicago Sister Cities International and Japan America Society of Chicago will be hosting a Japan Earthquake Photography Exhibition, through the generous cooperation of Nikkei Inc., the leading Japanese business newspaper, that reflects on the immediate aftermath of the earthquake and tsunami, and ongoing recovery efforts; and,

WHEREAS, the Japan Earthquake Photography Exhibition is a reminder of the lives of those lost during this tragedy as well as a celebration of the bravery of the first responders whose efforts saved many lives; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 11, 2012 as **JAPANESE EARTHQUAKE COMMEMORATION DAY** in Illinois, in memory of the people of Japan and their courage in facing a natural disaster of such magnitude.

Issued by the Governor February 21, 2012

Filed by the Secretary of State February 28, 2012

2012-66**Caribbean-American Heritage Month**

WHEREAS, emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia; and,

WHEREAS, during the seventeenth, eighteenth, and nineteenth centuries, a significant number of slaves from the Caribbean region were brought to the United States; and,

WHEREAS, much like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism as well as struggled for independence resulting in its diverse racial, cultural, and religious makeup; and,

WHEREAS, the independence movements in many countries in the Caribbean during the 1960's and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between this region and the United States; and,

WHEREAS, Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean; as were Jean Baptiste Point du Sable, the pioneering first resident of the city of Chicago and first Caribbean to be elected to office in Illinois (Haitian), Shirley Chisholm, the first African-American Congresswoman and first African-

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American woman candidate for President, and Celia Cruz, the world renowned queen of salsa music; and,

WHEREAS, there have been many other influential Caribbean-Americans in the history of the United States, including Peggy Llewellyn, the first woman of color to win a motorsport event (Jamaican/Mexican American); Larry R. Felix, (Trinidad) Director of the Bureau of Engraving & Printing; Sheryl Lee Ralph (Jamaica), actress and HIV/AIDS Awareness Advocate; Grand Master Flash (Barbados), one of the pioneers of Hip Hop, Cicily Tyson, actress also known as the woman of a thousand faces (Nevis & St. Kitts) and Roy Innis (US Virgin Islands), chairman, Congress of Racial Equality; and,

WHEREAS, Caribbean-Americans have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other industries within the United States; and,

WHEREAS, Caribbean-Americans share their culture through carnivals, festivals, music, dance, film, and literature that enrich the cultural landscape of the United States; and,

WHEREAS, the people of the Caribbean region share the hopes and aspirations of the people of the State of Illinois, and the United States, for peace and prosperity; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2012 as **CARIBBEAN-AMERICAN HERITAGE MONTH** in Illinois, and encourage all citizens to learn about the wonderful contributions that Caribbean-Americans have made to our state, and to the nation as a whole.

Issued by the Governor February 21, 2012

Filed by the Secretary of State February 28, 2012

2012-67**Pediatric Stroke Awareness Month**

WHEREAS, stroke occurs at a rate of 1 in 2700 live births each year and 12 in 100,000 children per year, with stroke being the sixth leading cause of death in children; and,

WHEREAS between 50 and 85 percent of infants and children who have a Pediatric Stroke will have serious, permanent neurological disabilities, including paralysis, seizures, speech and vision problems, attention, learning and behavioral difficulties, and may require ongoing physical therapy and surgeries; and,

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WHEREAS the life-long health concerns and treatments resulting from Pediatric Stroke result in a heavy financial and emotional toll on the child, the family, and society; and,

WHEREAS very little is known about the cause, treatment and prevention of Pediatric Stroke; Pediatric Stroke risk factors, symptoms, prevention efforts, and treatment are often different in children than in adults; only through medical research can effective treatment and prevention strategies for Pediatric Stroke be identified and developed; and,

WHEREAS an early diagnosis and commencement of treatment of Pediatric Stroke greatly improves chances of recovery and prevention of recurrence; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim May 2012 as **PEDIATRIC STROKE AWARENESS MONTH** in the State of Illinois and urge all citizens to join me in supporting the efforts, programs, services, and advocacy the Children's Hemiplegia and Stroke Association provides as they strive to enhance public awareness of Pediatric Stroke.

Issued by the Governor February 22, 2012

Filed by the Secretary of State February 28, 2012

2012-68**MDA Firefighter Appreciation Month**

WHEREAS, thousands of dedicated and selfless firefighters in our state provide vital and lifesaving services to the citizens of their communities; and,

WHEREAS, when these heroes are not battling life-threatening situations, they are unselfishly contributing to their communities in other ways, including raising money for local charities and volunteering with agencies such as the Muscular Dystrophy Association (MDA); and,

WHEREAS, the MDA combats neuromuscular diseases through programs that perform worldwide research, comprehensive medical and community services and far-reaching professional and public health education; and,

WHEREAS, the Illinois firefighters who have pledged their lives to saving the lives of others, have also pledged their efforts to help find cures for devastating diseases by supporting MDA's fight against neuromuscular diseases; and,

WHEREAS, in pursuit of this goal, the departments and districts of the Illinois firefighters are conducting "Fill the Boot" fundraising drives; and,

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WHEREAS, many Illinois citizens have benefited from the funds raised by firefighters in the "Fill the Boot" campaign, and these public servants make invaluable contributions to our state in all tasks they perform; and,

WHEREAS, the State of Illinois is proud to recognize Illinois firefighters as they conduct fundraising projects in our state for the MDA; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 2012 as **MDA FIREFIGHTER APPRECIATION MONTH** in Illinois, and encourage all citizens to acknowledge the ongoing contributions to the wellbeing of our communities and citizens made daily by these brave men and women.

Issued by the Governor February 22, 2012

Filed by the Secretary of State February 28, 2012

2012-69**American Eagle Day**

WHEREAS, the Bald Eagle was designated as the United States of America's National Emblem on June 20, 1782 by our Country's Founding Fathers at the Second Continental Congress; and,

WHEREAS, the Bald Eagle is unique to North America and represents such American values and attributes as Freedom, Courage, Strength, Spirit, Justice, Quality and Excellence; and,

WHEREAS, the Bald Eagle is the central image used in the Great Seal of the United States and in the logos of many branches of the U.S. Government, including the Presidency, Congress, Defense Department, Treasury Department, Justice Department, State Department, Department of Commerce, and U.S. Postal Service; and,

WHEREAS, the Bald Eagle's image, meaning and symbolism have played a significant role in the beliefs, traditions, religions, lifestyles and heritage of Americans from all walks of life, including U.S. military servicemen and women, American Indians, Christians, and members of various civic, fraternal, patriotic, veterans, youth, conservation, educational, outdoors, nature, sportsman, wildlife, political and sports organizations; and,

WHEREAS, the Bald Eagle's image, meaning and symbolism have played a significant role in American art, music, literature, architecture, commerce, education, and culture, as well as on United States stamps, currency, and coinage; and,

WHEREAS, the Bald Eagle was once endangered and threatened with possible extinction, but is gradually making an encouraging comeback to America's skies; and,

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WHEREAS, the Bald Eagle was federally classified as an "endangered species" in the lower 48 states under the Endangered Species Act in 1973, and was upgraded to a less imperiled "threatened" status under that Act in 1995; and,

WHEREAS, the Department of Interior and U.S. Fish and Wildlife Service delisted the Bald Eagle from Endangered Species Act protection in 2007, but the Bald Eagle will continue to be protected under the Bald and Golden Eagle Act of 1940 and the Migratory Bird Treaty Act of 1918; and,

WHEREAS, the recovery of the United States' Bald Eagle population was largely accomplished due to the vigilant efforts of numerous caring agencies, corporations, organizations, and citizens:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim June 20, 2012 as **AMERICAN EAGLE DAY** in Illinois, and encourage all citizens to join in support of the majestic Bald Eagle's continuing recovery and the protection of its precious natural habitat, and in commemorating the living and symbolic presence of our National Bird.

Issued by the Governor February 22, 2012

Filed by the Secretary of State February 28, 2012

2012-70**Illinois Arts Education Week**

WHEREAS, the State of Illinois recognizes that arts education, which includes dance, drama, music and visual arts is an essential part of basic education for all students, providing them with a balanced education that will aid in developing their full potential; and,

WHEREAS, the arts enrich the lives of children in Illinois and throughout the country by helping them to develop creative ability, self-expression, self-reflection, cognitive skills, discipline, a heightened appreciation of beauty and cross-cultural understanding; and,

WHEREAS, experience in the arts develops insights and abilities central to the experience of life; and,

WHEREAS, the arts are collectively an important repository of our culture; and,

WHEREAS, many national and state professional education associations hold celebrations in the month of March focused on students' participation in the arts; and,

WHEREAS, these celebrations give Illinois schools a unique opportunity to focus on the value of the arts for all students, to foster cross-cultural understanding, to recognize the state's

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outstanding young artists, to focus on careers in the arts available to Illinois students, and to enhance public support for this important part of their curriculum; and,

WHEREAS, the fine arts are a significant component of students' educational development, teaching them the language and production of the arts, and helping them understand the role of the arts in civilizations, past and present:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 12-18, 2012, as **ILLINOIS ARTS EDUCATION WEEK** and encourage all residents to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor February 24, 2012

Filed by the Secretary of State February 28, 2012

2012-71**Chicago Business Opportunity Days**

WHEREAS, the 45th Annual Chicago Business Opportunity Fair (CBOF), which is of special interest to Illinois-based businesses, will be held April 11-13, 2012; and,

WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and,

WHEREAS, W. Anthony Vernon, Executive Vice President and President of Kraft Foods North America, will serve as Honorary Chairperson of the fair's Planning Committee; and,

WHEREAS, the 45th Anniversary of the Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc. an organization devoted to stimulating minority business development and purchasing in Chicago and throughout the State of Illinois; and,

WHEREAS, Kitty Pon, President and CEO of Paetrans Air & Sea, Inc. will serve as Chairperson of the CBOF Minority Business Enterprise Input Committee (MBEIC) Awards Reception. This event will recognize the MBE's corporate and government buyers and organizations that have shown exceptional commitment to business development; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 11-13, 2012 as **CHICAGO BUSINESS OPPORTUNITY DAYS** in Illinois in recognition of the 45th anniversary of the Chicago Business Opportunity Fair.

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Issued by the Governor February 24, 2012

Filed by the Secretary of State February 28, 2012

2012-72**National Cancer Registrars Week**

WHEREAS, chartered in May 1974, the National Cancer Registrars Association (NCRA) is a non-profit organization that represents more than 4,000 cancer registry professionals and Certified Tumor Registrars. The mission of NCRA is to promote education, credentialing, and advocacy for cancer registry professionals; and,

WHEREAS, cancer registrars are healthcare professionals and data management experts that capture a complete summary of patient history, diagnosis, treatment, and status for every cancer patient in the United States, and other countries as well. This data is fundamental to the nation's cancer prevention and treatment efforts; and,

WHEREAS, cancer registrars advocate at state and local levels on issues related to cancer surveillance and privacy of patient medical records. This year's theme is "Cancer Registrars...More than Just Statistics," and was chosen to acknowledge the vital role played by cancer registrars in the nation's response to public health challenges; and,

WHEREAS, researchers working on epidemiological studies and public health officials developing cancer prevention programs use data collected by cancer registrars. Local and state data is also submitted to the National Cancer Database, a nationwide oncology outcomes database maintained by the American College of Surgeons that provides the basis for many patterns of care studies; and,

WHEREAS, during the week of April 9-13, 2012, Cancer Registrars will be honored by observing National Cancer Registrars Week. This annual observance, organized by the National Cancer Registrars Association, honors their members and Cancer Registry professionals whose vision and core values are set in making a difference in the "war on cancer":

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 9-13, 2012 as **NATIONAL CANCER REGISTRARS WEEK** in Illinois, and encourage all citizens to recognize these healthcare professionals for their tireless work in the fight against cancer.

Issued by the Governor February 24, 2012

Filed by the Secretary of State February 28, 2012

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Gubernatorial Proclamation

Severe storms and tornadoes moved through counties in the southern third of Illinois on Wednesday morning, February 29, 2012. The rapidly moving storms produced tornadoes that caused deaths, extensive property damage and resulted in dozens of injuries to residents. Local emergency workers responded immediately to protect public health and safety. State agencies are assisting local governments in debris removal, security and the coordination of all necessary activities to ensure a rapid recovery from the effects of the violent weather. A coordinated effort involving State agencies, local governments and the private sector will be crucial in the next few weeks.

In the interest of aiding the citizens of Illinois and the impacted local governments that are responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will aid the Illinois Emergency Management Agency in coordinating State resources to support local governments in the disaster response and recovery operations, including, but not limited to, emergency purchases necessary for response and other emergency powers as authorized by the Act. This includes the suspension of provisions of the Illinois Procurement Code that would in any way prevent, hinder, or delay necessary action in coping with the disaster. In addition, this proclamation can facilitate a request for federal disaster assistance following a thorough assessment of damage if the damage assessment indicates that federal disaster assistance is warranted.

Date - February 29, 2012

Filed - February 29, 2012

Pat Quinn
Governor

ILLINOIS ADMINISTRATIVE CODE
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