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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 preemptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2012

<b><u>Issue #</u></b>	<b><u>Rules Due Date</u></b>	<b><u>Date of Issue</u></b>
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
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012
20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012

22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012
24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
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29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May 1<sup>st</sup> to July 2<sup>nd</sup>, 2012.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Standards of Service Applicable to 9-1-1 Emergency Systems
- 2) Code Citation: 83 Ill. Adm. Code 725
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
725.100	Repeal
725.101	Repeal
725.105	Repeal
725.200	Repeal
725.205	Repeal
725.210	Repeal
725.215	Repeal
725.220	Repeal
725.225	Repeal
725.300	Repeal
725.305	Repeal
725.400	Repeal
725.500	Repeal
725.505	Repeal
725.600	Repeal
725.605	Repeal
725.610	Repeal
725.615	Repeal
725.620	Repeal
725.700	Repeal
725.810	Repeal
725.APPENDIX A	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10]
- 5) A Complete Description of the Subjects and Issues Involved: The Commission is concurrently proposing the adoption of new rules at Part 725. The current rules are not reflective of advances in technology in telecommunications, nor are they reflective of changes in the Emergency Telephone System Act engendered by P.A. 96-0025.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 7) Will this rulemaking replace any emergency repealer currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed repealer neither creates nor expands any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 12-0349, with:

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

217/782-7434

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This repealer will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This repealer will not affect any small municipalities or not for profit corporations that are not otherwise jurisdictional entities.
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting
- C) Types of professional skills necessary for compliance: Engineering and managerial skills.

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

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

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

PART 725  
STANDARDS OF SERVICE APPLICABLE TO 9-1-1 EMERGENCY SYSTEMS  
(REPEALED)

SUBPART A: GENERAL PROVISIONS

Section	
725.100	Application of Part
725.101	Waivers
725.105	Definitions

SUBPART B: AUTHORIZATION TO OPERATE

Section	
725.200	General Requirements
725.205	Tentative Plans
725.210	Final Plans
725.215	Order of Authority
725.220	Records and Reports
725.225	Auditing

SUBPART C: MANAGEMENT AND STAFFING

Section	
725.300	Management Systems
725.305	Commission Liaison

SUBPART D: STANDARDS OF SERVICE

Section	
725.400	General Standards

SUBPART E: ENGINEERING

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## Section

725.500 Telecommunications Carriers  
725.505 Public Safety Answering Point

## SUBPART F: OPERATIONS

## Section

725.600 System Review  
725.605 Written Operating Procedures  
725.610 Call Handling Procedures  
725.615 Electronic Communication Devices  
725.620 Disaster Procedures

## SUBPART G: FACILITIES

## Section

725.700 Physical Security

## SUBPART H: SURCHARGE

## Section

725.800 Assessment of Surcharge (Repealed)  
725.805 Surcharge Billing (Repealed)  
725.810 Telecommunications Carrier Surcharge Administration and Monthly Report to the  
Emergency Telephone System Board

725.APPENDIX A Telecommunications Carrier Monthly Report to ETSB

AUTHORITY: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

SOURCE: Adopted at 4 Ill. Reg. 2, p. 163, effective December 31, 1979; amended at 5 Ill. Reg. 888, effective January 9, 1981; codified at 8 Ill. Reg. 12188; Part repealed, new Part adopted at 20 Ill. Reg. 5335, effective April 1, 1996; amended at 28 Ill. Reg. 15742, effective December 1, 2004; old Part repealed at 36 Ill. Reg. 9493, and new Part adopted at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## ILLINOIS COMMERCE COMMISSION

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**Section 725.100 Application of Part**

This Part shall apply to all public agencies, public safety agencies, and telecommunications carriers in the State of Illinois except to the extent of any exemptions conferred by law.

**Section 725.101 Waivers**

- a) A public agency or a telecommunications carrier may file a petition pursuant to 83 Ill. Adm. Code 200 for a temporary waiver from compliance with the requirements of Sections 725.205(d); 725.210(e); 725.220(c); 725.400(a), (d)(3) and (f); 725.500(c), (h), (i), (j), (k), (o), (p) and (q); 725.505(a), (e), (g), (i), (m) and (y); 725.620(b); 725.700; and 725.Appendix A, if the petitioner alleges that compliance with the provision is either technologically infeasible or that it is financially incapable of complying with the requirement. The petition must include a proposed schedule for compliance with the provision. In determining whether to grant a waiver from a specified requirement, the Commission shall consider the economic impact of compliance, costs and rate consequences (if applicable), and the effect of the waiver on the provision of emergency services.
- b) If granted, this waiver will be effective for a period of up to one year from the date of the order granting the waiver. A party seeking an extension of the waiver period must file a separate petition with the Commission. Any extension of the waiver period shall be for no longer than one year. A party may file for and be granted more than one waiver and more than one extension of the waiver period.

**Section 725.105 Definitions**

In the interpretation of this Part, the following definitions shall be used.

*"9-1-1 System" – The geographic area that has been granted an order of authority by the Commission to use "9-1-1" as the primary emergency telephone number. [50 ILCS 750/2.19]*

*"A' Links" – Message trunks capable of providing ANI connecting the serving central office of the 9-1-1 calling party and the designated 9-1-1 selective router.*

*"Access Line" – The connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the*

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switching network for local exchange and interexchange telecommunications service.

"Aid Outside Normal Jurisdiction Boundaries Agreement" – A written cooperative agreement entered into by all participating and adjacent agencies and public safety agencies providing that, once an emergency unit is dispatched to a request through a system, that unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries.

"Alternate Routing" – Alternate routing allows 9-1-1 calls to be alternatively rerouted to another Public Safety Answering Point (PSAP) location in the case of the overflow calls on the "B" link or PSAP failure.

"Audible Signal" – A buzzer, bell, or tone device used to alert an individual that appropriate action is required.

*"Automatic Alarm" or "Automatic Alerting Device" – Any device that will access the 9-1-1 system for emergency services upon activation. [50 ILCS 750/2.14]*

"Automatic Location Identification" or "ALI" – In an E9-1-1 system, the automatic display at the PSAP of the caller's telephone number, the address/location of the telephone and supplementary emergency services information.

"Automatic Number Identification" or "ANI" – Automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"B' Links" – The special service circuits between the 9-1-1 selective routers and the PSAP.

"Backup PSAP" – A Public Safety Answering Point that serves as an alternate to the primary PSAP for enhanced systems and is located at a different location than the municipality's/county's primary PSAP providing the service that will accept overflow calls and calls that are rerouted due to "B"-link failure or because the primary PSAP is disabled.

"Basic 9-1-1" – A general term that refers to an *emergency telephone system that automatically connects a person dialing the digits "9-1-1" to an established PSAP*

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*through normal telephone service facilities.* [50 ILCS 750/2.07]

"Busy Hour" – The two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

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

"Call Box" – A device that is normally mounted to an outside wall of the serving telecommunications carrier central office and designed to provide emergency on-site answering by authorized personnel at the central office location in the event a central office is isolated from the PSAP.

"Called Party Hold" – A telephone service feature that enables the called party to maintain a connection, even if the calling party has hung up, on any circuit so equipped.

"Call Referral" – A 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.

"Call Relay" – A 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.

"Call Transfer" – A 9-1-1 service in which the PSAP telecommunicator receiving a call transfers that call to the appropriate public safety agency or other provider of emergency services.

"Central Office" – A switching office/facility in a telephone system that provides service to the general public, having the capability of terminating and interconnecting subscriber lines and/or trunks.

"Circuit" – The physical connection (or path) of channels, conductors, and equipment between two given points through which an electronic signal may be established.

"Centrex-type Service" – A telecommunications carrier central office based service with characteristics similar to those of private branch exchange type

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systems. When making an emergency call from a Centrex phone, it is necessary to dial an outside access code, typically the digit 9, before dialing the 9-1-1 emergency number.

"Commission" – The Illinois Commerce Commission.

"Control Office" – The control office controls the switching of ANI and selective routing information to the appropriate PSAP. The control office serves as a tandem switch in the 9-1-1 network.

"Dedicated Direct Trunking" – An arrangement where a telephone line connection has no intermediate switching points between the originating central office and PSAP location. The facilities utilized in this arrangement may be either intra- or inter-exchange.

"Default Routing" – A feature that allows E9-1-1 calls to be routed to a designated default PSAP if the incoming E9-1-1 call cannot be selectively routed due to ANI failure, garbled digits, or other causes that prevent selective routing.

"Direct Dispatch" – A 9-1-1 service that provides for the direct dispatch by a PSAP telecommunicator of the appropriate unit upon receipt of a telephone request for the services and the decision as to the proper action to be taken.

"Diverse Routing" – The practice of routing circuits along different physical paths in order to prevent total loss of 9-1-1 service in the event of a facility failure.

"E9-1-1 Selective Router" – A telecommunications carrier switching office or stand alone selective routing switch equipped with enhanced 9-1-1 service capabilities. This switch serves as an E9-1-1 selective router for 9-1-1 calls from other local offices in the 9-1-1 service area.

"Emergency Call" – A telephone request for emergency services that requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property, and any other situations as are determined by local custom.

"Emergency Service Number" or "ESN" – Sometimes known as emergency service zone (ESZ). An ESN is a three to five digit number representing a unique combination of public safety agencies (police, fire, and emergency medical service) designated to serve a specific range of addresses within a particular

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geographical area or ESZ. The term ESZ refers to the geographic area itself and is generally used only during the ESN definition process to label specific areas. The ESN facilitates the selective routing of calls to appropriate PSAPs.

"Emergency Telephone System Board" or "ETSB" – A board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers as are prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750]. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"English Language Translation" or "ELT" – Database table that provides the names of the public safety agencies associated with an ESN/ESZ number, that is displayed on the ALI screen at the PSAP.

"Enhanced 9-1-1" or "E9-1-1" – A general term that refers to an emergency telephone system with specific electronically controlled features such as ALI, ANI, or Selective Routing and that uses the master street address guide (MSAG) geographic files.

"Error Ratio" – The percentage of database records that is not MSAG valid for a specific 9-1-1 system.

"Exempt Lines" – Exempt lines are lines other than those for which a 9-1-1 surcharge may be imposed under the criteria set forth in Section 15 of the ETSA [50 ILCS 750/15]. Exempt lines include, but are not limited to, telecommunications carrier official lines and federal government lines.

"Forced Disconnect" – A feature that allows the PSAP to release a telephone connection, even though the calling party has not been disconnected, to avoid caller jamming of the incoming trunks.

"Grade of Service" – The probability (P), expressed as a decimal fraction, of a telephone call being blocked. P.01 is the grade of service reflecting the probability that one call out of one hundred will be blocked.

"Idle Circuit Tone Application" – A feature that applies a distinctive tone toward the PSAP attendant to distinguish between calls that have been abandoned before

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the attendant answers and calls where the caller is unable to speak for some reason.

"Key Telephone System" – A telephone system in which the telephones have multiple buttons permitting the user to directly select the outgoing line on which to place a call. These systems are traditionally found in relatively small business environments, typically in the range of 50 telephones.

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

"Local Number Portability" or "LNP" – A process by which a telephone number may be reassigned from one local exchange carrier to another.

"Logging Recorder" – A machine that records both sides of telephone and radio transmissions.

"Master Street Address Guide" or "MSAG" – The computerized geographical file that consists of all streets and address data within the 9-1-1 system area. This database is the key to the selective routing capability of E9-1-1 systems. It is to match an originating caller to a specific answering point based on the address data. The MSAG may require updating after the initial file is established.

*"Mechanical Dialer" – A device that either manually or remotely triggers a dialing device to access the 9-1-1 system. [50 ILCS 750/2.15]*

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

*"Network Connections" – A voice grade communication channel directly between a subscriber and a telecommunications carrier's public switched network, without the intervention of any other telecommunications carrier's switched network, that would be required to carry the subscriber's inter-premises traffic. The connection either:*

*is capable of providing access through the public switched network to a 9-1-1 system, if one exists; or*

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*if no system exists at the time a surcharge is imposed under Section 15.3 of the ETSA [50 ILCS 750/15.3], would be capable of providing access through the public switched network to the local 9-1-1 system if one existed. [220 ILCS 750/2.12(a)]*

"Network Segment" – A portion of the network in which there are no intermediate switching points. "A" links and "B" links are network segments.

"On-line Date" – A date that is agreed to by all parties as to when a 9-1-1 system is activated for the public.

"Operator Services" – Any of a variety of telephone services that need the assistance of an operator or an automated "operator" (i.e., using interactive voice response technology and speech recognition). These services include collect calls, third party billed calls, and person-to-person calls.

"Order of Authority" – A formal order of the Commission that authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

"Originating Switchhook Status Indication" – An audible and/or visual indication of the status of a calling party being held.

"Overflow" – A call or position used when a call is blocked or rerouted due to excessive traffic.

"Primary Point of Contact" or "9-1-1 Contact Person" – The individual designated by the 9-1-1 system management as the contact point for the participating telecommunications carriers.

"Private Branch Exchange" or "PBX" – A telephone switchboard with many stations not individually connected to the local exchange carrier switching network.

*"Public Agency" – The State or any unit of local government or special purpose district located in whole or in part within this State that provides police, firefighting, medical or other emergency services or has authority to do so. [50 ILCS 750/2.01]*

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*"Public Safety Agency" – A functional division of a public agency that provides police, firefighting, medical or other emergency services. [50 ILCS 750/2.02]*

"Public Safety Answering Point" or "PSAP", sometimes called a "Center" or "9-1-1 Center"; the initial answering location of a 9-1-1 call.

"Rate Center" – A geographically specified area used for determining mileage and/or usage dependent rates in the public switched network.

"Rehoming" – A major network change that involves moving a customer's local loop termination from one central office wireless center to another. Rehoming generally involves the retermination of private line facilities, although it can simply involve local loop termination for purposes of access to switched services. Rehomes also can be for the purpose of access to switched services. Rehomes also can be for the purposes of the carrier, perhaps in connection with a switch upgrade or switch move/decommission.

"Ringback" – A feature used in conjunction with "Called Party Hold" that allows the PSAP telecommunicator to ringback the caller who has disconnected before the necessary emergency data has been obtained.

"Ringback Tone" – A tone returned to the caller to indicate that a central office is providing ringing current to the called party's circuit.

"Secondary PSAP" – A location where a 9-1-1 call is transferred for dispatching purposes.

"Selective Routing" – A switching system that automatically routes calls to predetermined PSAPs, based on the location of the calling telephone number.

"Service Address" – The location of the primary use of the network connection or connections.

"Surcharge" – An amount levied by the corporate authorities of any municipality or county on billed subscribers of network connections for installing and maintaining an Enhanced 9-1-1 system.

"System Management" – The ETSB that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers as are

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prescribed by the Emergency Telephone System Act. If no ETSB is established, then those persons given the authority to operate the 9-1-1 system by the local public agencies.

"System Provider" – The contracted entity that is certified as a telecommunications carrier by the Commission providing 9-1-1 network and database services.

"Tandem Trunking" – An arrangement whereby an E9-1-1 call is routed from a central office to the 9-1-1 selective router to the PSAP.

"TDD" – A telecommunications device for the deaf. See "TTY."

"Telecommunications Carrier" – Shall have the same meaning as defined in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], including those carriers acting as resellers of telecommunications services. For the purpose of 9-1-1 service, this definition shall include telephone systems operating as mutual concerns. A telecommunications carrier under the Public Utilities Act may provide competitive or noncompetitive local exchange telecommunications services or any combination of the two as defined in Section 13-204 of the Public Utilities Act [220 ILCS 5/13-204].

"Telecommunications Service" – Shall have the same meaning as defined in Section 13-203 of the Public Utilities Act [220 ILCS 5/13-203].

"Telecommunications Service Area" – The geographical area served by a telecommunications carrier.

"Telecommunicator" – A person who is trained and employed in public safety telecommunications. The term applies to complaint telephone operators, radio operators, data terminal operators or any combination of such functions in a PSAP.

"Terminal Equipment" – Telephone station apparatus.

"Transfer" – A feature that allows the PSAP telecommunicator to transfer E9-1-1 calls to a specific location or secondary PSAP.

"Trunk" – The general term for a telecommunications carrier facility that

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transmits signals between central offices or between a private branch exchange (PBX) and its local central office.

"TTY" or "Teletypewriter" – A telegraph device capable of transmitting and receiving alphanumeric information over communications channels and capable of servicing the needs of those persons with a hearing or speech disability.

"Uninterruptible Power Supply" – An emergency power source that can detect any change in power line frequency or voltage and automatically compensates for these changes by supplying additional power or converting to an auxiliary power source, without any loss of voltage or frequency.

(Note: Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.)

## SUBPART B: AUTHORIZATION TO OPERATE

**Section 725.200 General Requirements**

- a) All tentative and final plans for 9-1-1 systems shall be filed in compliance with this Part and the Emergency Telephone System Act [50 ILCS 750].
- b) Tentative plans shall be submitted to the Commission's 9-1-1 Program for review as detailed in Section 725.205(c) through (e).
- c) Final plans shall be formally submitted to the Commission for approval as detailed in Section 725.210(a) through (f) (See 83 Ill. Adm. Code 200, "Rules of Practice").
- d) A 9-1-1 system shall not become operational without an order of authority from the Commission.
- e) The following modifications that require a Final Order from the Commission shall be reported to the Commission, with a revised final plan, consisting of the revised application narrative and/or revised exhibits, as prescribed in Section 725.210(d).
  - 1) Changing boundaries that require an intergovernmental agreement between local governmental entities to exclude or include residents within

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the 9-1-1 jurisdiction;

- 2) Consolidating two or more 9-1-1 systems by intergovernmental agreement into a joint 9-1-1 system; and
  - 3) Contracting for dispatch services.
- f) The following modifications do not require a Final Order from the Commission. System management must, however, provide written notification of such change to the 9-1-1 Program 10 days prior to the change taking place. The written notification must consist of the revised application narrative and/or revised exhibits as prescribed in Section 725.210(d):
- 1) Addition/deletion of a system participant or adjacent public safety agency as prescribed by Section 725.210(d)(3)-(4);
  - 2) Relocation of a primary, backup, or secondary PSAP facility; and
  - 3) Reductions/additions of primary or secondary PSAPs.
- g) *The Emergency Telephone System Board in counties passing referendums and the Chairman of the County Board in counties implementing a 9-1-1 system shall be responsible to insure that all areas of the county are served [50 ILCS 750/10.2].*

**Section 725.205 Tentative Plans**

- a) A local public agency proposing to operate a 9-1-1 system shall first hold an informational meeting. This meeting may include:
- 1) each public agency having jurisdiction in the telephone service areas of the proposed system;
  - 2) each public safety agency having jurisdiction in the telephone service areas of the proposed system;
  - 3) each telecommunications carrier providing the local exchange service in the proposed service area;
  - 4) recognized emergency medical planning groups, e.g., Area Wide Hospital

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Emergency Services (AHES);

- 5) any other emergency service providers and planning agencies deemed necessary by local desire; and
  - 6) any telecommunications carrier providing 9-1-1 related services.
- b) Any additional meetings as are necessary shall be held between the proposed served agencies and any telecommunications carrier serving the proposed 9-1-1 service area to determine the system design.
- c) Tentative plans shall consist of a narrative of the proposed system's operation and a completed "Application to Illinois Commerce Commission For the Provision of 9-1-1 Service," consisting of the following exhibits:
- 1) Exhibit 1: A map showing the boundaries of the proposed system;
  - 2) Exhibit 2: A map or maps showing the jurisdictional boundary of each system participant and adjoining public agencies and public safety agencies;
  - 3) Exhibit 3: A list of system participants showing the land area in square miles and the estimated population served in their jurisdictions, including their addresses, telephone numbers and form of dispatch;
  - 4) Exhibit 4: A list of the public agencies or public safety agencies adjacent to the proposed system boundaries, including their addresses and telephone numbers;
  - 5) Exhibit 5: A list of the involved telecommunications carriers, their telephone service areas in the proposed system, area code, prefixes involved, and type of 9-1-1 system as specified in Section 725.500(g);
  - 6) Exhibit 6: Identification of financial arrangements including revenues available for funding the 9-1-1 system;
  - 7) Exhibit 7: A summary of the anticipated implementation cost and annual operating cost of the proposed system that are directly associated with the 9-1-1 call handling process. Copies of contractual agreements between

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System Management and any telecommunications carriers shall be included;

- 8) Exhibit 8: Call Handling Agreements: Copies of the proposed agreements between the PSAP and the public agencies and/or public safety agencies in a single system. Copies of the proposed agreements between PSAPs in adjacent systems or, in the absence of a PSAP, the public agencies or public safety agencies whose jurisdictional boundaries are contiguous. These agreements shall indicate the primary and secondary methods to be employed for notification of emergency calls received from requesting parties within their respective jurisdictions and shall include either direct dispatch, call referral, call relay, or call transfer;
  - 9) Exhibit 9: Aid Outside Normal Jurisdictional Boundaries: A copy of the proposed annual agreement between the PSAP management and all public agencies and/or public safety agencies in a single system and in different systems but whose jurisdictional boundaries are contiguous. This agreement shall provide that, once an emergency unit is dispatched in response to a request through the system by direct dispatch, call referral, call relay, or call transfer, this unit shall render its service to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. A copy of both agreements shall be filed with the Chief Clerk of the Commission at the time the petition is filed; and
  - 10) Exhibit 10: A completed checklist supplied by the Commission, a network diagram, and a test plan pursuant to Section 725.505(y) (completed to the extent possible in consideration of the tentative plan).
- d) A copy of the tentative plan shall be filed for review by the Commission at least one year prior to the proposed on-line date. A copy of the tentative plan shall also be provided to the telecommunications carriers providing service within the service area of the PSAP. The Commission's 9-1-1 Program shall review each tentative plan and provide an opinion to the originating agency within 120 days after receipt.
  - e) Approval of tentative plans by the Commission's 9-1-1 Program shall be required prior to a final plan being submitted. Plans filed under Section 11 of the ETSA [50 ILCS 750/11] shall conform to minimum standards as established pursuant to Section 10 of the ETSA [50 ILCS 750/10].

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**Section 725.210 Final Plans**

- a) Unless waived, the Commission shall hold hearings to review the final plan and shall either approve or disapprove the plan. The petitioner may request a waiver as described in subsection (b). The hearing shall be waived if requested by the petitioner and if neither Commission Staff nor any other party objects to the hearing waiver.
- b) The following procedures must be taken in requesting a waiver of the Commission's hearing process:
  - 1) The waiver request shall be stated in the cover letter to the Chief Clerk and in the petition. Replacement language to be inserted as (1) in the petition shall be:

Review the final (or modified) plan based on the information submitted in the application and allow the parties involved to waive a hearing on the matter.
  - 2) Publish a notice in local newspapers of general circulation at least 10 days prior to filing the application with the Commission. The notice shall appear in newspapers whose circulation covers all municipalities within the proposed system and those adjacent to the proposed system. A proof of publication from the newspapers shall be enclosed with the application.
  - 3) Notify all adjacent agencies of the intent to file a plan with the Commission for a 9-1-1 emergency telephone system. This letter shall state petitioner's address and telephone number and the Commission's 9-1-1 Program address and telephone number for purposes of additional information or objections to the plan. Copies of these letters shall be attached to the submitted plan.
  - 4) An affidavit from the serving telecommunications carriers that all information contained in the application is correct. The affidavits must be signed and notarized and submitted with the petition.
- c) Final plans submitted to the Commission shall have the concurrence of their participants.

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- d) Final plans shall consist of a narrative of the proposed system's operation and a completed "Application to Illinois Commerce Commission For the Provision of 9-1-1 Service" consisting of the following exhibits:
- 1) Exhibit 1: A map showing the boundaries of the proposed system;
  - 2) Exhibit 2: A map or maps showing the jurisdictional boundary of each system participant and adjoining public agencies and public safety agencies;
  - 3) Exhibit 3: A list of system participants, the land area in square miles and the estimated population served in their jurisdictions, including their addresses, telephone numbers and form of dispatch;
  - 4) Exhibit 4: A list of the public agencies or public safety agencies adjacent to the proposed system boundaries, including their addresses and telephone numbers;
  - 5) Exhibit 5: A list of the involved telecommunications carriers, their telephone service areas in the proposed system, area code, prefixes involved and type of 9-1-1 system as specified in Section 725.500(g);
  - 6) Exhibit 6: Identification of the financial arrangements including revenues available for funding the 9-1-1 system;
  - 7) Exhibit 7: A summary of the anticipated implementation cost and annual operating cost of the proposed system that are directly associated with the 9-1-1 call handling process. Copies of contractual agreements between System Management and any telecommunications carriers shall be included;
  - 8) Exhibit 8: Call Handling Agreements: Copies of the signed agreements between the PSAP and the public agencies and/or public safety agencies in a single system. Copies of the signed agreements between PSAPs in adjacent systems or, in the absence of a PSAP, the public agencies or public safety agencies whose jurisdictional boundaries are contiguous. These agreements shall indicate the primary and secondary methods to be employed for notification of emergency calls received from requesting

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parties with their respective jurisdictions and shall include either direct dispatch, call referral, call relay, or call transfer;

- 9) Exhibit 9: Aid Outside Normal Jurisdiction Boundaries: A copy of the signed annual agreement between the PSAP management and all public agencies and/or public safety agencies in a single system and in different systems but whose jurisdictional boundaries are contiguous. This agreement shall provide that, once an emergency unit is dispatched in response to a request through the system by direct dispatch, call referral, call relay, or call transfer, this unit shall render its service to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. A copy of both agreements shall be filed with the Chief Clerk of the Commission at the time the petition is filed; and
  - 10) Exhibit 10: A completed checklist supplied by the Commission, a network diagram, and a test plan pursuant to Section 725.505(y).
- e) Final plans shall be formally submitted to the Commission for approval no later than six months prior to the planned on-line date.
  - f) The Commission shall approve final plans when the petitioner has complied with the requirements of this Part and applicable laws.

**Section 725.215 Order of Authority**

System management of a proposed 9-1-1 system shall file a petition for an order of authority to operate a 9-1-1 system as detailed and described in its final plan. The final plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice, 83 Ill. Adm. Code 200.

**Section 725.220 Records and Reports**

- a) The system management shall maintain those records it considers necessary to document its operations and satisfy the requirements of interagency agreements. As a minimum, those records shall include:
  - 1) a log of major system operations;
  - 2) critical equipment outages; and

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- 3) records of telecommunications carrier database queries by system management.
- b) The records specified in subsection (a) shall be preserved for a minimum of one year.
- c) The system management shall be required to file with the Commission's 9-1-1 Program, the Commission's Chief Clerk's Office, and the Illinois Attorney General by January 31 the following items:
  - 1) the current 9-1-1 contact person for the 9-1-1 system;
  - 2) the current error ratio for the E9-1-1 database;
  - 3) the current surcharge being collected;
  - 4) the current makeup of the Emergency Telephone System Board;
  - 5) the current networking for the 9-1-1 system;
  - 6) copies of the annual certified notification of continuing agreement; and
  - 7) names and locations of primary, secondary, and backup PSAPs.

**Section 725.225 Auditing**

The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.

## SUBPART C: MANAGEMENT AND STAFFING

**Section 725.300 Management Systems**

The form of management a system will use shall be determined by its system management. There may be joint powers, contractual, or a combination of management forms.

**Section 725.305 Commission Liaison**

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Each 9-1-1 system shall designate an individual as the Commission liaison for the system. The Commission's 9-1-1 Program shall be notified of any change in the name of this liaison and of any change in the telephone number or address within ten days after this change.

## SUBPART D: STANDARDS OF SERVICE

**Section 725.400 General Standards**

- a) The digits "9-1-1" shall be the primary emergency telephone number within the system, but a public agency or public safety agency shall maintain a separate secondary seven digit emergency backup number for at least six months after the 9-1-1 system is in operation and shall maintain a separate number for non-emergency telephone calls.
- b) The system management shall ensure that 9-1-1 locatable addresses, with U.S. Postal Service notification, are assigned to all subscribers of an enhanced 9-1-1 system and provided to the 9-1-1 system provider.
- c) The system management shall coordinate with the appropriate authorities to ensure that road or street signs that are essential to the implementation of an enhanced 9-1-1 system be installed prior to activating the system.
- d) Database queries will only be allowed by PSAPs for purposes of dispatching or responding to emergency calls or for database integrity verification as set forth in subsections (f)(3) through (5).
- e) Prior to an initial database integrity verification, system management shall obtain a court order detailing the information that is to be disclosed and the reason for disclosure.
- f) The 9-1-1 database shall have the capability of allowing non-emergency database queries provided the following procedures are adhered to:
  - 1) The system management shall be responsible for providing a level of security and confidentiality to the database that will prohibit any persons the means to access the database on a random inquiry;
  - 2) Direct access to 9-1-1 database information will be under strict control and, where the hardware being used is compatible, a password will be

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assigned for access;

- 3) Non-emergency queries shall be by telephone number only and as necessary for purposes of database integrity. Non-emergency queries in excess of 10 per 24-hour period will only be done with 2 or more days advance notice to the respective telecommunications carrier system administrator for scheduling purposes. Queries may be for the specific purpose of cross-checking information in the 9-1-1 database with other sources of information, including telephone and other directories, maps, municipal database listings, etc.; and for verifying that database update information provided to the telecommunications carrier has indeed been posted and is correct. Queries will only be made on numbers that are present within the 9-1-1 system as identified in the Illinois Commerce Commission's order of authorization for the 9-1-1 system. On-site databases are exempt from telecommunications carrier advance notification requirements of this Section;
- 4) Information retrieved will be used exclusively for the maintenance, update, and verification of the 9-1-1 database except as otherwise specified in subsection (d). Any other use is expressly prohibited. The information is subject to strict non-disclosure agreements between the various telecommunications carriers and system management. All personnel associated in any way with the ETSB or the 9-1-1 system are bound by these agreements; and
- 5) Direct database queries shall not adversely affect the normal operation of the 9-1-1 system. Direct database queries shall be limited to off-peak times. Direct database queries shall be suspended during any incident that could possibly result in a number of calls from the public being made to 9-1-1. Direct database queries shall not be made if there is any known outage or impairment in the database system, including a database data link outage. Direct queries shall also be suspended if there is any abnormal lag or delay noticed in receiving responses to database queries, or if notified to cease queries by telecommunications carrier personnel. The telecommunications carrier shall treat notification of 9-1-1 system management of database query suspension as a priority. Where practicable, this notification by the telecommunications carrier to 9-1-1 system management shall be made not later than fifteen minutes after a confirmed incident or event that will cause database queries to be

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suspended.

- g) The system management shall be responsible for the compliance of these standards, overall management, security and coordination of the 9-1-1 system.
- h) Upon a written request of the system management, the telecommunications carriers shall provide within 14 working days a report to assist in the validation of the accuracy of the 9-1-1 database. Before this report is delivered to the system management, the system management shall obtain a court order requiring the telecommunications carriers to release the information. A single court order may be used to comply with this subsection and subsection (e).
  - 1) This report shall include the following information where available in the 9-1-1 database:
    - A) telephone number – area code, prefix, and number in separate fields;
    - B) pilot number – single telephone number used to tie multiple numbers within a system together;
    - C) service address – including street name, street numbers, suffix, directional, community name, state, zip code, and location and/or descriptive information, including intersection if MSAG indicates an intersection, in separate fields;
    - D) billing address – if different than the service address, in separate fields, to be provided on a telephone number only basis pursuant to procedures defined by the telecommunications carrier and the system management. Billing address information shall be subject to non-disclosure agreements;
    - E) name – first, last, and middle names or initials in separate fields;
    - F) date service was initiated – the month, day, and year that service was initiated in separate fields. If this information is not available, the date reflecting the most current service order activity may be provided instead;

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- G) type of service – residential, business, coin, etc.;
  - H) PBX/Centrex Extensions/Station Numbers – identify those numbers that are part of a PBX/Centrex system where this information is available;
  - I) surcharge status – where this information is available, the report shall identify those lines on which a surcharge is being collected and the date on which the collection was initiated. Identify those lines on which no surcharge is being collected and the reason for each exemption, including telecommunications carrier lines, in separate fields;
  - J) Emergency Service Number (ESN) – appropriate ESN, if assigned, is to be made available only from the primary telecommunications carrier providing database development and routing services.
- 2) This report may be requested in writing, at a maximum, on a monthly basis. Information will be gathered from service order activity from the previous month. The information in this report is considered proprietary and shall be used exclusively for validating the accuracy of the 9-1-1 database. This report will be delivered in an electronic format. It will not be delivered in paper format. There will be a charge for this report that will be a tariffed item by each telecommunications carrier.
- i) 9-1-1 system management will have the following responsibilities:
    - 1) Coordination of project management for system implementation and ongoing changes, including, but not limited to, project timeline, milestone progress report, and communications with all participants;
    - 2) Coordination of delivery of services between the 9-1-1 service provider, participating telecommunications carriers and the Commission; and
    - 3) Notification of Commission Staff within a minimum of 14 calendar days prior to 9-1-1 activation.
  - j) Each 9-1-1 system shall have only one 9-1-1 system provider that shall provide the overall 9-1-1 database and selective routing network and associated duties for

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the entire system. In addition, the 9-1-1 system provider shall assume the lead role in coordinating entire projects for each telecommunications carrier in conjunction with 9-1-1 system management. Responsibilities of the 9-1-1 service provider shall include, but not be limited to:

- 1) Adhering to the acceptable and agreed upon standards for database record exchange as prescribed, at a minimum, by the National Emergency Number Association (located at 422 Beecher Rd., Columbus OH 43230) in "Recommended Formats and Protocols for ALI Data Exchange, ALI Response and GIS Mapping" (NENA 02-010 approved on 1/2002, that combined versions 1, 2, 2.1, 3.1, and 4);
- 2) Coordination of updating and maintaining subscriber 9-1-1 data provided by other participating telecommunications carriers to meet the requirements set forth in Section 15.4(d) of the ETSA [50 ILCS 750/15.4(d)];
- 3) Coordination of updating and maintaining the Master Street Address Guide with 9-1-1 system management and the participating telecommunications carriers;
- 4) Updating the ALI database on a daily basis during normal business days;
- 5) Providing notification of errors to the appropriate entities within 24 hours for corrective action;
- 6) Providing the error percentage status to 9-1-1 system management no more than once monthly, but, at a minimum, annually within the 4<sup>th</sup> quarter of each year, no later than December 31;
- 7) Providing a network diagram to 9-1-1 system management, no more than once monthly, but, at a minimum, annually within the 4<sup>th</sup> quarter of each year, no later than December 31;
- 8) Coordination of ordering and installation of all network components with all participating telecommunications carriers to meet the requirements in Section 725.500;

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- 9) Coordination with all participating telecommunications carriers and 9-1-1 system management in order to obtain all required information for selective router tables, i.e., NPA/NXX, ESN, default ESN; and
- 10) Coordination with 9-1-1 system management for loading of the 9-1-1 database.

## SUBPART E: ENGINEERING

**Section 725.500 Telecommunications Carriers**

- a) A 9-1-1 telecommunications service provides a terminating only service that connects a person who has dialed the universal emergency service code 9-1-1 to the PSAP assigned to that trunk group. Consistent with the language contained in subsection (c), 9-1-1 telecommunications service shall be provided through either dedicated direct trunking or tandem trunking. No 9-1-1 calls shall ever be delivered to Operator Services.
- b) Each telecommunications carrier shall file tariffs under Section 9-102 of the Public Utilities Act [220 ILCS 5/9-102] for 9-1-1 Telecommunications Service to be applied to all services peculiar to 9-1-1 installations.
- c) Dedicated direct trunking shall be considered to be the standard method of providing incoming 9-1-1 circuits. Incoming trunking shall initially be designed assuming a minimum offered load of 1.00 CCS (expected traffic load) per 1000 main stations to be served, or a minimum of two trunks, whichever is higher. Within 6 months after the on-line date, each trunk group shall be re-evaluated and maintained to assure 99% completion of calls placed to 9-1-1 during the average busy hour of the average busy day, or a minimum of two trunks, whichever is higher. In the event there is a host/remote central office configuration, additional trunks should be added in either a separate trunk group from each host/remote or in consolidated trunk groups based on cost and engineering considerations. Each trunk group should be sized to deliver calls to the selective routing switch being engineered in such a manner that will meet or exceed a P.01 grade of service.
  - 1) If dedicated direct trunking is not available from a remote switch, either to the host office or to the 9-1-1 control office serving the PSAPs, use of the umbilical for 9-1-1 will be allowed from the remote to the host. When direct remote trunking is available, dedicated trunk groups shall be

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provisioned directly from the remote switch.

- 2) Alternative incoming 9-1-1 trunking methods may be utilized by the PSAP if technology and/or local telecommunications facilities can be designed and implemented. The quantity of trunks and related switching components in the telephone network shall be engineered in accordance with good engineering practices and the applicable Commission Standards of Service specified for the interoffice and intertoll network to ensure completion of calls placed to 9-1-1 during the average busy hour of the average busy day. A detailed description of the trunking method to be used must be included in tentative 9-1-1 plans. Approval by the Commission's 9-1-1 Program regarding alternative incoming 9-1-1 trunking methods shall be required by the petitioner prior to submitting the final application. Requests for alternative trunking methods for existing systems require a detailed written description of the trunking method to be used for approval by the Commission's 9-1-1 Program prior to implementation.
- d) All 9-1-1 circuits shall be arranged for one way incoming only service to the PSAP. Outbound dialing on 9-1-1 circuits is prohibited.
- e) Telecommunications carriers shall use the Common Language Circuit Identifier "ES" in identification of 9-1-1 telecommunications service "A" link trunks and the circuit identifier "EMNC" shall be used for "B" link circuits to prevent confusion with other special services.
- f) Coin-free dialing shall be provided from all coin telephones within an exchange with 9-1-1 service.
- g) "9-1-1 Telecommunications Service" may be of two types: Basic or Enhanced 9-1-1 or E9-1-1.
  - 1) Consistent with the language contained in subsections (c) and (d), Basic 9-1-1 telecommunications service shall be provided through either dedicated direct trunking and/or tandem trunking. The features associated with the dedicated direct trunking service shall be according to the following format types:
    - A) Type #1 – This is the most basic configuration available, and

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provides:

- i) no per-call charge,
  - ii) loop-type ringdown signaling toward PSAP,
  - iii) ringback tone to caller, and
  - iv) transmission path for communication between the caller and the PSAP.
- B) Type #2 – This configuration provides all the features of the Type #1 circuit with the following options:
- i) called party hold,
  - ii) forced disconnect,
  - iii) idle circuit tone application, and
  - iv) originating Switchhook Status Indication contingent on the installation of appropriate terminal equipment at the PSAP.
- C) Type #3 – This configuration provides all the features of the Type #1 and Type #2 circuits with the addition of ringback of the calling party on a held line.
- D) Type #4 – This configuration provides for optional features beyond those described in the configuration of Type #2 or Type #3. This type of Basic 9-1-1 also requires trunks capable of carrying ANI.
- 2) The E9-1-1 feature provides the capability to serve several PSAPs existing within the 9-1-1 service area with tandem trunking through the E9-1-1 selective router. The main characteristic of E9-1-1 service is the capability of the E9-1-1 selective router to selectively route a 9-1-1 call originating from any station in the 9-1-1 service area to the correct primary PSAP. The features associated with tandem trunking in an E9-1-1 System may include the following:

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- A) selective routing;
  - B) default routing;
  - C) alternate routing;
  - D) central office transfer;
  - E) ANI; and
  - F) ALI.
- h) The transmission grade of service on 9-1-1 circuits using inter-exchange facilities shall be at least equivalent to the transmission grade of service specified in 83 Ill. Adm. Code 730.520 dealing with interoffice transmission objectives.
- i) The transmission grade of service for the intra-exchange loop portion of any 9-1-1 circuit shall be at least equivalent to the transmission grade of service specified in 83 Ill. Adm. Code 730.525 dealing with local loop transmission objectives.
- j) When all 9-1-1 circuits are busy in the originating central office, the switching facility, where equipped to provide the function, shall route the caller to an announcement or busy tone. When an all-trunks busy situation occurs in an intermediate switching facility, that machine shall, where equipped, route the caller to an appropriate backup answering location, announcement, or busy tone.
- k) All telecommunications carriers shall arrange for each of their switching offices to accept the 9-1-1 code.
- l) No circuits associated with a 9-1-1 system shall be opened, grounded, short circuited, or tested in any manner until maintenance personnel have obtained release of the affected circuits from the appropriate PSAP personnel. Telecommunications carrier maintenance personnel will endeavor to advise PSAP personnel regarding the length of time that will be required to perform any work involving circuits associated with a 9-1-1 system. Telecommunications carrier personnel shall notify 9-1-1 system management a minimum of 48 hours prior to performing any action that could adversely affect 9-1-1 service, including, but not limited to: central office switching installations, E9-1-1 selective router installations, upgrades, rehomes, or NPA additions.

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- m) Each telecommunications carrier shall adopt practices to minimize the possibility of service disruption on all circuits associated with 9-1-1 service to a PSAP. These practices will provide for circuit guarding at all terminations with protective devices that will minimize accidental worker contact. These practices shall also contain procedures for physical identification of all 9-1-1 circuit appearances with special warning tags and/or labels, and identification of circuits in company records.
- n) Prior to a 9-1-1 system going on-line, each telecommunications carrier is responsible for having in its records a contact number for each PSAP in the event of outage or failure of a 9-1-1 system.
- o) Except as otherwise provided in this Part, call boxes shall be a part of the 9-1-1 system. Each system shall be engineered and provisioned with call boxes to adequately serve a system in the event the central office is isolated from the control office or selective router. Call boxes shall only be provisioned to central offices and to those remote central offices that have the capability to stand alone and function when severed from the host central office. A high priority of attention shall be given to all trouble reports and requested restorals. Call boxes shall be designed to meet the following requirements:
  - 1) Call boxes shall have a minimum of two lines, with additional lines agreed to by system management and the telecommunications carriers;
  - 2) The type of vault used to house the call box circuitry shall be weather resistant and have a locking capability;
  - 3) The call boxes shall be provisioned with a transfer switch for use by authorized personnel to route 9-1-1 calls from the network to the call box jacks;
  - 4) The call boxes shall be provisioned with the lines busied out until the transfer switch is thrown to prevent calls from ringing into an unattended call box;
  - 5) The call boxes shall be equipped with an intrusion alarm at an additional cost to be assessed to the system management through a tariff filed pursuant to Section 9-201 of the Public Utilities Act;

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- 6) Call boxes shall be located, installed and maintained so that 9-1-1 system personnel have unrestricted access to the call box 24 hours per day, 7 days per week. If the call box is to be located within any secured area, the telecommunications service provider shall provide 9-1-1 system management immediate, unrestricted access to the secured area; and
  - 7) The calls boxes shall be tested in conjunction with 9-1-1 system management annually, at a minimum.
- p) All telecommunications carriers shall coordinate call box procedures or alternative call box procedures with 9-1-1 system management and the Commission's 9-1-1 Program. Where call boxes are not a viable solution for a telecommunications carrier, the following options are available:
- 1) Diverse routing is required if used in lieu of a call box and shall be provisioned to meet the P.01 grade of service by the telecommunications carrier and shall meet the following requirements:
    - A) A minimum of two facility paths that are in physically separate cable routes between the central office and the 9-1-1 selective router; and
    - B) Trunks divided as equally as possible in the two facility paths between the central office and the 9-1-1 selective router. Trunking shall be provisioned as stated in subsection (c).
  - 2) Other viable solutions as technology permits may be utilized with prior approval by the Commission's 9-1-1 Program. A detailed written description of the proposed solution to be utilized must be submitted to the Commission's 9-1-1 Program for approval prior to deployment. Approval will be determined based on good engineering practices, the cost and rate consequences (if applicable), and the effect on the provisioning of 9-1-1 service.
- q) Each telecommunications carrier shall adopt practices to notify a primary point of contact within a 9-1-1 system within 15 minutes after a confirmed outage within the system and to also advise the primary point of contact as to the magnitude of the outage. If more than one 9-1-1 system is served out of a central office, the

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telecommunications carrier shall make notification to a primary PSAP within each 9-1-1 system affected.

- r) Each telecommunications carrier shall adopt practices to notify a primary point of contact within a 9-1-1 system within 15 minutes after the confirmed restoration of 9-1-1 services.
- s) Each telecommunications carrier shall provide written notification including 24 hour 9-1-1 service and repair center contacts to 9-1-1 system management prior to offering telecommunications services within the 9-1-1 service area.
- t) Each telecommunications carrier shall deliver 9-1-1 service elements as requested by 9-1-1 system management for the provisioning and ongoing maintenance of the 9-1-1 systems as follows:
  - 1) Provide surcharge coordination with 9-1-1 system management;
  - 2) Provide database coordination with the system provider;
  - 3) Provide network coordination with the system provider; and
  - 4) Provide maintenance and repair procedures, service and repair center contact information, restoration plan and call trace procedures to 9-1-1 system management.
- u) Each telecommunications carrier shall adopt testing practices in conjunction with 9-1-1 system management to perform, at a minimum, central office to PSAP 9-1-1 test calls when any of the following changes occur:
  - 1) New central office switching installations;
  - 2) E9-1-1 selective router installations, upgrades, or rehomes;
  - 3) NPA additions;
  - 4) Central office switch upgrades to allow LNP;
  - 5) Number pooling implementations; and

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- 6) Any other event that affects 9-1-1.
- v) Each telecommunications carrier shall adopt practices and implement procedures to reduce or minimize the conditions that cause default routed calls.
- w) Each telecommunications carrier shall provide the feature "default routing" to all 9-1-1 customers. Each telecommunications carrier shall adopt practices to coordinate default routing requirements with the 9-1-1 service provider for the 9-1-1 service area in which they are operating. Default routing will be provided, at a minimum, by county. Where an exchange boundary/rate center crosses county boundaries, the telecommunications carrier may establish a single default with the approval of 9-1-1 system management for those affected 9-1-1 systems.
- x) Each telecommunications carrier shall adopt practices and procedures to deliver 9-1-1 calls to the appropriate selective router based on the originating caller's location and assigned NPA for the 9-1-1 service provider's selective router coverage area.
- y) Each telecommunications carrier will adopt practices to provide the appropriate telecommunications services to Private Business Switch and Private Residential Switch subscribers for the purposes of complying with Sections 15.5 and 15.6 of the ETSA [50 ILCS 750/15.5 and 15.6] and 83 Ill. Adm. Code 726.
- z) Each telecommunications carrier shall update the 9-1-1 database on a daily basis (Monday through Friday during business hours).

**Section 725.505 Public Safety Answering Point**

- a) All 9-1-1 call answering equipment used by a PSAP must be compatible with the telecommunications carrier's central office equipment and trunking arrangements.
- b) Each PSAP, after consultation with the telecommunications carrier, shall designate an area of adequate size to be used by the telecommunications carrier for termination of the company's lines and equipment.
- c) Premises equipment for each 9-1-1 circuit will indicate incoming calls by both audible and visible signals. Each outgoing circuit shall have a visual display of its status.

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- d) Each 9-1-1 answering position shall have access to all incoming 9-1-1 lines and outgoing circuits peculiar to its zone of responsibility.
- e) Call transfer equipment shall be designed to achieve transfers with at least 99.9% completion. (This may require the use of dedicated direct trunking toward the responding agency.) When the telecommunicator verifies that the transfer has been completed and the telecommunicator's services are no longer required, the telecommunicator may manually release himself/herself from the call, provided that the telephone equipment is so designed. A 9-1-1 system should be designed so that a call will never be transferred more than once.
- f) Each answering position shall have direct access to an operational teletypewriter (TTY), and all PSAP telecommunicators shall be trained in its use at least every six months. 9-1-1 system management will ensure that TTY equipment is available to continue service in the event of emergency, malfunction, or power failure.
- g) Each PSAP shall have at least one overflow answering position to handle those circumstances when the call volume exceeds the capability of the primary telecommunicator position. This position must have the capability of being answered by a trained PSAP telecommunicator and be capable of receiving the Enhanced 9-1-1 features if it is a participant in an Enhanced 9-1-1 system. Supervisory positions may be utilized to satisfy this requirement only if the position will be answered by emergency trained personnel. Overflow calls shall be routed to a backup PSAP except as provided for in subsection (i).
- h) System management shall provide continuous and uninterrupted operation to the persons within the system's boundaries 24 hours per day.
- i) Backup PSAP
  - 1) Each 9-1-1 system shall have a backup PSAP. A backup PSAP shall meet the same standards as the primary PSAP except as provided for in subsections (i)(2) and (3). Furthermore, 9-1-1 systems that were issued authorization to operate prior to December 1, 2004 and that still do not currently maintain a back-up PSAP must comply with this Section by December 1, 2006.
  - 2) In a 9-1-1 system with less than 15,000 billable access lines, where the

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system has demonstrated that the requirements of subsections (g) and (h) would place an undue financial burden upon the system, a full feature backup PSAP does not have to be maintained. For those systems, the backup PSAP requirement may be met by one of the following:

- A) An unattended PSAP shall have:
  - i) the capability to provide 9-1-1 service;
  - ii) the communication equipment necessary to dispatch emergency services;
  - iii) a backup power supply;
  - iv) the ability to communicate via TTY; and
  - v) the capability to be immediately activated with authorized personnel.
- B) Call Box devices only if:
  - i) the 9-1-1 system has five or fewer telecommunications carrier central offices;
  - ii) system management has provided the communication equipment necessary to dispatch emergency services; and
  - iii) they can be immediately activated with authorized personnel.
- 3) 9-1-1 systems with fewer than 15,000 billable access lines that have two or more PSAPs shall meet the standards as outlined in subsections (g), (h), and (i). 9-1-1 systems operating under this exemption should, as funds become available, upgrade their backup PSAP capability to meet those standards as specified in subsections (g), (h), and (i). When a 9-1-1 system starting with fewer than 15,000 billable access lines increases its billable access lines to 15,000 for a period of 1 year, it shall upgrade to meet the standards as specified in subsections (g), (h), and (i).

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- j) PSAP telecommunicators shall be trained in emergency dispatch procedures as specified by 9-1-1 system management to fulfill the responsibilities of their position with the following requirements:
- 1) Newly hired telecommunicators must receive, at a minimum, a 40-hour training curriculum approved by 9-1-1 system management prior to 9-1-1 call handling.
  - 2) If emergency medical dispatch is being provided that involves the dispatch of any fire department or emergency medical service agency, additional training must be completed in accordance to the Emergency Medical Services (EMT) Systems Act [210 ILCS 50] and 77 Ill. Adm. Code 515.
  - 3) Continuing education for existing telecommunicators is required and will be specified by 9-1-1 system management.
- k) System management shall provide for the installation of a master logging recorder of adequate capacity to record both sides of a conversation of each incoming 9-1-1 call and any radio transmissions relating to the 9-1-1 call and its disposition. These recordings shall have the time of each event noted. System management may elect to record on a circuit-by-circuit basis or by way of the telecommunicator's position.
- l) System management shall ensure that each PSAP maintains an archive of the storage media for a minimum of 30 days without recirculation of any media.
- m) In order for a 9-1-1 plan to be approved, the facility selected for the primary PSAP, backup PSAP, and, where instituted, a secondary PSAP, must be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PSAP, without interruption, for a minimum of four hours. The back-up power source shall be tested for reliability on a monthly basis.
- n) Where sophisticated telephone equipment or customer premise equipment is implemented and which is not tolerant of power fluctuations or interruptions, and is vital to the PSAP's operation, an uninterruptible power source shall be installed at all PSAP locations.
- o) In some instances, the system management may desire to have route diversity for

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its telephone circuits. The telecommunications carrier serving the PSAP shall be responsible for providing the necessary information regarding the availability and cost of this service.

- p) Each PSAP shall have at least one non-published telephone number to be provided to telecommunications carrier operators, adjoining PSAPs and agencies to advise the PSAP of emergency messages.
- q) System management shall adopt practices to ensure the following:
  - 1) When call box operation is necessary, authorized personnel shall respond to the call boxes who are trained in the operation of call box procedures;
  - 2) In instances where a call box is situated in split telecommunications carrier exchanges (an exchange shared with more than one 9-1-1 system or jurisdiction), procedures shall be developed by the 9-1-1 systems involved to respond to the call box in instances of outages or disasters;
  - 3) That when a primary point of contact is notified by telecommunications carrier personnel that an outage has occurred in a 9-1-1 system, the PSAP being notified must make notification to other PSAPs in the 9-1-1 system that is affected by the outage; and
  - 4) That default routing requirements will be coordinated with the 9-1-1 system provider, telecommunications carriers, and 9-1-1 system management.
- r) System management shall have the obligation of continual review using recognized administrative, engineering and database security procedures to determine and assure adequate service to the general public in accordance with the Act and this Part.
- s) PSAP employees shall be instructed to be efficient and courteous in the handling of all calls and to comply with the provisions of all applicable federal and State laws in maintaining secrecy of communications.
- t) Each PSAP shall insure that all 9-1-1 emergency calls are answered and handled without preference to the location of the caller.

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- u) It shall be the joint responsibility of the 9-1-1 system and the telecommunications carrier to ensure that the error ratio of each 9-1-1 system's database shall not, at any time, exceed 1%.
- v) Each PSAP should answer 90 percent of all 9-1-1 calls within 10 seconds.
- w) All calls of an administrative or non-emergency nature shall be referred to the appropriate agency's published telephone number. After the referral is made, the telecommunicator shall release the circuit for public use.
- x) A current copy of this Part shall be on file in every PSAP.
- y) Call through testing is required prior to going on-line.
  - 1) A formal written test plan shall be provided to the Commission's 9-1-1 Program as well as an attachment to the final plan submitted to the Commission for the system's authorization to operate. The test plan will explain how 9-1-1 system management plans to perform its testing set forth in subsection (y)(2).
  - 2) System management shall ensure that call through and field testing has been performed on a minimum of 40% of all access lines in the 9-1-1 service area, including each NXX for every participating telecommunications carrier and for every ESN within each telecommunications carrier's service area prior to the 9-1-1 system being able to announce its availability to the public.
- z) Ongoing testing after the 9-1-1 system is on-line shall include the following:
  - 1) 9-1-1 system management shall conduct testing with all telecommunications carriers, including, but not limited to, the 9-1-1 database, network trunking, system overflow, system backup, default routing, call transfer and call boxes on a continuing basis to ensure system integrity. The testing shall be coordinated in advance by 9-1-1 system management, 9-1-1 service providers, and the participating telecommunications carriers.

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- 2) 9-1-1 system management shall participate in coordinated testing with the participating telecommunications carriers when any of the following occur:
  - A) New central office switching installations;
  - B) E9-1-1 selective router installations, upgrades or rehomes;
  - C) NPA additions;
  - D) When a central office switch is made LNP capable;
  - E) Number pooling; and
  - F) Any other event that affects 9-1-1.
- 3) Upon request, after notification of implementation, 9-1-1 system management shall participate in coordinated testing with the private residential or business switch operators.
- 4) 9-1-1 system management shall forward all error reports within two business days after finding the error to the 9-1-1 system provider.
- 5) 9-1-1 system management shall attempt to retest and/or validate that all errors have been corrected (e.g., no record found, misroutes).
- 6) The 9-1-1 system provider shall correct the error within two business days after receipt of an error report from 9-1-1 system management.
- 7) If the error affects multiple carriers and 9-1-1 systems, then the correction shall take place within two to four business days after receipt of an error from 9-1-1 system management.
- 8) 9-1-1 system management shall on a continuing basis maintain the MSAG, the ELT for each ESN, and the associated telephone numbers for the ELTs.

## SUBPART F: OPERATIONS

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**Section 725.600 System Review**

- a) *The corporate authorities of any county or municipality that imposes a surcharge shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the Board, provided that the Board shall consist of not fewer than 5 members, one of whom shall be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) shall be a member of the county board, and at least three of whom shall be representatives of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies and appointed on the basis of their ability and experience. Elected officials are also eligible to serve on the Board. [50 ILCS 750/15.4(a)]*
- b) *Any two or more municipalities, counties, or combination thereof that impose a surcharge may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board. The manner of appointment of such a Joint Board shall be prescribed in the agreement. The intergovernmental agreement must be consistent with subsection (a).*
- c) *The powers and duties of the Board shall be defined by ordinance of the municipality or county or by intergovernmental agreement in the case of a Joint Board. [50 ILCS 750/15.4]*

**Section 725.605 Written Operating Procedures**

- a) The system management shall develop and utilize written "Standard Operating Procedures" of its operations for use by its telecommunicators and supervisory personnel.
- b) The system management shall develop written procedures with each telecommunications carrier serving the PSAP establishing the methods and procedures to be followed when call tracing is required.
- c) The system management shall develop written procedures with the telecommunications carrier establishing the methods and procedures to be followed for the repair of equipment difficulties and for the restoration of service.

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**Section 725.610 Call Handling Procedures**

- a) The system management shall insure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has negotiated with its participants.
- b) In instances where a selected agency refuses a 9-1-1 request on the basis that a request is outside its jurisdictional boundaries, the telecommunicator shall make every effort to redetermine the appropriate responding agency and complete the disposition of the call.
- c) Once an agency dispatches a unit in response to a 9-1-1 request for emergency services and subsequently determines the address is outside of its jurisdiction, it shall render aid without regard to jurisdictional boundaries.

**Section 725.615 Electronic Communication Devices**

The installation of or connection to a telecommunications carrier's network of any automatic alarm, automatic alerting device, or mechanical dialer which causes the number 9-1-1 to be dialed and does not provide for two way communication to directly access emergency services is prohibited in a 9-1-1 system.

**Section 725.620 Disaster Procedures**

- a) Each PSAP management shall develop procedures providing for the continued operation of a 9-1-1 answer point in the event that critical functions of the PSAP are partially or totally disabled due to natural or man-made disasters.
- b) Each telecommunications carrier's central office shall be equipped with call boxes to serve a 9-1-1 system if there is an outage or disaster or may be provisioned to provide diverse routing in lieu of a call box, except as provided in Section 725.500(p)(2). Once accessed by authorized personnel, the call boxes are under direct control of system management.

## SUBPART G: FACILITIES

**Section 725.700 Physical Security**

- a) System management must ensure that critical areas of a PSAP, backup PSAP, and

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secondary PSAP shall have adequate physical security to prevent malicious disruption of service and shall be protected against damage due to vandalism, terrorism, and civil disturbances. These critical areas shall, at a minimum, include all communications equipment, PSAP personnel, electronic equipment rooms, and mechanical equipment rooms that are vital to the operation of the PSAP.

- b) The PSAP and PSAP personnel shall be isolated from direct public contact.
- c) Entry to the PSAP shall be restricted to authorized persons only. Additionally, doors that lead directly from the exterior into the PSAP or from within a building into the PSAP shall be secured at all times.
- d) Access to the communications and electronic equipment rooms shall be restricted within the building by means of secured doors.
- e) Wherever practical, service entrances for electric and telephone service shall be underground, at least to the respective utilities' nearest serving distribution point. Protective measures shall be taken against vandalism and natural or manmade hazards at each PSAP.
- f) The PSAP shall be equipped with a fire extinguisher. Personnel shall be instructed in proper use of these extinguishers.

## SUBPART H: SURCHARGE

**Section 725.800 Assessment of Surcharge (Repealed)**

(Source: Repealed at 28 Ill. Reg. 15742, effective December 1, 2004)

**Section 725.805 Surcharge Billing (Repealed)**

(Source: Repealed at 28 Ill. Reg. 15742, effective December 1, 2004)

**Section 725.810 Telecommunications Carrier Surcharge Administration and Monthly Report to the Emergency Telephone System Board**

Telecommunications carriers, whether they are considered resellers or facility based carriers, are responsible for their own surcharge administration. Telecommunications carriers that have

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contracted with a wholesale provider to bill, collect, and remit the 9-1-1 surcharge shall have until December 1, 2005 to renegotiate their interconnection agreement with that provider and arrange to directly bill, collect and remit the appropriate 9-1-1 surcharge. In addition, each telecommunications carrier shall provide to the ETSB a detailed monthly listing of the actual number of network connections, including the number of residential, business, payphone, Centrex, PBX, and exempt lines. See Appendix A of this Part.

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**Section 725.APPENDIX A Telecommunications Carrier Monthly Report to ETSB**

Telecommunications Carrier Name: \_\_\_\_\_

Remittance for (Month/Year): \_\_\_\_\_

Total Number of Access Lines: \_\_\_\_\_

	Number	Rate	Revenues
Residential Lines	_____	_____	_____
Business Lines	_____	_____	_____
Payphone Lines	_____	_____	_____
Centrex Lines	_____	_____	_____
PBX Lines	( _____ )		
Exempt Lines	( _____ )		
TOTALS	_____		_____

\_\_\_\_\_  
Date Prepared

\_\_\_\_\_  
Preparer

\_\_\_\_\_  
Telephone Number

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- 1) Heading of the Part: Standards of Service Applicable to 9-1-1 Emergency Systems
- 2) Code Citation: 83 Ill. Adm. Code 725
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
725.100	New Section
725.101	New Section
725.200	New Section
725.205	New Section
725.210	New Section
725.215	New Section
725.220	New Section
725.300	New Section
725.305	New Section
725.310	New Section
725.400	New Section
725.405	New Section
725.410	New Section
725.415	New Section
725.500	New Section
725.505	New Section
725.510	New Section
725.515	New Section
725.520	New Section
725.525	New Section
725.600	New Section
725.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10]
- 5) A Complete Description of the Subjects and Issues Involved: Recent amendments to the Public Utilities Act (PUA) have affected the provision of 9-1-1 services. P.A. 96-0025 enacted Section 13-900 of the PUA, creating a new certification category and authorizing the Commission to certify entities requesting to provide 9-1-1 services and operate as a "9-1-1 system provider". Prior to Section 13-900 becoming law, only incumbent local exchange carriers or certified telecommunication carriers could serve as 9-1-1 system providers. The new language allows new competitors that may not necessarily function as telecommunication carriers the ability to enter the 9-1-1 market with new and emerging

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9-1-1 service technology. Furthermore, it allows the current incumbent local exchange carriers that have already been functioning in this capacity to be grandfathered in as 9-1-1 system providers.

P.A. 96-0927 significantly amended the provisions of the PUA related to telecommunications. Among other changes, P.A. 96-0927 amends the PUA to add Section 13-401.1, which requires existing fixed or non-nomadic interconnected voice over Internet protocol (VoIP) providers to register with the Commission. According to the new law, existing fixed or non-nomadic interconnected VoIP providers were required to register no later than January 1, 2011. New fixed or non-nomadic interconnected VoIP providers are required to register at least 30 days before providing service in Illinois. In addition, P.A. 96-0927 adds a requirement in Section 13-401.1(b) of the PUA that the fixed or non-nomadic interconnected VoIP providers collect and remit 9-1-1 surcharges, in the same manner as telecommunications carriers providing local exchange service, to the local governmental 9-1-1 Emergency Telephone System Boards that authorize the use of such money to maintain 9-1-1 systems in those jurisdictions.

Currently, Part 725 does not allow for competition in 9-1-1 services offerings, nor does it contemplate the provisioning of Next Generation (NG9-1-1) or Internet Protocol (IP)-Enabled 9-1-1 services. The proposed rules will allow entities other than incumbent local exchange carriers or telecommunication carriers, the opportunity to become 9-1-1 system providers as provided by in Section 13-900 of the PUA. Additionally, the proposed rules will allow for other technological advancements to be introduced into 9-1-1. This is necessary so that the 9-1-1 systems in Illinois will have the ability to deploy a NG9-1-1 system which has become a national focus of the Federal Communications Commission. NG9-1-1, simply defined, is a system comprised of managed IP-based networks, gateways, other functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide for new capacities. NG9-1-1 is designed to provide access to emergency services from all types of communication devices and provide multimedia data capabilities such as sending text and video to 9-1-1. The NG9-1-1 network also encourages improved interoperability between public safety agencies.

Additionally, new definitions need to be added to Part 725 to address terms associated with NG9-1-1 so that Illinois' rules will be consistent with terms being used on a national level. This Part also needs to be reorganized to specifically define the roles and responsibilities of each party involved, i.e., the 9-1-1 authority, 9-1-1 system provider, PSAP, and telecommunication carriers. The rules need to address requirements in today's traditional telecommunication legacy environment as well as transitioning to a NG9-1-1 environment. Finally, the rules need to be updated to incorporate new program funding

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definitions/requirements imposed upon fixed or non-nomadic interconnected VoIP providers in Section 13-401.1 of the PUA.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rules currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 12-0349, with:  
  
Elizabeth Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield IL 62701  
  
217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations that are not otherwise jurisdictional entities.
  - B) Reporting, bookkeeping or other procedures required for compliance: Reporting

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- C) Types of professional skills necessary for compliance: Engineering and managerial
  
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

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

PART 725  
STANDARDS OF SERVICE APPLICABLE TO 9-1-1 EMERGENCY SYSTEMS

SUBPART A: GENERAL PROVISIONS

Section	
725.100	Application of Part
725.101	Definitions

SUBPART B: AUTHORIZATION TO OPERATE AS A 9-1-1 SYSTEM

Section	
725.200	General Requirements
725.205	Tentative, Final or Modified Plans
725.210	Order of
725.215	Records and Reports
725.220	Testing for Compliance with Technical and Operational Standards

SUBPART C: MANAGEMENT

Section	
725.300	Management Systems
725.305	Commission Liaison
725.310	ETSB, Joint ETSB and Qualified Governmental Entities

SUBPART D: STANDARDS OF SERVICE

Section	
725.400	9-1-1 Authority
725.405	9-1-1 System Provider
725.410	Telecommunications Carriers
725.415	Public Safety Answering Point

SUBPART E: OPERATIONS

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## Section

725.500	Testing Procedures
725.505	Call Handling Procedures
725.510	Electronic Communication Devices
725.515	Physical Security
725.520	9-1-1 Traditional Legacy Service Database
725.525	Call Boxes

## SUBPART F: SURCHARGE

## Section

725.600	Surcharge Administration and Monthly Report to the Emergency Telephone System Board
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725.APPENDIX A Monthly Report to 9-1-1 Authority

**AUTHORITY:** Implementing and authorized by Section 10 of the Emergency Telephone System Act [50 ILCS 750/10].

**SOURCE:** Adopted at 4 Ill. Reg. 2, p. 163, effective December 31, 1979; amended at 5 Ill. Reg. 888, effective January 9, 1981; codified at 8 Ill. Reg. 12188; Part repealed, new Part adopted at 20 Ill. Reg. 5335, effective April 1, 1996; amended at 28 Ill. Reg. 15742, effective December 1, 2004; old Part repealed at 36 Ill. Reg. 9493, and new Part adopted at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 725.100 Application of Part**

This Part shall apply to all public agencies, public safety agencies, public safety answering points, 9-1-1 authorities, 9-1-1 system providers and telecommunications carriers in the State of Illinois except to the extent of any exemptions conferred by law. This Part also pertains to 9-1-1 service regardless of the technology provisioned by the 9-1-1 system provider and 9-1-1 authority for the delivery of 9-1-1 service. This Part does not apply to a cellular or other mobile communication carrier as defined in Section 10 of the Wireless Emergency Telephone Safety Act [50 ILCS 751/10].

**Section 725.101 Definitions**

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In the interpretation of this Part, the following definitions shall be used.

*"9-1-1 system" – The geographic area that has been granted an order of authority by the Commission to use "9-1-1" as the primary emergency telephone number. [50 ILCS 750/2.19]*

"9-1-1 authority" – The ETSB or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers as are prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750].

"9-1-1 system provider " – Any person, corporation, limited liability company, partnership, sole proprietorship or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2.18 by contracting to provide 9-1-1 network and database services and who has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"9-1-1 telecommunications network" or "9-1-1 traditional legacy service" – An arrangement of channels, such as loops, trunks and associated switching facilities to exchange voice and data.

"Act" or "ETSA" – The Emergency Telephone System Act [50 ILCS 750].

"Adjacent agencies" – Any public or private safety agencies (police, firefighting, emergency medical and ambulance services or other emergency services) whose jurisdiction is outside the 9-1-1 system jurisdiction, but that is adjacent to or touches that 9-1-1 system's boundary.

"Access line" – The connecting facility between a customer's premises network interface device and the local exchange carrier's facility that provides access to the switching network for local exchange and interexchange telecommunications service.

"Aid Outside Normal Jurisdiction Boundaries Agreement" – A written cooperative agreement entered into by all participating and adjacent agencies and public safety agencies providing that, once an emergency unit is dispatched to a request through a system, that unit shall render its services to the requesting party

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without regard to whether the unit is operating outside its normal jurisdictional boundaries.

"Audible signal" – A buzzer, bell or tone device used to alert an individual that appropriate action is required.

*"Automatic alarm" or "automatic alerting device" – Any device that will access the 9-1-1 system for emergency services upon activation. [50 ILCS 750/2.14]*

"ALI" or "automatic location identification" – In an E9-1-1 system, the automatic display at the public safety answering point (PSAP) of the caller's telephone number, the address/location of the telephone and supplementary emergency services information.

"ANI" or "automatic number identification" – The automatic display of the 9-1-1 calling party's number on the PSAP monitor.

"Backup PSAP" – A public safety answering point that serves as an alternate to the primary PSAP for enhanced systems and is at a different location and operates independently from the primary PSAP. A backup PSAP may accept overflow calls from the primary PSAP or be activated in the event that the primary PSAP is disabled.

"Busy day" – A consecutive 24 hour period during which the greatest volume of traffic is handled in the central office.

"Busy hour" – The two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

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

"Call box" – A device that is normally mounted to an outside wall of the serving telecommunications carrier central office and designed to provide emergency on-site answering by authorized personnel at the central office location in the event a central office is isolated from the 9-1-1 network.

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"Call referral" – A 9-1-1 service in which the PSAP telecommunicator provides the calling party with the telephone number of the appropriate public safety agency or other provider of emergency services.

"Call relay" – A 9-1-1 service in which the PSAP telecommunicator takes the pertinent information from a caller and relays that information to the appropriate public safety agency or other provider of emergency services.

"Call transfer" – A 9-1-1 service in which the PSAP telecommunicator receiving a call transfers that call to the appropriate public safety agency or other provider of emergency services.

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

"Circuit" – The physical connection (or path) of channels, conductors and equipment between two given points through which an electronic or optical signal may be established.

"Commission" – The Illinois Commerce Commission.

"CPE" or "customer premises equipment" – Communications or terminal equipment located in the customer's facilities/terminal equipment at a PSAP.

"Default routing" – A feature that allows emergency calls to be routed to a designated default PSAP if the incoming emergency call cannot be selectively routed due to ANI failure, garbled digits or other causes that prevent selective routing.

"Direct dispatch" – A 9-1-1 service that provides for the direct dispatch by a PSAP telecommunicator of the appropriate unit upon receipt of an emergency call and the decision as to the proper action to be taken.

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"Diverse routing" – The practice of routing circuits along different physical or electrical paths in order to prevent total loss of 9-1-1 service in the event of a facility or hardware failure.

"E9-1-1 selective router" – A telecommunications carrier switching office or stand alone selective routing switch equipped with enhanced 9-1-1 service capabilities. This switch serves as an E9-1-1 selective router for emergency calls from other local offices in the 9-1-1 service area.

"Emergency call" – An emergency request for assistance made to a 9-1-1 system that requires immediate action to save a life, to report a fire, to stop a crime and/or to address any other situation as determined locally.

"Emergency service number" or "ESN" – Sometimes known as emergency service zone (ESZ). An ESN is a three to five digit number representing a unique combination of public safety agencies (police, fire and emergency medical service) designated to serve a specific range of addresses within a particular geographical area or ESZ. The term ESZ refers to the geographic area itself and is generally used only during the ESN definition process to label specific areas. The ESN facilitates the selective routing of calls to appropriate PSAPs in a traditional legacy 9-1-1 system.

"Emergency Telephone System Board" or "ETSB" – A board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of those duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"ELT" or "English language translation" – A database table that provides the names of the public safety agencies (or services) associated with an ESN/ESZ number that is displayed on the ALI screen at the PSAP.

"Enhanced 9-1-1" or "E9-1-1" – An emergency telephone system that includes dedicated network, selective routing, database, ALI, ANI, selective transfer, fixed transfer, and a call back number.

"Error ratio" – The percentage of database records that are not Master Street Address Guide valid for a specific 9-1-1 traditional legacy service system.

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

"Exempt lines" – Lines other than those for which a 9-1-1 surcharge may be imposed under the criteria set forth in ETSA Section 15. Exempt lines include, but are not limited to, telecommunications carrier official lines and federal government lines.

"Fixed or non-nomadic interconnected" – An interconnected voice over Internet protocol service intended to be used at a fixed service location via a fixed broadband connection.

"Forced disconnect" – A feature that allows the PSAP to release a telephone connection, even though the calling party has not yet disconnected, to avoid caller jamming of the incoming trunks.

"Geospatial" – Data accurately references to a precise location on the earth's surface using latitude, longitude, elevation and datum that identifies the coordinate system used.

"GIS" or "Geographical Information System" – A system for capturing, storing, displaying, analyzing and managing data and associated attributes that are spatially referenced.

*"Interconnected voice over Internet protocol provider" or "Interconnected VoIP Provider" –*

*Every corporation, company, association, joint stock company or association, firm, partnership, or individual, their lessees, trustees or receivers appointed by any court whatsoever that owns, controls, operates, manages, or provides within this State, directly or indirectly, Interconnected VoIP service; or*

*The meaning prescribed in 47 CFR 9.3. [220 ILCS 5/13-234 and 13-235]*

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It is a service that:

Enables real-time, two-way voice communications;

Requires a broadband connection from the user's location;

Requires Internet protocol-compatible customer premises equipment;  
and

Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched network.

"IP" – Internet Protocol.

"IP gateway" – The point at which a circuit-switched call is encoded and repackaged into IP packets. Equipment that provides interconnection between two networks with different communications protocols.

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

"Logging recorder" – A machine that records both sides of telephone and radio transmissions.

"Master Street Address Guide" or "MSAG" – The computerized geographical file that either consists of all street and address data or its functional equivalent (i.e., geospatial within the 9-1-1 system area). This database is the key to the selective routing capability of E9-1-1 systems. It is to match an originating caller to a specific answering point based on the address data. The MSAG will require updating after the initial file is created.

*"Mechanical dialer" – A device that either manually or remotely triggers a dialing device to access the 9-1-1 system. [50 ILCS 750/2.15]*

"NENA" or "National Emergency Number Association" – The international not-for-profit organization whose purpose is to lead, assist and provide for the

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development, availability, implementation and enhancement of a universal emergency telephone number or system common to all jurisdictions through research, planning, publications, training and education.

*"Network connection" – A voice grade communication channel directly between a subscriber and a telecommunications carrier's public switched network, without the intervention of any other telecommunications carrier's switched network, that would be required to carry the subscriber's inter-premises traffic. The connection either is capable of providing access through the public switched network to a 9-1-1 system, if one exists; or if no system exists at the time a surcharge is imposed under Section 15.3 of ETSA, would be capable of providing access through the public switched network to the local 9-1-1 system if one existed. [50 ILCS 750/2.12(a)]*

"Network diagram" – a schematic flow chart that shows the actual network pieces and flow of activities in a picture.

"NG9-1-1" or "next generation 9-1-1 service" – A system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

"On-line date" – A date that is agreed to by all parties as to when a 9-1-1 system is activated for the public.

"On-site database" – A copy of the database that resides with the local 9-1-1 authority.

"Operator services" – Any of a variety of telephone services that need the assistance of an operator or an automated "operator" (i.e., using interactive voice response technology and speech recognition). These services include collect calls, third party billed calls, and person-to-person calls.

"Order of authority" – A formal order of the Commission that authorizes public agencies or public safety agencies to provide 9-1-1 service in a geographical area.

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"OSP" or "originating service provider" – A communications provider that allows its users or subscribers to originate 9-1-1 voice or non-voice messages from the public to the 9-1-1 authority.

"Outbound Notification Systems" – A community outreach tool that automatically disperses information to the public and is not considered a function or part of a 9-1-1 system (see "System").

"Overflow" – A call or position used when a call is blocked or rerouted due to excessive traffic.

"P.01 grade of service" – The probability (P), expressed as a decimal fraction, of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour will be blocked. P.01 is the minimum recommended grade of service for 9-1-1 trunk groups.

"Primary point of contact" or "9-1-1 contact person" – The individual designated by the 9-1-1 authority as the contact point for the participating telecommunications carriers.

"PBX" or "Private branch exchange" – A private telephone system and associated equipment located on the user's property that provides communications between internal stations and external networks.

*"Public agency" – The State or any unit of local government or special purpose district located in whole or in part within this State that provides police, firefighting, medical or other emergency services or has authority to do so. [50 ILCS 750/2.01].*

"Public safety agency" – A functional division of a public agency that provides police, firefighting, medical or other emergency services.

"Public Safety Answering Point" or "PSAP" – The initial answering location of an emergency call.

"Public Utilities Act" – 220 ILCS 5.

"Rate center" – A geographically specified area used for determining mileage and/or usage dependent rates in the public switched network.

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"Secondary PSAP" – A location where an emergency call is transferred for dispatching purposes.

"Selective routing" – A system that automatically routes calls to predetermined PSAPs, based on the location of the calling telephone number.

"Service address" – The location of the primary use of the network connection or connections.

"Split exchange" – An exchange shared with more than one 9-1-1 system.

"Subscriptions" – A count of the maximum number of interconnected VoIP calls that an end-user may have active at the same time. If the interconnected VoIP provider's retail customer purchases a service (or services) that allow more than one interconnected VoIP call (excluding in-call features such as call waiting and three way calling) to be made from the customer's physical location at the same time, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time. In the case of a business retail customer who purchases a service (or services) pursuant to a service agreement, the number of subscriptions equals the maximum number of interconnected VoIP calls that the customer may have active at the same time under the terms of the service agreements with that business customer.

"Surcharge" – An amount levied by the corporate authorities of any municipality or county on billed subscribers of network connections for installing and maintaining an Enhanced 9-1-1 system.

*"System" – The communications equipment required to produce a response by the appropriate emergency public safety agency as a result of an emergency call being placed to 9-1-1. [50 ILCS 750/2.06a]*

"System participants" – Any public or private safety agency (police, firefighting, emergency medical and ambulance services or other emergency services, pursuant to ETSA Section 4) whose jurisdiction is located within the 9-1-1 system boundaries.

"TDD" – A telecommunications device for the deaf. See "TTY".

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"Telecommunications carrier" – Shall have the same meaning as specified in Section 13-202 of the Public Utilities Act, including those carriers acting as resellers of telecommunications services. For the purpose of 9-1-1 service, this definition shall include telephone systems operating as mutual concerns. A telecommunications carrier under the Public Utilities Act may provide competitive or noncompetitive local exchange telecommunications services or any combination of the two as defined in Section 13-204 of the Public Utilities Act.

"Telecommunications service" – Shall have the same meaning as specified in Section 13-203 of the Public Utilities Act.

"Telecommunicator" – A person who is trained and employed in public safety telecommunications. The term applies to complaint telephone operators, radio operators, data terminal operators or any combination of these functions in a PSAP.

"Terminal equipment" – Telephone station apparatus.

"Transfer" – A feature that allows the PSAP telecommunicator to transfer emergency calls to a specific location or secondary PSAP.

"Trunk" – A transmission path between switching units, switching centers and/or toll centers.

"TTY" or "teletypewriter" – A telegraph device capable of transmitting and receiving alphanumeric information over communications channels and capable of servicing the needs of those persons with a hearing or speech disability.

"Uninterruptible power supply" – An emergency power source that can detect any change in power line frequency or voltage and automatically compensates for these changes by supplying additional power or converting to an auxiliary power source, without any loss of voltage or frequency.

"Virtual PSAP" – A fully functional worksite that is not bound to a specific location but is portable and scalable, connecting employees to the work process in the most advantageous setting, rather than employees having to come to a centralized work location to connect to the work process.

## SUBPART B: AUTHORIZATION TO OPERATE AS A 9-1-1 SYSTEM

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**Section 725.200 General Requirements**

- a) The digits "9-1-1" shall be the primary emergency telephone number within the system, but a public agency or public safety agency shall maintain a separate secondary 10 digit emergency backup number for at least six months after the 9-1-1 system is in operation and shall at all times maintain a separate number for non-emergency telephone calls.
- b) 9-1-1 service is a terminating only service that connects a person who has dialed the universal emergency service code 9-1-1 to the appropriate PSAP.
- c) Outbound notification systems used to notify the general public of a particular incident are not considered a part of a 9-1-1 "system" as defined in this Part.
- d) *The Emergency Telephone System Board in counties passing referendums and the Chairman of the County Board in counties implementing a 9-1-1 system shall be responsible to insure that all areas of the county are served. [50 ILCS 750/10.2]*
- e) Tentative, final and modified plans for 9-1-1 systems shall be filed in compliance with this Part and ETSA.
- f) Tentative plans shall be submitted to the Manager of the Commission's 9-1-1 Program or his or her designee for review as detailed in Section 725.205.
- g) Final plans shall be formally submitted to the Commission for approval as detailed in Section 725.205 and 83 Ill. Adm. Code 200 (Rules of Practice).
- h) A 9-1-1 system shall not become operational without an order of authority from the Commission.
- i) The following modifications to a 9-1-1 authority's existing 9-1-1 plan shall be formally submitted to the Commission for approval. These submissions shall include a modified plan, consisting of the revised application narrative and/or revised exhibits, as prescribed in Section 725.205. Modifications requiring Commission approval shall include:

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- 1) Changing boundaries that require an intergovernmental agreement between local governmental entities to exclude or include residents within the 9-1-1 jurisdiction;
  - 2) Consolidating or regionalizing two or more 9-1-1 systems by intergovernmental agreement into a joint 9-1-1 system;
  - 3) Contracting for dispatch services;
  - 4) Use of new technology (i.e., NG9-1-1);
  - 5) Changing or adding a 9-1-1 system provider;
  - 6) Changes in network configuration;
  - 7) Additions or changes of primary PSAPs; and
  - 8) Change of backup arrangement.
- j) The following modifications to a 9-1-1 authority's existing 9-1-1 plan need not be formally submitted to the Commission for approval. While Commission approval is not necessary for these modifications, the 9-1-1 authority must provide written notification and provide any new agreements to the 9-1-1 Program 10 business days prior to making the following changes:
- 1) Reductions/additions of secondary PSAPs;
  - 2) Reductions of primary PSAPs;
  - 3) Permanent relocation of a primary or backup PSAP facility;
  - 4) Reductions/additions of system participants or adjacent agencies.

**Section 725.205 Tentative, Final or Modified Plans**

- a) Tentative and final plans shall be filed in accordance with ETSA Section 11 and must conform to minimum standards as established pursuant to ETSA Section 10.

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- b) When a 9-1-1 system is initially established, a copy of the tentative plan for the system shall be submitted to the Manager of the Commission's 9-1-1 Program (or his or her designee) at least six months prior to the proposed on-line date. A copy of the tentative plan shall also be provided to the contracted 9-1-1 system providers. The Commission's 9-1-1 Program shall review each tentative plan and provide an opinion to the originating agency within 60 days after receipt.
- c) Once the tentative plan has been reviewed, a final plan shall be formally submitted to the Commission for approval no later than three months prior to the planned on-line date. A copy should also be provided to the 9-1-1 system providers.
- d) If any changes are made to an existing final plan, a modified plan must be formally submitted to the Commission for approval prior to any changes being allowed pursuant to an order of authority from the Commission.
- e) A tentative, final or modified plan must include a narrative of the proposed system's operation and design and a completed "Application to Illinois Commerce Commission for the Provision of 9-1-1 Service", consisting of the following exhibits:
  - 1) Exhibit 1: A map showing the boundaries of the proposed system;
  - 2) Exhibit 2: A map or maps showing the jurisdictional boundary of each system participant and adjoining public agencies and public safety agencies;
  - 3) Exhibit 3: A list of system participants showing the land area in square miles and the estimated population served in their jurisdictions, including their addresses, telephone numbers and form of dispatch;
  - 4) Exhibit 4: A list of the public agencies or public safety agencies adjacent to the proposed system boundaries, including their addresses and telephone numbers;
  - 5) Exhibit 5: A list of the telecommunications carriers and Interconnected VoIP providers who are known by the applicant to provide service within the jurisdiction of the 9-1-1 system;

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- 6) Exhibit 6: Identification of financial arrangements, including revenues available for funding the 9-1-1 system;
- 7) Exhibit 7: A summary of the anticipated implementation costs and annual operating costs of the proposed system that are directly associated with the emergency call handling process;
- 8) Exhibit 8: Call Handling Agreements: Copies of the proposed agreements between the PSAP and the public agencies and/or public safety agencies in a single system and copies of the proposed agreements between PSAPs in adjacent systems or, in the absence of a PSAP, the public agencies or public safety agencies whose jurisdictional boundaries are contiguous. These agreements shall indicate the primary and secondary methods to be employed for notification of emergency calls received from requesting parties within their respective jurisdictions and shall include direct dispatch, call referral, call relay or call transfer;
- 9) Exhibit 9: Aid Outside Normal Jurisdictional Boundaries: A copy of the proposed annual agreement between the PSAP management and all public agencies and/or public safety agencies in a single system and those in different systems whose jurisdictional boundaries are contiguous. This agreement shall provide that, once an emergency unit is dispatched in response to a request through the system by direct dispatch, call referral, call relay or call transfer, this unit shall render its service to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. A copy of both agreements shall be filed with the Chief Clerk of the Commission at the time the petition is filed;
- 10) Exhibit 10: A network diagram and a test plan pursuant to Section 725.500(a) (completed to the extent possible in consideration of the tentative plan); and
- 11) Exhibit 11:
  - A) Contracts for dispatching services; intergovernmental agreements with the primary, back-up or secondary PSAPs for 9-1-1 services; and intergovernmental agreements for additional 9-1-1 services/and/or for the establishment of a Joint ETSB.

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- B) Contracts for service with 9-1-1 system providers. Parties to the contract may deem all or a portion of the contract to be proprietary and confidential.
- f) The advancement of modern communication technology used by consumers to access 9-1-1, as well as the creation of new and emerging 9-1-1 technology by new entrants serving as 9-1-1 system providers, has encouraged the development of a more advanced E9-1-1 system called NG9-1-1. Implementation of an NG9-1-1 system into the design of the 9-1-1 system will require the 9-1-1 authority to submit a final or modified plan to the Commission for approval. The following additional items must be included in the narrative of a NG9-1-1 final or modified plan:
- 1) Identify the 9-1-1 system providers. If multiple providers are being used, provide a detailed description of each provider's role;
  - 2) Explain the new system configuration and technological architecture (i.e., network and routing);
  - 3) Explain what national standards, protocols and/or operating measures will be followed;
  - 4) Explain what measures have been taken to create a robust, reliable and diverse/redundant network;
  - 5) Explain what functional elements and external interfaces will be needed for the NG9-1-1 system to supply data and assistance in processing an emergency call;
  - 6) Explain how the existing 9-1-1 traditional legacy wireline and wireless databases will interface and/or be transitioned into the NG9-1-1 system;
  - 7) Explain how these databases will be maintained and how address errors will be corrected and updated on a continuing basis. In addition, explain who will be responsible for updating and maintaining the data at a minimum on a daily basis Monday-Friday;
  - 8) Explain what quality of service standards will be followed to ensure the same level of quality for voice, 9-1-1 call setup time and ALI delivery for

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the proposed 9-1-1 system as compared to the 9-1-1 traditional legacy service;

- 9) Explain how new technology in the 9-1-1 system will co-exist with the 9-1-1 traditional legacy service;
  - 10) Explain what security measures will be placed on the IP 9-1-1 network and equipment to safeguard it from malicious attacks or threats to the system operation and what level of confidentiality will be placed on the system in order to keep unauthorized individuals from accessing it;
  - 11) Provide a detailed transition plan for the newly designed system;
  - 12) Provide a disaster recovery plan for system failures and outages;
  - 13) Provide a contingency plan in the event that the new system fails or the 9-1-1 system provider does not fulfill its obligation;
  - 14) Describe the financial and technical resources that the 9-1-1 authority needs in order to sustain such a system; and
  - 15) If migrating to a new technology, file a test plan that may vary from the existing testing requirements addressed in Section 725.500(a) given the technical differences in the service offering. The test plan must thoroughly explain how the operation of the network, routing and database accuracy will be verified.
- g) Once the final or modified plan is formally submitted to the Commission, the Commission may hold hearings to review the plan and shall either approve or deny the plan.
- h) The petitioner may request a hearing waiver. The hearing can be waived if requested by the petitioner and if neither Commission Staff nor any other party objects to the hearing waiver. The following procedures must be taken to request a waiver of the Commission's hearing process:
- 1) The waiver request shall be stated in the cover letter to the Chief Clerk and in the petition. Replacement language to be inserted as Item 1 in the petition shall be: "Review the final or modified plan based on the

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information submitted in the application and allow the parties involved to waive a hearing on the matter."

- 2) Publish a notice in local newspapers of general circulation at least 10 days prior to filing the application with the Commission. The notice shall appear in newspapers whose circulation covers all municipalities within the proposed system and those adjacent to the proposed system. A proof of publication from the newspapers shall be enclosed with the application.
- 3) Notify all system participants and adjacent agencies of the intent to file a plan with the Commission for a 9-1-1 emergency telephone system at least 10 days prior to filing the application with the Commission. This letter shall state petitioner's address and telephone number and the Commission's 9-1-1 Program address and telephone number for purposes of requesting additional information or submitting objections to the plan. Copies of these letters shall be attached to the submitted plan.
- 4) An affidavit from the serving 9-1-1 system provider that all information contained in the application is correct. The affidavit must be signed and notarized and submitted with the petition.
  - i) The Commission shall approve a final or modified plan when the petitioner has complied with the requirements of this Part and applicable laws.

**Section 725.210 Order of Authority**

- a) The 9-1-1 authority of a proposed 9-1-1 system shall file a petition for an order of authority to operate a 9-1-1 system as detailed and described in its final or modified plan. The final or modified plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice (83 Ill. Adm. Code 200). The Commission will issue an order of authority authorizing the 9-1-1 authority to operate under the terms of its final or modified plan.
- b) Pursuant to ETSA, the Commission is authorized to set technical standards for the provisioning of 9-1-1 services throughout the State of Illinois. 9-1-1 authorities may only accept emergency calls routed to them through their 9-1-1 system providers who have been authorized by the Commission pursuant to Section 13.900 of the Public Utilities Act.

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**Section 725.215 Records and Reports**

- a) The 9-1-1 authority shall maintain those records it considers necessary to document its operations and satisfy the requirements of interagency agreements. As a minimum, those records shall include:
  - 1) a log of major system operations;
  - 2) critical CPE or network outages; and
  - 3) records of telecommunications carrier database queries by the 9-1-1 authority.
- b) The records specified in subsection (a) shall be preserved for a minimum of one year.
- c) The 9-1-1 authority shall be required to file annually with the Commission's 9-1-1 Program, the Commission's Chief Clerk's Office and the Illinois Attorney General by January 31 the following items:
  - 1) the current 9-1-1 contact person for the 9-1-1 system;
  - 2) the current error ratio for the E9-1-1 traditional legacy service database as provided by the 9-1-1 system providers pursuant to Section 725.405(i)(6);
  - 3) the current surcharge rate being collected;
  - 4) the current makeup of the Emergency Telephone System Board and each board member's capacity (i.e., current public safety representative, public member, county board member, or elected official, as provided in ETSA Section 15.4;
  - 5) a current network diagram for the 9-1-1 system as provided by the 9-1-1 system providers pursuant to Section 725.405(i)(7);
  - 6) copies of the annual certified notification of continuing agreement for all system participants and adjacent agencies;

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- 7) current list of all system participants and adjacent agencies;
- 8) names and locations of primary, secondary and backup PSAPs; and
- 9) for the previous calendar year, provide the following (If the 9-1-1 system is not capable of providing the data in this exact format due to the limitations of its statistical system, it must identify the problem in the report. When the system is upgraded, the upgrade must include the capability of providing the required data.):
  - A) Total number of wireline and wireless 9-1-1 calls received annually; report separately if possible;
  - B) Total annual wireline surcharge received;
  - C) Total annual wireless surcharge received;
  - D) Total annual VoIP provider surcharge received;
  - E) Total annual 9-1-1 expenditures, including, but not be limited to, PSAP equipment, network, database, switches, gateways, servers, maintenance, supplies, mapping, CAD, radio, building and personnel cost.

**Section 725.220 Testing for Compliance with Technical and Operational Standards**

The Commission shall have the authority to test 9-1-1 systems to verify compliance with technical and operational standards set forth in the Act and in this Part.

## SUBPART C: MANAGEMENT

**Section 725.300 Management Systems**

The form of management a system will use shall be determined by the 9-1-1 authority. There may be joint powers, contractual, or a combination of management forms.

**Section 725.305 Commission Liaison**

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Each 9-1-1 system shall designate an individual as the Commission liaison for the system. The Commission's 9-1-1 Program shall be notified of any change in the name of this liaison and of any change in the telephone number or address within 10 days after this change.

**Section 725.310 ETSB, Joint ETSB and Qualified Governmental Entities**

- a) *The corporate authorities of any county or municipality that imposes a surcharge shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the board, provided that the board shall consist of not fewer than 5 members, one of whom shall be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) must be a member of the county board, and at least three of whom shall be representatives of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies and appointed on the basis of their ability and experience. Elected officials, including members of a county board, are also eligible to serve on the board. [50 ILCS 750/15.4(a)]*
- b) *Any two or more municipalities, counties, or combination thereof that impose a surcharge may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board. The manner of appointment of such a joint board shall be prescribed in the agreement. The intergovernmental agreement must be consistent with subsection (a). The powers and duties of a joint board shall be defined by ordinance of the municipality or county or by intergovernmental agreement in the case of a joint board. [50 ILCS 750/15.4]*
- c) *Qualified governmental entity means a unit of local government authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act when no Emergency Telephone System Board exists. [50 ILCS 750/2.23]*

## SUBPART D: STANDARDS OF SERVICE

**Section 725.400 9-1-1 Authority**

The 9-1-1 Authority:

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- a) Shall obtain Commission authorization pursuant to Section 725.210, prior to operating a 9-1-1 system;
- b) Shall provide notification to Commission Staff within a minimum of 14 calendar days prior to 9-1-1 system activation;
- c) Shall provide continual review using recognized administrative, engineering, database and security procedures to assure adequate service to the general public in accordance with the Act and this Part;
- d) Shall comply with the provisions of all applicable federal or State laws regarding the provisioning of 9-1-1 services regarding wireline, wireless and VoIP or any other medium;
- e) Shall provide the overall management for the 9-1-1 system and all of its PSAPs and work in conjunction with the 9-1-1 system providers on the initial installation, continued maintenance, and any future modifications to the system;
- f) Shall enter into a service contract with one or more 9-1-1 system providers that have been authorized to operate in the State of Illinois pursuant to Section 13-900 of the Public Utilities Act to provide 9-1-1 database, call routing and other 9-1-1 duties and services associated with the 9-1-1 system that clearly delineates the responsibilities of the 9-1-1 system provider and 9-1-1 authority. A copy of this contract shall be filed with the final or modified plan to be approved by the Commission pursuant to Section 725.205. Parties to the contract may deem all or a portion of the contract as proprietary and confidential;
- g) Shall ensure that contracts with multiple 9-1-1 system providers clearly define the role of each 9-1-1 system provider as it relates to its responsibility for providing database, routing of emergency calls and the building of the 9-1-1 network. The 9-1-1 authority shall coordinate the tasks between 9-1-1 system providers;
- h) Must maintain data in the MSAG or its functional equivalent for those 9-1-1 systems employing new and emerging technology;
- i) Shall develop and utilize written 9-1-1 Standard Operating Procedures (SOPs) of its operations for use by its telecommunicators and supervisory personnel (i.e., call trace for basic systems, service restoration/equipment failure, and disaster procedures in the event that critical functions of the PSAP are partially or totally

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disabled). Each PSAP shall be given a copy of the 9-1-1 SOPs that shall be kept on file at each PSAP;

- j) Shall ensure that civic 9-1-1 locatable addresses, with U.S. Postal Service approval, are assigned to all subscribers with a static address and provided to the 9-1-1 system provider;
- k) Shall coordinate with the appropriate authorities to ensure that road or street signs that are essential to the implementation of an enhanced 9-1-1 system will be installed prior to activating the system;
- l) Shall accept all OSP end user emergency calls from its 9-1-1 system provider as long as it is technically feasible regardless of the technology employed in generating the emergency call. The 9-1-1 authorities may only accept emergency calls routed into their system from a certified 9-1-1 system provider; and
- m) Shall ensure that emergency calls are not routed or transferred to an automated attendant or automated voice response system.

**Section 725.405 9-1-1 System Provider**

A 9-1-1 System Provider:

- a) Shall be certified under Section 13-900 of the Public Utilities Act as a 9-1-1 system provider prior to entering into any contract with a 9-1-1 authority to provide 9-1-1 services;
- b) Shall file tariffs under Sections 13-900.1 and 9-102 of the Public Utilities Act for 9-1-1 services prior to offering those services;
- c) Shall enter into a service contract with each 9-1-1 authority for which it plans to provide 9-1-1 database, call routing and other 9-1-1 duties and services associated with the 9-1-1 system that clearly delineates the responsibilities of the 9-1-1 system provider and 9-1-1 authority;
- d) Shall assume the lead role in coordinating the implementation of the 9-1-1 project. The 9-1-1 system provider is responsible for the initial implementation and mutually agreed upon changes/modifications, project timeline, milestone progress report/conference calls with Commission 9-1-1 Program Staff and all

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involved parties. If there are multiple 9-1-1 system providers, the 9-1-1 authority shall specify the role of each provider pursuant to Section 725.400(g);

- e) Shall comply with any provisions of all applicable federal or State laws regarding the provisioning of 9-1-1 services regarding wireline, wireless and VoIP or any other medium;
- f) Shall comply with back-up power requirements for 9-1-1 equipment and facilities as specified in 83 Ill. Adm. Code 730.325;
- g) Shall comply with physical security requirements for its facilities as specified in 83 Ill. Adm. Code 785.35;
- h) Shall provision "9-1-1 Service" in one of the following types:
  - 1) Basic 9-1-1 service is an emergency telephone system that automatically connects 9-1-1 callers to a designated answering point through either dedicated direct trunking and/or tandem trunking from the central office to the PSAP. Basic 9-1-1 does not typically support ANI and ALI. The features associated with basic service shall be according to the following format types:
    - A) Type #1 – This is the most basic configuration available and provides:
      - i) no per-call charge;
      - ii) loop-type ringdown signaling toward PSAP;
      - iii) ringback tone to caller; and
      - iv) transmission path for communication between the caller and the PSAP;
    - B) Type #2 – This configuration provides all the features of the Type #1 circuit with the following options:
      - i) called party hold;

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- ii) forced disconnect;
  - iii) idle circuit tone application; and
  - iv) originating switchhook status indication contingent on the installation of appropriate terminal equipment at the PSAP;
- C) Type #3 – This configuration provides all the features of the Type #1 and Type #2 circuits with the addition of ringback of the calling party on a held line;
- D) Type #4 – This configuration provides for optional features beyond those described in the configuration of Type #2 or Type #3. This type of Basic 9-1-1 also requires trunks capable of carrying ANI.
- 2) E9-1-1 service is a system that includes a dedicated network, selective routing, and a database that interfaces with a PSAP CPE capable of receiving and providing ANI and ALI. It can be provisioned through either a 9-1-1 telecommunications network that is commonly referred to as "9-1-1 traditional legacy service" or a 9-1-1 IP network that is commonly referred to as "NG9-1-1 service":
- A) 9-1-1 traditional legacy service: Provides the capability to serve several PSAPs existing within the 9-1-1 service area with tandem trunking through the E9-1-1 selective router. The main features of E9-1-1 service is the capability of the E9-1-1 selective router to selectively route an emergency call originating from any station in the 9-1-1 service area to the correct primary PSAP. The features associated with tandem trunking in an E9-1-1 system may include the following:
- i) Selective routing;
  - ii) Default routing;
  - iii) Alternate routing;
  - iv) Transfer capabilities;

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- v) Forced disconnect;
  - vi) No per call charge;
  - vii) ANI; and
  - viii) ALI.
- B) NG9-1-1 service provides the capability to serve several PSAPs existing within the 9-1-1 service area through an IP network. The main feature of NG9-1-1 service is the capability to route an emergency call originating from multiple types of technology capable of calling 9-1-1. The capabilities and features associated with NG9-1-1 may include, but are not limited to, the following:
- i) IP gateway;
  - ii) Geospatial routing;
  - iii) Default routing;
  - iv) Alternate routing;
  - v) Transfer capabilities;
  - vi) ANI;
  - vii) ALI; and
  - viii) Transmit data and/or text and/or video with the emergency call when feasible and/or available.
- C) Any combination of subsections (h)(2)(A) and (B).
- i) The 9-1-1 system provider shall meet the following technical requirements for the provisioning of 9-1-1 service:
- 1) Utilizing mutually acceptable and agreed upon standards for database record exchange as prescribed, at a minimum, by the National Emergency

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Number Association in "NENA, Standard Data Formats For ALI Data Exchange, MSAG & GIS Mapping" (NENA 02-010, v9, 3/28/2011; this incorporation includes no later amendments or editions).

- 2) Obtaining, maintaining and updating end user subscriber information provided by all participating OSPs in order to maintain the 9-1-1 database to meet the requirements set forth in ETSA Section 15.4(d).
- 3) Creating, maintaining and updating the MSAG and database, GIS database, or functional equivalent in conjunction with the 9-1-1 authority and all OSPs.
- 4) Updating the ALI database on a daily basis during normal business days.
- 5) Providing notification of errors to the appropriate entities within 24 hours for corrective action.
- 6) Providing the error ratio to the 9-1-1 authority no later than December 31 of each year. 9-1-1 authorities may request the percentage on a more frequent basis, but not more than once a month.
- 7) Providing a network diagram to the 9-1-1 authority, annually within the 4<sup>th</sup> quarter of each year, no later than December 31. Additionally, updated diagrams must be provided to the 9-1-1 authority when a modification is required to be filed with the Commission.
- 8) Coordinating the development and the maintenance of the 9-1-1 database with all participating OSPs and the 9-1-1 authority and ensure that all required information for routing tables, i.e., NPA/NXX, ESN, default ESN, PANIs and any other items that may become necessary for the functionality of maintaining an accurate database and/or routing tables is obtained.
- 9) Coordinating the installation of all network components with all participating OSPs and/or a third party provider who may connect its network and transport 9-1-1 traffic to the appropriate 9-1-1 system provider on behalf of an OSP. In these cases, the OSP, the 9-1-1 system provider, and the third party telecommunications carrier shall work cooperatively with the 9-1-1 authority to ensure that appropriate default

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routes are chosen and proper network congestion control measures are maintained. The network design must adhere to the default routing and acceptable engineering practices as specified in subsections (h)(11) and (22).

- 10) Routing all emergency calls from any OSP without discrimination where technically feasible.
- 11) Provisioning all 9-1-1 facilities over dedicated redundant facilities. This should be considered to be the standard method of providing all incoming 9-1-1 facilities and, where possible, employ diverse routing. 9-1-1 circuits and facilities shall be sufficient to complete 99% of all emergency calls during the average busy hour of the average busy day. In all cases, the 9-1-1 network shall be provisioned to handle a minimum of two circuits and/or simultaneous calls, and shall use dedicated, diverse and/or redundant equipment, where available, in order to increase the survivability of the 9-1-1 network. Additionally the Commission 9-1-1 Program Staff and or 9-1-1 authority may, on an annual basis or in the event of a problem, request traffic studies be performed or other documentation be provided to verify that the standard is being met.
- 12) Provisioning 9-1-1 facilities for one way incoming only service to the PSAP. Origination of outbound dialing on 9-1-1 circuits without a caller or active 9-1-1 call on the circuit is prohibited.
- 13) Provisioning the transmission grade of service for 9-1-1 facilities using inter-exchange facilities equivalent to those specified in 83 Ill. Adm. Code 730.520.
- 14) Provisioning the transmission grade of service for the intra-exchange loop portion of any 9-1-1 facilities equivalent to those specified in 83 Ill. Adm. Code 730.525.
- 15) Notifying the 9-1-1 authority a minimum of 48 hours prior to performing any planned activities that could adversely affect 9-1-1 service.
- 16) Adopting practices to minimize the possibility of service disruption on all facilities associated with 9-1-1 service to a PSAP prior to 9-1-1 going on line.

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- 17) Maintaining a contact number for notifying the appropriate 9-1-1 authority in the event of an outage or failure of a 9-1-1 system.
- 18) Notifying a primary point of contact within a 9-1-1 system within 15 minutes after detecting a confirmed outage within the system and advising the primary point of contact as to the magnitude of the outage once fully known. In addition, the 9-1-1 system provider must notify the Commission's 24 hour emergency number (217-558-6166) pursuant to 83 Ill. Adm. Code 730.550.
- 19) Notifying a primary point of contact of a 9-1-1 system and the Commission's 24 hour emergency number (217-558-6166) pursuant to 83 Ill. Adm. Code 730.550 within 15 minutes after the confirmed restoration of 9-1-1 services.
- 20) Delivering 9-1-1 service elements for the provisioning and ongoing maintenance of the 9-1-1 systems as follows:
  - A) Provide database coordination with all participating OSPs when applicable.
  - B) Provide network coordination with all participating OSPs when applicable.
  - C) Provide maintenance and repair procedures, service and repair center contact information a restoration plan and call trace procedures to the 9-1-1 authority.
- 21) Adopting practices and implementing procedures to reduce or minimize the conditions that cause default routed calls.
- 22) Default routing, at a minimum, by county. Where an exchange boundary/rate center crosses county boundaries, the 9-1-1 system provider may establish a single default with the approval of the 9-1-1 authority for those affected 9-1-1 systems.

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- 23) Adopting practices to provide the appropriate services to Private Business Switch and Private Residential Switch subscribers for the purposes of complying with ETSA Sections 15.5 and 15.6 and 83 Ill. Adm. Code 726.
- 24) Providing the 9-1-1 authority with the information, reports or other documents required to enable the 9-1-1 authority to complete its annual filings to the Commission.
- 25) Cooperating with other 9-1-1 system providers to hand off split exchange subscribers to another 9-1-1 system provider in a mutually acceptable manner and in accordance with good engineering design and standards.
- 26) Cooperating with other 9-1-1 system providers in the installation of a new 9-1-1 system or migration of a system from another 9-1-1 system provider.

**Section 725.410 Telecommunication Carriers**

- a) Each telecommunications carrier shall file tariffs under Section 13-900.1 of the Public Utilities Act for 9-1-1 telecommunications service to be applied to all services specific to 9-1-1 installations on the carrier's network side of the customer demarcation point.
- b) Dedicated redundant facilities should be considered to be the standard method of providing all incoming 9-1-1 facilities and, when possible, employ diverse routing. 9-1-1 circuits and facilities shall be sufficient to complete 99% of all requests for emergency services during the average busy hour of the average busy day. In all cases, the 9-1-1 network shall be provisioned to handle a minimum of two circuits and/or simultaneous calls, and shall use dedicated, diverse and/or redundant equipment, when available, in order to increase the survivability of the 9-1-1 network. Additionally, the Commission 9-1-1 Program Staff and/or 9-1-1 authority may, on an annual basis or in the event of a problem, request traffic studies or other documentation to verify that the standard is being met.
- c) Coin-free dialing of the digits 9-1-1 shall be provided from all coin telephones within an exchange with 9-1-1 service.
- d) The transmission grade of service on 9-1-1 facilities using inter-exchange facilities shall be at least equivalent to the transmission grade of service specified in 83 Ill. Adm. Code 730.520 dealing with interoffice transmission objectives.

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- e) The transmission grade of service for the intra-exchange loop portion of any 9-1-1 facilities shall be at least equivalent to the transmission grade of service specified in 83 Ill. Adm. Code 730.525 dealing with local loop transmission objectives.
- f) When all 9-1-1 facilities are busy in the originating central office, the switching facility, when equipped to provide the function, shall route the caller to an announcement or busy tone. When an all trunks busy situation occurs in an intermediate switching facility, that switch shall, when equipped, route the caller to an appropriate backup or alternate answering location, announcement or busy tone.
- g) All telecommunications carriers shall arrange for each of their switching offices to accept the 9-1-1 code.
- h) Telecommunications carrier personnel shall notify the 9-1-1 authority a minimum of 48 hours prior to performing any planned action that could adversely affect 9-1-1 service.
- i) Each telecommunications carrier shall adopt practices to minimize the possibility of service disruption on all facilities associated with 9-1-1 service to a 9-1-1 system. These practices will provide for facility guarding at all terminations with protective devices that will minimize accidental worker caused service interruption. These practices shall also contain procedures for physical identification of all 9-1-1 facilities with special warning tags and/or labels and identification of circuits in company records.
- j) Each telecommunications carrier shall deliver 9-1-1 service elements for the provisioning and ongoing maintenance of the 9-1-1 systems as follows:
  - 1) Collect and remit the appropriate 9-1-1 surcharge for each 9-1-1 authority mandated by statute and local referendum, excluding the 3% collection fee.
  - 2) Provide database downloads and updates to the appropriate 9-1-1 system provider for each 9-1-1 system in which it has subscribers.

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- 3) Adhere to acceptable and agreed upon standards for database record exchange as prescribed, at a minimum, by the NENA Standard Data Formats For ALI Data Exchange, MSAG & GIS.
- 4) Process error corrections within 2 business days after receipt of an error report from the 9-1-1 system provider and/or 9-1-1 authority.
- 5) Provision and connect its network to the appropriate 9-1-1 system provider. Nothing in this Section prohibits a telecommunications carrier from contracting with a third party provider who may connect its network to the appropriate 9-1-1 system provider for the transport of 9-1-1 traffic. The network design must adhere to the engineering practices and default routing requirements specified in Section 725.405(h)(11) and (22).
- 6) Not deliver emergency calls to operator services.
- 7) Provide maintenance and repair procedures, service and repair center contact information, maintain a restoration plan and perform call trace procedures to the 9-1-1 authority.
- 8) Comply and arrange for default routing requirements with the 9-1-1 system provider and the 9-1-1 authority.
- 9) Maintain a list of contact numbers for notifying the appropriate 9-1-1 system in the event of an outage or failure of a 9-1-1 system.
- 10) Notify a primary point of contact for the 9-1-1 authority within 15 minutes after a confirmed outage within the system and also advise the primary point of contact as to the magnitude of the outage. In addition, the telecommunications carrier must notify the Commission's 24 hour emergency outage number (217-558-6166) pursuant to 83 Ill. Adm. Code 730.550.
- 11) Shall notify a primary point of contact with the 9-1-1 authority and the Commission's 24 hour emergency outage number (217-558-6166) pursuant to 83 Ill. Adm. Code 730.550 within 15 minutes after the confirmed restoration of 9-1-1 services.

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- 12) Cooperate with 9-1-1 system providers to assist in terminating split exchange traffic between 9-1-1 systems.
- 13) Cooperate with 9-1-1 system providers in the installation of a new 9-1-1 system or migration of an existing 9-1-1 system to another 9-1-1 system provider.
- k) Each telecommunications carrier shall adopt practices and procedures to deliver emergency calls to the appropriate 9-1-1 system provider.

**Section 725.415 Public Safety Answering Point**

- a) All 9-1-1 CPE used by a PSAP must be compatible with the 9-1-1 system provider's equipment and transport arrangements.
- b) Each PSAP, after consultation with the 9-1-1 system provider, shall designate an area of adequate size to be used by the 9-1-1 system provider for termination of the company's lines and equipment.
- c) The CPE shall indicate incoming calls by both audible and visible signals for each 9-1-1 circuit. Each outgoing circuit shall have a visual display of its status.
- d) Each 9-1-1 answering position shall have access to all incoming 9-1-1 circuits and outgoing circuits.
- e) The CPE shall be designed to achieve transfers with at least 99.9% completion. This may require the use of dedicated facilities between the PSAPs. When the telecommunicator verifies that the transfer has been completed and the telecommunicator's services are no longer required, the telecommunicator may manually release himself/herself from the emergency call, provided that the CPE is so designed. A 9-1-1 system should be designed so that an emergency call will never be transferred more than once; however, there could be circumstances beyond the PSAP's control that might warrant more than one transfer.
- f) Each answering position shall have direct access to an operational teletypewriter or its equivalent, and all PSAP telecommunicators shall be trained in its use at least every six months. The 9-1-1 authority will ensure that TTY equipment or its equivalent is available to continue service in the event of emergency, malfunction or power failure.

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- g) At a minimum, each PSAP shall have at least two fully equipped answering positions. The staffing levels and the number of positions beyond this requirement shall be determined by the 9-1-1 authority based on call volume and average length of calls (i.e., if PSAP is responsible for EMD, call processing could take longer and require additional telecommunicators). Overflow emergency calls shall be routed to a backup PSAP as provided for in subsection (i).
- h) The 9-1-1 authority is responsible for ensuring that its primary, back-up and secondary PSAPs provide continuous and uninterrupted operation 24 hours per day, 7 days a week.
- i) Backup PSAP
- 1) Each 9-1-1 system shall have a backup PSAP that must operate independently from the primary PSAP. The backup PSAP must have the capability to dispatch (by either direct, transfer or call relay methods) the appropriate public safety agencies for that 9-1-1 system. A backup PSAP shall meet the same standards as the primary PSAP, except as provided for in subsection (i)(2).
  - 2) In a 9-1-1 system with a population of less than 10,000, when the system has demonstrated that the requirements of subsections (h) and (i) would place an undue financial burden upon the system, the 9-1-1 authority can ask the Commission for an exemption from having a full feature manned backup PSAP. A 9-1-1 system operating under this exemption should, as funds become available, upgrade its backup PSAP capability to meet those standards specified in subsections (g), (h) and (i)(1). If the system ever exceeds 5,000 billable access lines for a period of one year, it shall upgrade to meet the standards specified in subsections (g), (h) and (i)(1). For those systems operating under this exemption, some alternative form of back-up shall be required. The backup PSAP requirement may be met by one of the following:
    - A) An unattended PSAP shall have:
      - i) the capability to provide 9-1-1 service;

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- ii) the communication equipment necessary to dispatch emergency services;
  - iii) a backup power supply;
  - iv) the ability to communicate via TTY; and
  - v) the capability to be immediately activated with authorized and trained personnel.
- B) Some other method that the 9-1-1 authority must be able to demonstrate, in its request for an exemption, would meet the public safety needs of its community by being able to take 9-1-1 calls and dispatch them successfully on a temporary basis in an emergency situation.
- j) The use of virtual PSAPs may be acceptable; however, this must be included as a part of the 9-1-1 system final or modified plan authorized by the Commission.
- k) PSAP telecommunicators shall be trained in emergency dispatch procedures and 9-1-1 SOPs as specified by the 9-1-1 authority to fulfill the responsibilities of their position, with the following requirements:
- 1) Newly hired telecommunicators must receive, at a minimum, an 80-hour training curriculum approved by the 9-1-1 authority prior to handling emergency calls.
  - 2) If emergency medical dispatch is being provided that involves the dispatch of any fire department or emergency medical service agency, additional training must be completed in accordance to the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] and 77 Ill. Adm. Code 515 in addition to the 80-hour minimum.
  - 3) Continuing education for existing telecommunicators is required in all aspects of emergency call handling and will be specified by the 9-1-1 authority.
- l) The 9-1-1 authority shall provide for the installation of a master logging recorder of adequate capacity to record both sides of a conversation of each incoming

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emergency call and any radio transmissions relating to the emergency call and its disposition for each PSAP (primary, backup and secondary PSAPs). These recordings shall have the time of each event noted. The 9-1-1 authority may elect to record on a circuit-by-circuit basis or by way of the telecommunicator's position.

- m) The 9-1-1 authority shall ensure that each PSAP (primary, backup and secondary) maintains an archive of the storage media for a minimum of 90 days without recirculation of any media.
- n) Where CPE is implemented and is not tolerant of power fluctuations or interruptions, and is vital to the PSAP's operation, an uninterruptible power supply shall be installed at all PSAP locations (primary, backup and secondary) for continuous operation.
- o) All PSAP locations (primary, backup and secondary), must be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PSAP, without interruption, for longer outage times frames. It shall provide a minimum of four hours of power. The back-up power source shall be tested for reliability on a monthly basis.
- p) Each PSAP shall have at least one 24 hour staffed telephone number to be provided to telecommunications carrier operators, adjacent PSAPs and public safety agencies in order to communicate with that PSAP.
- q) PSAP employees shall be instructed to be efficient and courteous in the handling of all emergency calls and to comply with the provisions of all applicable federal and State laws in maintaining secrecy of communications.
- r) Each PSAP shall insure that all emergency calls are answered and handled without preference to the location of the caller.
- s) Each PSAP should answer 90% of all emergency calls within 10 seconds.
- t) All calls of an administrative or non-emergency nature shall be referred to the appropriate agency's published telephone number.
- u) A current copy of the 9-1-1 authority's SOPs shall be on file in every PSAP.

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## SUBPART E: OPERATIONS

**Section 725.500 Testing Procedures**

- a) The 9-1-1 authority will prepare a written test plan that will be submitted as Exhibit 10 in the final plan pursuant to Section 725.205 to be filed with the Commission. The test plan will explain how the 9-1-1 authority plans to perform its testing in conjunction with the 9-1-1 system providers and telecommunications carriers.
- b) The 9-1-1 authority shall ensure that proper field testing has been performed on a minimum of 40% of all access lines in the 9-1-1 service area. It shall include each NXX for every telecommunications carrier and for every ESN within each service area prior to the 9-1-1 system being able to announce its availability to the public.
- c) Each 9-1-1 system provider and telecommunications carrier will work with the 9-1-1 authority to ensure that call through testing and data verification of over 40% of subscribers from all areas, prefixes, carriers and types of services in their system are completed before allowing the 9-1-1 service to go live or to transition from one 9-1-1 system provider to another.
- d) The 9-1-1 system provider may not cut the 9-1-1 system live until the 9-1-1 traditional legacy service database is at a 1% or less error ratio pursuant to ETSA Section 15.4(d). Errors found during testing shall be corrected prior to cutting the system live.
- e) The 9-1-1 authority is responsible for ongoing testing once the 9-1-1 system is on-line and shall, at a minimum, include the following:
  - 1) The 9-1-1 authority shall conduct testing, including, but not limited to, the 9-1-1 database, networking, system overflow, system backup, default routing, and call transfer on a continuing basis to ensure system integrity. The testing shall be coordinated in advance and in conjunction with the 9-1-1 system provider and telecommunications carriers.
  - 2) The 9-1-1 authority and 9-1-1 system providers shall participate in coordinated testing with the telecommunications carriers when any of the following occur:

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- A) New central office switching installations;
  - B) E9-1-1 selective router or functional equivalent installations, upgrades or rehomes;
  - C) NPA additions;
  - D) Migration from one 9-1-1 system provider to another; and
  - E) Any other event that affects 9-1-1.
- 3) Upon request, after notification of implementation, the 9-1-1 authority shall perform coordinated testing with the private residential or business switch operators.
- 4) The 9-1-1 authority, in conjunction with the telecommunications carriers, shall test all call boxes annually, at a minimum, and keep a running log of the testing.

**Section 725.505 Call Handling Procedures**

- a) The 9-1-1 authority shall insure that the disposition of each emergency call is handled according to the agreements it has negotiated with its system participants and adjacent agencies in Exhibit 3 and Exhibit 4 of its final plan (see Section 725.205).
- b) Certified notification of the continuing agreements shall be made among the involved parties on an annual basis pursuant to ETSA Section 15.
- c) In instances in which a selected agency refuses a 9-1-1 request on the basis that a request is outside its jurisdictional boundaries, the telecommunicator shall make every effort to determine the appropriate responding agency and complete the disposition of the call.
- d) *The agreements shall provide that, once an emergency unit is dispatched in response to a request through the system, such unit shall render its services to the requesting party without regard to whether the unit is operating outside its normal jurisdictional boundaries. [50 ILCS 750/14]*

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**Section 725.510 Electronic Communication Devices**

Except for the purpose specifically indicated and authorized by law, the installation of or connection to the 9-1-1 system network of an automatic alarm, automatic alerting device, or mechanical dialer that causes the number 9-1-1 to be dialed is prohibited in a 9-1-1 system (e.g., elevator one button phones, security pole one button phones, or burglar alarms).

**Section 725.515 Physical Security**

- a) The 9-1-1 authority must ensure that critical areas of a PSAP, backup PSAP and secondary PSAP shall have adequate physical security to prevent malicious disruption of service and shall be protected against damage due to vandalism, terrorism and civil disturbances. These critical areas shall, at a minimum, include all communications equipment, PSAP personnel, electronic equipment rooms, and mechanical equipment rooms that are vital to the operation of the PSAP.
- b) The PSAP and PSAP personnel shall be isolated from direct public contact.
- c) Entry to the PSAP shall be restricted to authorized persons only. Additionally, doors that lead directly from the exterior into the PSAP or from within a building into the PSAP shall be secured at all times.
- d) Access to the communications and electronic equipment rooms shall be restricted within the building by means of secured doors.
- e) Wherever practical, service entrances for electric and telephone service shall be underground, at least to the respective utilities' nearest serving distribution point. Protective measures shall be taken against vandalism and natural or manmade hazards at each PSAP.
- f) The PSAP shall be equipped with a fire extinguisher. Personnel shall be instructed in proper use of these extinguishers.

**Section 725.520 9-1-1 Traditional Legacy Service Database**

- a) 9-1-1 database queries will only be allowed by PSAPs for purposes of dispatching or responding to an emergency call or for database integrity verification as set forth in subsection (c).

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- b) Prior to an initial database integrity verification, the 9-1-1 authority shall obtain a court order detailing the information that is to be disclosed and the reason for disclosure.
- c) The 9-1-1 database shall have the capability of allowing database verification queries, provided that the following procedures are adhered to:
  - 1) The 9-1-1 authority shall be responsible for providing a level of security and confidentiality to the database that will prohibit random inquiries;
  - 2) Direct access to 9-1-1 database information will be under strict control and, when technically feasible, a password will be assigned for access by authorized persons only;
  - 3) Database verification queries shall be by subscriber number only and as necessary for purposes of database integrity. Queries in excess of 10 per 24-hour period will only be done with 2 or more days advance notice to the respective 9-1-1 system provider for scheduling purposes. Queries may be for the specific purpose of cross-checking information in the 9-1-1 database with other sources of information, including telephone and other directories, maps, municipal database listings, etc., and for verifying that database update information provided to the 9-1-1 system provider has indeed been posted and is correct. On-site 9-1-1 databases are exempt from 9-1-1 system provider advance notification requirements of this Section;
  - 4) Information retrieved will be used exclusively for the maintenance, update and verification of the 9-1-1 database except as otherwise specified in subsection (a). Any other use is expressly prohibited. The information is subject to strict non-disclosure agreements between the various OSPs, 9-1-1 system providers and 9-1-1 authority. All personnel associated in any way with the 9-1-1 authority and the 9-1-1 systems are bound by these agreements.
  - 5) Trunks/facilities that are not used to transport 9-1-1 emergency calls into the PSAP are prohibited from being connected to the 9-1-1 CPE in any way to allow for queries of the 9-1-1 database.

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- 6) Database queries for the purpose of database verification shall be limited to off-peak times.
- 7) Database queries shall not be made if there is any known outage or impairment in the database system, including a database data link outage. In the event of an outage, the 9-1-1 system provider shall treat outage notification of the 9-1-1 authority regarding database query suspension as a priority. When practicable, this notification shall be made not later than 15 minutes after a confirmed incident that will cause database queries to be suspended.
- d) Each telecommunication carrier shall provide updates to the appropriate 9-1-1 system provider for the 9-1-1 database on a daily basis or more frequently when technology supports it, Monday through Friday during business hours.
- e) A 9-1-1 authority using an on-site database is restricted from making any changes to the 9-1-1 data that has been downloaded for its use. Only the 9-1-1 system provider has the authority to correct errors or provide updates to the database. The 9-1-1 authority must adhere to the proper error resolution procedures as specified in subsection (g)(1).
- f) 9-1-1 authorities, 9-1-1 system providers and telecommunications carriers shall utilize mutually acceptable and agreed upon standards as prescribed, at a minimum, by the NENA Standards for 9-1-1 databases.
  - 1) Data Formats for ALI, MSAG and GIS (02-010, v9);
  - 2) 9-1-1 Data Management (02-011, v7); and
  - 3) Provisioning and Maintenance of MSAG Files to VDBs and EKDBS (02-013, v3).
- g) It shall be the joint responsibility of the 9-1-1 authority, the 9-1-1 system provider and telecommunications carriers to ensure that the error ratio of each 9-1-1 system's database shall not, at any time, exceed 1%.
- h) The 9-1-1 authority shall forward all error reports within two business days after finding the error to its 9-1-1 system provider.

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- i) If the error is a record of the 9-1-1 system provider, it must be corrected and updated within two business days after receipt of the error. If the error is for a participating telecommunication carrier, the 9-1-1 system provider shall forward the error to the appropriate telecommunications carrier for resolution.
- j) Any telecommunications carrier receiving an error record from the 9-1-1 system provider has two business days upon receipt of the error to process the corrections and forward the appropriate updates to the 9-1-1 system provider. If the error is for an OSP, the 9-1-1 authority will forward those on to the appropriate company for review.
- k) The 9-1-1 authority shall retest and/or validate that all errors have been corrected (e.g., no record found, misroutes).
- l) The 9-1-1 authority shall, on a continuing basis, maintain the MSAG (or GIS database or functional equivalent), the ELT for each ESN and the associated telephone numbers for the ELTs.
- m) Upon a written request of the 9-1-1 authority, the 9-1-1 system provider shall submit, within 14 working days, a report to assist in the validation of the accuracy of the 9-1-1 database. Before this report is delivered to the 9-1-1 authority, the 9-1-1 authority shall obtain a court order allowing the 9-1-1 system provider to release the information. A single court order may be used to comply with this subsection and subsection (e).
  - 1) This report shall include the following information when available in the 9-1-1 database:
    - A) telephone number – area code, prefix and number in separate fields;
    - B) pilot number – single telephone number used to tie multiple numbers within a system together;
    - C) service (civic) address – including street name, house number or equivalent, suffix, directional, community name, state, zip code and location and/or descriptive information, including intersection if MSAG indicates an intersection, in separate fields;

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- D) billing address – if different than the service address, in separate fields, to be provided on a telephone number only basis pursuant to procedures defined by the telecommunications carrier and the 9-1-1 authority. Billing address information shall be subject to non-disclosure agreements;
  - E) name – first, last and middle names or initials, in separate fields;
  - F) date service was initiated – the month, day and year that service was initiated, in separate fields. If this information is not available, the date reflecting the most current service order activity may be provided instead;
  - G) type of service – residential, business, coin, etc.;
  - H) PBX/Centrex Extensions/Station Numbers – identify those numbers that are part of a PBX/Centrex system when this information is available;
  - I) surcharge status – when this information is available, the report shall identify those lines on which a surcharge is being collected and the date on which the collection was initiated. Identify those lines on which no surcharge is being collected and the reason for each exemption, including telecommunications carrier lines, in separate fields;
  - J) Emergency Service Number (ESN) – appropriate ESN, if assigned, is to be made available only from the primary telecommunications carrier providing database development and routing services.
- 2) This report may be requested by the 9-1-1 authority in writing, at a maximum, on a monthly basis. The information in this report is considered proprietary and shall be used exclusively for validating the accuracy of the 9-1-1 database. This report will be delivered in an electronic format. It will not be delivered in paper format. There will be a charge for this report that will be a tariffed item by each 9-1-1 system provider.
- n) A 9-1-1 authority that has, or is in the process of transitioning to, an NG9-1-1 system when the 9-1-1 traditional legacy service database will be used in

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conjunction with, or eventually be replaced with, dynamic data must provide a detailed explanation of the initial development and ongoing maintenance of necessary databases and in the NG9-1-1 final plan or modification, pursuant to Section 725.205(f).

**Section 725.525 Call Boxes**

- a) Except as otherwise provided in this Part, call boxes shall be a part of a 9-1-1 system that offers 9-1-1 traditional legacy service. Call boxes shall be provisioned to adequately serve a system in the event the central office is isolated from the 9-1-1 system provider's selective router or its functional equivalent. Call boxes shall only be provisioned to central offices and to those remote central offices that have the capability to stand alone and function when severed from the host central office. A high priority of attention shall be given to all trouble reports and requested restorations. Call boxes shall be designed to meet the following requirements:
- 1) Call boxes shall have a minimum of two lines, with additional lines as agreed to by the 9-1-1 authority and the telecommunications carriers;
  - 2) The type of vault used to house the call box circuitry shall be weather resistant and have a locking capability;
  - 3) When technically feasible, the call boxes shall be provisioned with a transfer switch for use by authorized personnel to route emergency calls from the network to the call box jacks;
  - 4) The call boxes shall be provisioned with the lines busied out until the transfer switch is thrown to prevent calls from ringing into an unattended call box;
  - 5) The call boxes shall be equipped with an intrusion alarm at an additional cost to be assessed to the 9-1-1 authority through a tariff filed pursuant to Section 9-201 of the Public Utilities Act;
  - 6) Call boxes shall be located, installed and maintained so that 9-1-1 system personnel have unrestricted access to the call box 24 hours per day, 7 days per week. If the call box is to be located within any secured area, the

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telecommunications carrier shall provide the 9-1-1 authority immediate, unrestricted access to the secured area; and

- 7) Calls boxes shall be tested by the 9-1-1 authority in conjunction with the telecommunication carrier annually, at a minimum.
- b) All telecommunications carriers shall coordinate call box procedures or alternative call box procedures with the 9-1-1 authority. When call boxes are not a viable solution for a telecommunications carrier, the following options are available:
- 1) Diverse routing is required of telecommunications carriers if used in lieu of a call box and shall be provisioned to meet the P.01 grade of service by the telecommunications carrier and shall meet the following requirements:
    - A) A minimum of two facility paths that are in physically separate cable routes between the central office and the 9-1-1 selective router or functional equivalent; and
    - B) Trunks divided as equally as possible in the two facility paths between the central office and the 9-1-1 selective router or functional equivalent. Trunking shall be provisioned as stated in subsection (c).
  - 2) Other viable solutions as technology permits may be utilized with prior approval of the Commission.
- c) The 9-1-1 authority shall develop call box procedures to ensure the following:
- 1) When call box operation is necessary, appropriately trained personnel shall respond to the call boxes in accordance with the 9-1-1 authorities' call box procedures;
  - 2) That procedures are developed between 9-1-1 authorities involved in a split exchange situation to determine who will respond to the call box in the instance of outages or disaster;

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- 3) Once the 9-1-1 authority has been notified of an outage occurring in the 9-1-1 system, it must make notification to any other PSAPs in the 9-1-1 system that are affected by the outage.
- 4) The 9-1-1 authority may also meet the call box requirement by provisioning call forwarding to a local answering point in the same local exchange or rate center as the central office. The call box transfer switch must be manually activated at the central office and then calls can be forwarded to a predetermined location where the emergency calls can be taken and handled appropriately.

## SUBPART F: SURCHARGE

**Section 725.600 Surcharge Administration and Monthly Report to the Emergency Telephone System Board**

- a) Telecommunications carriers, whether they are considered resellers or facility based carriers, are responsible for their own surcharge administration. Each is responsible for collecting the 9-1-1 surcharge from its subscribers for the appropriate jurisdiction and shall remit it to the proper 9-1-1 authority pursuant to ETSA.
- b) Additionally, a VoIP provider service in Illinois that is required to register with the Illinois Commerce Commission, pursuant to Section 13-401.1 of the Public Utilities Act shall charge and collect from its end-user customer, and remit to the appropriate local authority, 9-1-1 surcharges in the same manner as are charged and collected upon end-user customers of local exchange telecommunications services and remitted by the local exchange telecommunications carriers for local enhanced 9-1-1 service.
- c) In addition, each entity collecting and remitting surcharges shall provide to the 9-1-1 authority a detailed monthly listing of the actual number of network connections, including the number of residential, business, payphone, Centrex, PBX and exempt lines, and the number of residential and business subscriptions. See Appendix A.

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**Section 725.APPENDIX A Monthly Surcharge Report to the 9-1-1 Authority**

Company Name: \_\_\_\_\_

Remittance for (Month/Year): \_\_\_\_\_

Total Number of Access Lines: \_\_\_\_\_

	Number	Rate	Revenues
Residential Lines	_____	_____	_____
Residential VoIP Subscriptions	_____	_____	_____
Business Lines	_____	_____	_____
Business VoIP Subscriptions	_____	_____	_____
Pay Phone Lines	_____	_____	_____
Centrex Lines	_____	_____	_____
PBX Lines	(____)		
Exempt Lines	(_____)		
TOTALS	_____		_____

\_\_\_\_\_  
Date Prepared

\_\_\_\_\_  
Preparer

\_\_\_\_\_  
Telephone Number

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- 1) Heading of the Part: The "Grow Your Own" Teacher Education Initiative
- 2) Code Citation: 23 Ill. Adm. Code 60
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
60.10	Repeal
60.20	Repeal
60.30	Repeal
60.40	Repeal
60.50	Repeal
60.60	Repeal
60.70	Repeal
60.90	Repeal
60.100	Repeal
- 4) Statutory Authority: 110 ILCS 48
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 96-1393, effective July 1, 2010, transferred the authority of The "Grow Your Own" Teacher Education Initiative to the Board of Higher Education (IBHE), which now is responsible for rulemaking. Under the legislation, the rules of the State Board of Education remained in force until IBHE could promulgate its own rules to govern the program. Earlier this month, IBHE's board approved the release of proposed rules for public comment. The repeal of Part 60, therefore, will run parallel to the promulgation of IBHE's rulemaking, and the repealer will be filed once those new rules are in effect.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777-0001

(217) 782-5270

Comments may also be submitted electronically, addressed to:

[rules@isbe.net](mailto:rules@isbe.net)

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

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

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 60

THE "GROW YOUR OWN" TEACHER EDUCATION INITIATIVE ([REPEALED](#))

## Section

60.10	Purpose
60.20	Definitions
60.30	Eligible Applicants
60.40	Implementation Grants – Procedure and Content of Proposals
60.50	Implementation Grants – Criteria for the Review of Proposals
60.60	Implementation Grants – Allocation of Funds
60.70	Continuation of Implementation Funding
60.80	Implementation Funding for "Transitional Projects" (Repealed)
60.90	Planning Grants
60.100	Loans; Waiver or Deferral of Repayment

**AUTHORITY:** Implementing the Grow Your Own Teacher Education Act [110 ILCS 48] and authorized by Section 90 of the Act [110 ILCS 48/90].

**SOURCE:** Adopted at 30 Ill. Reg. 1850, effective January 24, 2006; amended at 31 Ill. Reg. 3589, effective February 15, 2007; amended at 32 Ill. Reg. 8761, effective May 27, 2008; repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 60.10 Purpose**

This Part establishes the procedure and criteria for approval of proposals for grants to support teacher preparation initiatives under the Grow Our Own Teacher Education Act [110 ILCS 48].

**Section 60.20 Definitions**

"Act" means the Grow Your Own Teacher Education Act [110 ILCS 48].

"Applicant" means a consortium or a potential consortium, as applicable, as described in Section 60.30 of this Part.

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"Candidate" means a person working toward a bachelor's degree qualifying that individual for a teaching certificate who is assisted under a grant awarded to a consortium pursuant to this Part.

"Cohort" means a group of candidates preparing for a teaching certificate who, pursuant to Sections 20 and 25 of the Act, begin receiving assistance under this Part together. No member of any cohort may hold a bachelor's degree at the time of entry into the program, provided that this restriction shall not apply to members of cohorts for whose preparation funding was granted during Fiscal Year 2006.

"Consortium" means an entity to which the State Board can issue grants under this Part. A consortium shall be composed of at least one 4-year institution of higher education with an accredited teacher education program, at least one school district or group of schools, and one or more community organizations. The consortium may also include a 2-year institution of higher education and/or a school employee union. Eligible consortia are further defined in Section 20 of the Act. A consortium shall implement a program of forgivable loans to cover any portion of tuition and direct expenses of students preparing for teaching certificates in excess of grants-in-aid and other forgivable loans received.

"Direct expenses" are an individual's tuition for coursework required for completion of the preparation program in which the candidate is or will be enrolled, fees related to participation in the preparation program or required coursework, and expenses for books and other necessary instructional materials.

"Eligible school" is *an Illinois public elementary or secondary school that serves a substantial percentage of low-income students and either is hard to staff or has hard-to-staff teaching positions* (see Section 10 of the Act).

"Institution" means an institution of higher education.

"Potential consortium" is a group of entities that is eligible to submit a proposal for a planning grant in response to an RFP issued under this Part.

"Student with a non-traditional background" is either one who begins a baccalaureate program at a point in time other than immediately following graduation from high school or one who began a baccalaureate program after high school, did not complete it, and re-enters a baccalaureate program after some passage of time.

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"Year of service" means full-time employment for at least half a school year, or an equivalent amount of part-time employment, in:

a public school that, at the time the individual becomes employed, is either one of the schools targeted by the program completed by the individual with assistance under this Part or another school that is defined as hard to staff pursuant to this Section; or

a teaching position that, at the time the individual becomes employed, is hard to staff as defined in this Section.

**Section 60.30 Eligible Applicants**

- a) Only consortia whose membership meets the requirements of Section 20(1) and (2) of the Act shall be eligible to apply for implementation grants to cover expenditures discussed in Section 25 of the Act.
- b) Pursuant to Section 30 of the Act, potential consortia shall be eligible for grant funds for planning purposes under the Act. A "potential consortium" will be considered eligible to submit a proposal if it includes a four-year institution of higher education and at least one community organization and if its proposal:
  - 1) provides evidence that at least a subset of the teachers typically prepared by the institution seeks employment in communities where hard-to-staff schools are located; and
  - 2) demonstrates that the institution is not applying for funding on behalf of an existing consortium that is currently serving a group of candidates under a model substantially similar to that described in the Act and that further information is needed about the specific barriers that exist with respect to enabling individuals with a long-term commitment to those communities to complete teacher preparation; and
  - 3) includes:
    - A) letters of interest from one or more school districts or schools indicating willingness to collaborate in offering opportunities for candidates in the program to complete pre-student teaching clinical experiences in hard-to-staff schools or positions; and

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- B) if additional community organizations are being considered for membership in the consortium, letters of invitation that the applicant has sent to one or more relevant community organizations proposing a role for the organizations in the proposed consortium, along with a rationale provided by the applicant for inclusion of these organizations.

**Section 60.40 Implementation Grants – Procedure and Content of Proposals**

New implementation grants shall be offered in years when the level of available funding is such that one or more new programs or cohorts of candidates can be supported given the requirements of Section 25 of the Act for ongoing support of cohorts that have begun their preparation in previous years. (See Section 60.70 of this Part.)

- a) When sufficient funding is available, the State Superintendent of Education will issue an RFP specifying the information that proposals must include and specifying a deadline for their submission, which shall provide at least 45 calendar days in which to submit proposals.
- b) Each RFP shall specify the descriptive information that applicants will be required to provide, which shall be designed to permit comparative judgments of the degree to which each program will address the requirements of Section 20 of the Act and shall address:
- 1) the teacher preparation programs involved and their qualifications relevant to the requirements of the Act, including specific information on the institution's success in preparing teachers for positions in schools that serve a substantial percentage of low-income students;
  - 2) the consortium's plans for recruiting and providing support to participants, including information that demonstrates that potential or existing members of the cohort are paraeducators or parent and community leaders as defined in the Act;
  - 3) the preparation status of existing candidates, if a cohort is already engaged in the program;
  - 4) the hard-to-staff schools and positions that are targeted; and
  - 5) the demographic make-up of the area served by the targeted schools.

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- c) Each RFP shall describe the required proposal format, if any (e.g., cover page, proposal abstract, proposal narrative, letters of intent to participate, etc.).
- d) Each RFP shall identify the categories of allowable expenditures and require the submission of a budget summary and payment schedule, completed on the forms provided, as well as a narrative budget breakdown that provides a detailed explanation of each line item of expenditure and covers the entire period of time during which the identified cohort is expected to be enrolled in the teacher preparation program.
  - 1) Applicants shall be required to demonstrate that grant funds will supplement and not supplant amounts typically devoted by the institution of higher education to, and other resources available for, assisting teacher candidates.
  - 2) Applicants shall be required to describe the steps that will be taken to decrease the need for external financial support for the consortium and its program over time.
- e) Each RFP shall identify the information that consortia will be required to collect and furnish to the entity that conducts the evaluation required by Section 35 of the Act, including but not limited to zip codes of the candidates, the racial/ethnic make-up of the candidate cohort, the percentage of candidates who progress at the expected rate through the preparation program, the percentage who complete the program, and information on the positions eventually taken by these candidates.
- f) Each RFP shall identify the assurances and certifications that entities receiving funding must furnish.

**Section 60.50 Implementation Grants – Criteria for the Review of Proposals**

Proposals for implementation grants shall be evaluated in accordance with the following criteria:

- a) Feasibility, Impact, and Cost-Effectiveness (40 points)
  - 1) The proposal identifies a need for teachers in hard-to-staff schools and hard-to-fill positions and describes either a cohort that is available to enroll in the identified preparation program or time-specific plans for identifying and attracting the members of such a cohort.

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- 2) The proposal describes strategies that will be used to reach members of underrepresented groups that reflect the diversity of the students enrolled in the participating schools and outlines plans for serving additional cohorts in future years.
  - 3) The proposal demonstrates that:
    - A) coursework and experiences required for certification will be scheduled and located to be accessible to members of the cohort; and
    - B) supportive services (e.g., child care, counseling, tutoring) that have been identified as necessary will be offered to enable candidates to progress through the program and attain certification.
  - 4) The proposal establishes a timetable or performance level for candidates as a condition for their continued receipt of assistance under this program.
  - 5) The evaluation plan is designed to yield information that can be used both in judging the program's qualitative and quantitative impact and in identifying changes or new approaches that will improve the program's outcomes.
  - 6) The proposal describes commitments on the part of all the consortium's members that will enable the consortium to sustain the program over time with a reduction in the need for external resources.
- b) Quality of the Plan (30 points)
- 1) The proposal describes the role of each entity that is a member of the consortium, including the resources each entity will devote to this initiative, the major areas requiring collaboration among the members, and how decisions will be made with input from the members and the participants.
  - 2) The proposal includes plans for assisting candidates in tapping sources of financial aid beyond those made available under this Part and by the members of the consortium.

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- 3) The proposal demonstrates that the institution of higher education has the capacity (i.e., faculty and other resources) to serve the cohort in its approved teacher preparation program. If a two-year institution is involved in the consortium, the proposal delineates how coursework, other requirements, and services will be coordinated between the institutions.
  - 4) The proposal describes the needs of the participating schools and demonstrates that the consortium's plan for certification under the program is relevant to those needs and will have an impact on the availability of qualified staff.
  - 5) The plan of work for the program includes specific strategies for overcoming known barriers faced by the participating schools in retaining qualified teachers as well as barriers faced by the individuals who make up the cohort to be enrolled in the program.
  - 6) The proposal describes the consortium's plans for extending support to candidates for at least two years after they attain certification, including such activities and services as mentoring and group meetings of the cohort.
- c) Experience and Qualifications (20 points)
- 1) The proposal provides evidence that faculty and relevant staff of the institution are knowledgeable regarding the needs of hard-to-staff schools and the specific issues that candidates from non-traditional backgrounds encounter when attempting to complete preparation for teaching careers.
  - 2) The proposal demonstrates that the community organization that is a member of the consortium has conducted projects or initiatives with a specific focus on involving parents and others in school improvement, either in the participating schools or schools with similar characteristics, and has the capacity to recruit candidates for and support them as they progress through the program.
  - 3) The individual who is identified as coordinator for the cohort has experience in education and/or community organizing and in supporting individuals in the collegiate environment and is knowledgeable about group dynamics, support services, and cultural issues relevant to the cohort.

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- d) Evaluation Plans (10 points)
  - 1) The proposal relates plans for the evaluation of candidates' teaching skills to the relevant portions of the institution's educational unit assessment system (see 23 Ill. Adm. Code 25.140) and demonstrates that candidates in the program will be expected to meet the standards applicable to the approved program.
  - 2) The proposal includes a plan for the evaluation of the program by or on behalf of the members of the consortium that will provide:
    - A) information on the progress of candidates within the preparation program; and
    - B) when applicable, information on this initiative's outcomes in terms of candidates' placement into hard-to-staff teaching positions or hard-to-staff schools and their retention in those positions.

**Section 60.60 Implementation Grants – Allocation of Funds**

The State Superintendent of Education shall approve proposals for funding and make final determinations regarding the amounts to be provided based upon:

- a) the total funds appropriated for this initiative;
- b) the needs and resources described and the amounts requested in the top-ranked proposals identified in accordance with the criteria set forth in Section 60.50 of this Part; and
- c) the need to make programs under this Part accessible on a statewide basis in a manner that will increase the availability of candidates to serve in hard-to-staff schools and positions.

**Section 60.70 Continuation of Implementation Funding**

- a) A consortium that has received implementation funding for a cohort of candidates shall be subject to the requirements of this Section with respect to continued funding for that cohort in subsequent years.

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- 1) The consortium shall submit an application for continued funding for the cohort, using a format specified by the State Superintendent of Education.
  - 2) Each application shall contain a mid-year report on the current status of the program and the cohort, documenting the activities and support provided to date and describing the degree to which candidates are achieving the program's objectives.
  - 3) Each application shall provide an updated narrative description of the objectives, activities, timelines, and evaluation procedures for the renewal year, relating the proposed plan of work to the results that have been achieved to date.
  - 4) Each application shall include an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown that describes any needed variances from the budget proposed in the initial year of funding.
  - 5) Each application shall include such certifications and assurances as the State Superintendent of Education may require.
- b) The State Board shall, contingent upon appropriation of funds for this initiative, provide continuation funding to consortia that:
- 1) demonstrate that:
    - A) a majority of the candidates in the cohort served have completed coursework or other requirements for certification during at least one semester of the preceding year; or
    - B) funds will be used to support only those candidates who have progressed toward certification and/or have identified steps to be taken toward certification in the academic year in which funding is requested; and
  - 2) demonstrate success in providing the supports necessary to retain candidates in the program.

**Section 60.90 Planning Grants**

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In order to identify potential consortia with a substantial likelihood of establishing additional Grow Your Own programs, the State Superintendent of Education will issue an RFP for planning grants. The RFP may be issued repeatedly, contingent upon the availability of funding. Each RFP shall indicate the maximum amount to be reserved for planning grants and the maximum available amount per grant. The RFP shall specify the information that proposals must include and a deadline for their submission, which shall provide no fewer than 30 calendar days in which to submit proposals.

- a) Eligible applicants for planning grants shall be as set forth in Section 60.30 of this Part.
- b) Allowable uses of planning grant funds shall include:
  - 1) activities that are designed to secure the participation and commitment of the required members and the optional members of a consortium; and
  - 2) activities that are designed to attract or identify potential candidates for teacher preparation who are paraeducators or parent and community leaders as contemplated by the Act, including assistance that will permit potential candidates to complete developmental coursework that will verify their academic readiness for enrolling in teacher preparation; and
  - 3) activities that are designed to identify barriers to teacher certification for potential members of a given cohort and to identify strategies and resources for mitigating those barriers.
- c) Each proposal shall describe a plan of work for developing a consortium and a Grow Your Own program that will be eligible for an implementation grant under this Part. Each proposal shall include a budget for the planned activities, provided in a format specified in the RFP.
- d) Applicants may be asked to clarify aspects of their proposals.
- e) Each proposal that is submitted by an eligible applicant and meets the requirements of this Section shall be considered qualified for funding. Funding decisions shall be made in each cycle by balancing the goals of geographic distribution and accessibility with the level of need and the potential number of candidates to be served by the potential consortia.

**Section 60.100 Loans; Waiver or Deferral of Repayment**

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Any candidate in a program administered under this Part may receive a forgivable loan for direct expenses associated with completion of the teacher preparation program, provided those expenditures are not otherwise paid for through grants-in-aid, other forgivable loans, or other resources of the consortium. Any amount expended for an individual's direct expenses shall be considered a part of that individual's loan, regardless of how the payment is administered and regardless of whether the individual receives any actual payment of funds. The total amount of any candidate's loan shall not exceed \$25,000.

- a) Pursuant to Section 25 of the Act, loan funds provided to candidates as part of *this program shall be fully forgiven if a graduate completes five years of service in hard-to-staff schools or hard-to-staff teaching positions, with partial forgiveness for shorter periods of service*. Forgiveness and repayment of loans shall be determined as provided in this Section.
- b) An individual may accrue the service required for forgiveness of loans under this Part in one or more eligible schools or positions.
- c) If an individual has not assumed employment in an eligible school or position within two years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. No interest shall apply. An individual who drops out of the program shall be required to begin repaying the amounts loaned in the month following the month when it becomes evident that he or she will not be completing any of the program's requirements for two consecutive semesters.
- d) If an individual has not completed five years of service within 10 years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. The amount due shall be the total amount borrowed, less a percentage reflecting the relationship that any time taught by the individual in eligible schools or positions bears to the total five-year commitment. Loan amounts shall be reduced in increments of 10 percent for each semester completed.
- e) Repayment of loans shall be made in no more than 60 equal installments. The minimum monthly payment will be determined by dividing the total amount due by 60. An individual may prepay the balance due on the loan in its entirety at any time or make payments in addition to the minimum amount owed each month without penalty.

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- f) In addition to the loan forgiveness permitted under Section 25 of the Act, the State Superintendent may defer or waive an individual's obligation to repay an amount due as provided in this subsection (f).
- 1) The State Superintendent shall waive the repayment obligation for an individual who is counseled out of a preparation program or found ineligible to continue, provided that the individual's exit from the program is not due to a violation of law or of applicable institutional policies.
  - 2) The State Superintendent shall waive the repayment obligation for an individual who drops out of a preparation program or demonstrates that he or she is unable to complete a portion of the required teaching service due to:
    - A) the onset or exacerbation of a disability;
    - B) the need to care for an immediate family member during serious illness or disability;
    - C) destruction of the individual's residence; or
    - D) other circumstances that require the individual to assume responsibilities that cannot be avoided without serious financial hardship or other family disruption (e.g., death of a spouse that results in the need to take a second job or assume operation of a business).
  - 3) The State Superintendent shall waive the repayment obligation for a candidate who does not complete a preparation program due to the unavailability of a State appropriation for this initiative for at least two consecutive years.
  - 4) The State Superintendent shall defer the repayment obligation for a period of time specifically related to the circumstances when an individual:
    - A) is unemployed or is working for fewer than 30 hours per week;
    - B) is experiencing a financial hardship (e.g., receiving public assistance, earning an amount per month that is no greater than 200 percent of the amount of the loan payment, or experiencing

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circumstances such as those outlined in subsection (f)(2) of this Section); or

- C) has re-enrolled as a full-time student in an institution of higher education or in a program under this Part.
- 5) Each request for a waiver or deferral of repayment shall be submitted in a format specified by the State Superintendent. The affected individual shall describe the specific circumstances that apply. This description shall be accompanied by evidence such as a physician's statement, insurance claim, or other documentation of the relevant facts.
- g) When a teaching certificate is issued to an individual who received assistance under this Part, the certificate shall be accompanied by:
- 1) a statement indicating the total amount of the loan received by the individual and identifying the dates applicable to repayment under this Section; and
  - 2) a claim form that the individual may use to claim forgiveness of the loan amount, which shall require the individual to identify the periods of service completed in eligible schools or positions and the school administrators who can verify the individual's service.
- h) Management of Loans
- 1) It shall be the responsibility of each four-year institution of higher education, and of any two-year institution that participates in a consortium, to assist the State Board of Education with the forgivable loan process in the following manner:
    - A) by keeping records of the amounts provided to or on behalf of each individual for direct expenses;
    - B) by keeping up-to-date contact information regarding the address and telephone number of each individual during the individual's preparation at that institution; and
    - C) by notifying the State Superintendent within 30 days after a candidate fails to enroll in coursework as expected or otherwise

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ceases to participate in the program and informing the State Superintendent of the total amount of the candidate's loan for direct expenses as of that point in time.

- 2) When a candidate leaves a two-year institution and enters a four-year institution to continue in a program under this Part, the two-year institution shall inform both the State Superintendent and the four-year institution of the total amount of the candidate's loan for direct expenses as of that point in time. Each two-year institution shall ensure that the affected four-year institution continues to receive any information that subsequently affects the amount of a candidate's loan.
  - 3) Each institution shall notify the State Superintendent as to who will be responsible for this information and shall provide contact information for the responsible individual within the institution.
- i) It shall be the responsibility of the State Superintendent to take such actions as may be necessary to secure repayment when necessary.

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- 1) Heading of the Part: New Teacher Induction and Mentoring
- 2) Code Citation: 23 Ill. Adm. Code 65
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
65.10	Amendment
65.20	Amendment
65.110	Amendment
65.120	Amendment
65.130	Amendment
65.140	Amendment
65.150	Amendment
65.155	New Section
65.160	Amendment
65.170	New Section
65.APPENDIX A	New Section
65.APPENDIX B	New Section
- 4) Statutory Authority: 105 ILCS 5/21A-35
- 5) A Complete Description of the Subjects and Issues Involved: The New Teacher Induction and Mentoring program will be updated to better reflect the best practices of induction and mentoring programs and incorporate important current research and advances in the field, namely the development of program standards and a program continuum to be used for ongoing improvement, support and evaluation (see Appendices A and B of the proposed amendments). The standards were adopted by the then-State Teacher Certification Board in December 2008 and a year later, a task force completed its work on the induction continuum. The standards have served as guidance for induction and mentoring programs but program alignment to the standards has not been a requirement of funding. Once the standards are placed in the rules, they will become an integral part of each grantee's implementation of an induction and mentoring program, providing consistency among programs across the state.

Briefly, the other modifications proposed would accomplish the following.

- Clarify that the requirements contained in Part 65 are applicable to induction and mentoring programs funded both on a competitive basis (i.e., when funding is insufficient to provide grants to all eligible entities), as well as to programs

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established in a statewide implementation should sufficient funds become available. (See Section 65.20.)

- Require that each funded program serve at least 20 beginning teachers. Applicants with a fewer number of beginning teachers could partner with other eligible entities to offer a joint program. This change is being recommended to ensure that induction and mentoring programs are established on a strong footing and remain part of the culture of the school in the event that outside resources for their administration are either reduced or eliminated. The proposed rule also allows for consideration of a smaller program when an applicant can provide evidence that it has the resources (both financial and human) locally to implement and sustain the program. (See Sections 65.120 and 65.130.)
- Provide for local flexibility in determining the amount of time that the beginning teacher and mentor would spend in face-to-face contact by reducing the current requirement of 60 hours – which became a ceiling that programs would not go beyond – to 40 hours. The 40 hours are intended to be a starting point that can be increased depending on the goals and needs of each beginning teacher. (See Section 65.130.)
- Flesh out the requirements for the receipt of funding in years two and beyond and tying receipt of continuation funding to the program's continuous improvement based on the Illinois Induction Program Continuum. (New Section 65.155 and Appendix B.)
- Remove a funding priority for "hard to staff" schools, since the focus of a high-quality proposal should be on its alignment with the Illinois Standards of Quality and Effectiveness for Beginning Teacher Induction Programs (see Appendix A).
- Strengthen the criteria used to evaluate proposals to align to the Illinois Standards of Quality and Effectiveness for Beginning Teacher Induction Programs (see Appendix A) and reflect the best practices of high-quality induction and mentoring programs.

- 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? Yes, see Section 65.150(f)(3)(A).
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777-0001

(217) 782-5270

Comments may also be submitted electronically, addressed to:

[rules@isbe.net](mailto:rules@isbe.net)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Charter schools and public university laboratory schools approved by the State Board of Education may apply.
- B) Reporting, bookkeeping or other procedures required for compliance: Grantees will be required to submit information relative to the induction and mentoring program's implementation, including the effect the program has had on the practice and retention of beginning teachers.
- C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: the need for the rulemaking (i.e., state budget request, award of RTTT 3 grant) became apparent after the agenda was published.

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

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## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 65

## NEW TEACHER INDUCTION AND MENTORING

## SUBPART A: GENERAL PROVISIONS

## Section

- 65.10 Purpose and Scope  
65.20 Requirements of the Plan; Program Specifications

## SUBPART B: BEGINNING TEACHER INDUCTION GRANT PROGRAM

## Section

- 65.110 Purpose and Applicability  
65.120 Eligible Applicants  
65.130 Program Specifications  
65.140 [Initial](#) Application Procedure  
65.150 Criteria for the Review of Initial Applications  
65.155 [Application Content and Approval for Continuation Programs](#)  
65.160 Allocation of Funds  
65.170 [Terms of the Grant](#)

[65.APPENDIX A](#) [Illinois Standards of Quality and Effectiveness for Beginning Teacher Induction Programs](#)

[65.APPENDIX B](#) [Illinois Induction Program Continuum](#)

AUTHORITY: Implementing Article 21A of the School Code [105 ILCS 5/Art. 21A] and authorized by Section 21A-35 of the School Code [105 ILCS 5/21A-35].

SOURCE: Emergency rules adopted at 30 Ill. Reg. 11783, effective June 26, 2006, for a maximum of 150 days; adopted at 30 Ill. Reg. 17425, effective October 23, 2006; amended at 33 Ill. Reg. 15258, effective October 20, 2009; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## SUBPART A: GENERAL PROVISIONS

**Section 65.10 Purpose and Scope**

This Subpart A establishes the fundamental requirements that shall apply to each program of induction for new teachers for which approval or grant funds pursuant to Article 21A of the School Code [105 ILCS 5/Art. 21A] are sought. For the purposes of this Part, "beginning teacher" shall have the same meaning as that set forth for "new teacher" in Section 21A-5 of the School Code [105 ILCS 5/21A-5].

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

**Section 65.20 Requirements of the Plan; Program Specifications**

- a) When State funding is available to support new proposals for any initiative under Article 21A of the School Code, the State Superintendent of Education shall issue ~~a Request for Proposals (RFP) (or, in the case of noncompetitive funding, other~~ application materials) in order to solicit applications from eligible entities. As used in this Part, a "proposal" or "application" means relevant portions of a plan for an induction and mentoring program that meets the requirements of Section 21A-20 of the School Code [105 ILCS 5/21A-20], accompanied by the additional materials applicants will be required to submit, as described in ~~the relevant~~ Subpart B of this Part.
- 1) When the level of funding is insufficient to provide grants to each eligible entity in the State, a Request for Proposals (RFP) will be issued to solicit applications from eligible entities, and applications will be considered for funding based on the extent to which they meet the criteria set forth in Section 65.150 of this Part.
  - 2) When the level of funding is sufficient to fund all eligible entities in the State, a Request for Applications will be issued and each school district whose plan meets the requirements of Article 21A of the School Code and this Part will receive a grant in an amount equal to at least the amount specified in Section 21A-25 of the School Code.
- b) In accordance with Section 21A-20 of the School Code, each~~Each~~ plan approved for a beginning teacher induction grant shall conform to the requirements of ~~Section 21A-20 of the School Code.~~

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- 1) assign a mentor teacher to each beginning teacher for a period of at least 2 school years, providing sufficient time for the beginning teacher and mentor to engage in mentoring activities;
  - 2) align with the Illinois Professional Teaching Standards, content area standards and the employing entity's existing local school improvement and professional development plans, if any. In order to demonstrate the alignment required by this subsection (b)(2)~~Section 21A-20(2) of the School Code~~, each plan shall discuss the relationship among the services and experiences that will be available to beginning~~new~~ teachers, the content-area standards applicable to their respective fields of certification or licensure endorsement, as applicable, or assignment (see 23 Ill. Adm. Code 26 and 27), and the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24);~~and the employing entity's existing plans for school improvement and professional development.~~
  - 3) address all of the following elements and how they will be provided:
    - A) mentoring and support of the beginning teacher;
    - B) professional development specifically designed to ensure the growth of the beginning teacher's knowledge and skills and accelerate the beginning teacher's practice; and
    - C) formative assessment designed to ensure feedback and reflection, which must not be used in any evaluation of the beginning teacher; and
  - 4) describe the role of mentor teachers, the criteria and process for their selection, and how they will be trained, provided that each mentor teacher shall demonstrate the best practices in teaching his or her respective field of practice. A mentor teacher may not directly or indirectly participate in the evaluation of a new teacher pursuant to Article 24A of the School Code or the evaluation procedure of the public school.
- c) Each plan shall meet the Illinois Standards of Quality and Effectiveness for Beginning Teacher Induction Programs set forth in Appendix A of this Part and further amplified in Section 65.150 of this Part.

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

## SUBPART B: BEGINNING TEACHER INDUCTION PILOT PROGRAM

**Section 65.110 Purpose and Applicability**

This Subpart B establishes the application procedure and criteria for selection by the State Board of Education of the applicants that will receive grant funds under the Beginning Teacher Induction ~~Grant~~Pilot Program as authorized by Section 21A-25 of the School Code [105 ILCS 5/21A-25]. The purposes of the ~~grant program~~Pilot Program shall be to provide support for programs of intensive support and mentoring for ~~beginning~~new teachers as specified in Section 65.130 of this Part and to gather information that will permit evaluation of the effects of these programs and provide for ongoing improvement and support of each program funded.

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

**Section 65.120 Eligible Applicants**

Eligible applicants for grant funding under this Subpart B shall be the entities identified in Section 21A-5 of the School Code ~~[105 ILCS 5/21A-5]~~, as well as public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)] (see Section 2-3.109a of the School Code [105 ILCS 5/2-3.109a]). ~~An eligible applicant may also be a partnership of eligible entities or a partnership of one or more eligible entities and one or more institutions of higher education, professional associations, regional offices of education, or not for profit providers of educational services. No application shall be considered unless it includes a written statement by the authorized representative of the collective bargaining unit, if any, concurring with its submission.~~

- a) An eligible applicant may also be a partnership of eligible entities ~~or a partnership of one or more eligible entities and one or more institutions of higher education, professional associations, regional offices of education, or not for profit providers of educational services.~~
- 1) If a joint application is submitted, then an administrative agent shall be designated and the application shall be signed by the authorized official of each entity that is a participant.

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- 2) A school district or other eligible entity shall only participate in one proposal for a specific program.
- b) No application shall be considered unless it includes a written statement by the authorized representative of the collective bargaining unit, if any, of each participating entity concurring with its submission.
- c) Each eligible applicant shall propose to serve at least 20 beginning teachers. Eligible applicants with fewer than 20 beginning teachers may participate as part of a joint application. (See Section 65.130(b) of this Part.)
- d) An eligible entity may contract with one or more institutions of higher education, professional associations, regional offices of education, or not-for-profit providers of educational services to assist in implementing the program. (See Section 21A-15 of the School Code.)

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

**Section 65.130 Program Specifications**

- a) Each program supported with grant funds under this Subpart B shall incorporate:
- 1) mentoring for ~~beginning~~new teachers that is provided by experienced teachers who have received training to equip them for this role;
  - 2) professional development for recipient teachers, mentors, and administrators who have roles in the program; ~~and~~
  - 3) formative assessment of ~~beginning~~new teachers' practice with respect to the Illinois Professional Teaching Standards and the content-area standards relevant to their respective fields of assignment; ~~and-~~
  - 4) the Illinois Standards of Quality and Effectiveness for Beginning Teacher Induction Programs. (See Appendix A of this Part.)
- b) Each program shall serve no ~~fewer~~more than ~~20~~75 ~~beginning~~new teachers; If fewer than 20 teachers are proposed to be served, the applicant may either:

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- 1) participate in a beginning teacher induction program as part of a joint application; or
  - 2) provide in its application unless a specific rationale for the reduction is provided that demonstrates that the applicant has sufficient resources, in addition to funding received under this Subpart B, and adequate personnel to continue the program and provide how each beginningnew teacher withwill receive comparable and adequate attention and support comparable to what would be provided in a larger program.
- c) Each beginningnew teacher shall, ~~at the time he or she begins the program,~~ at the time he or she begins the program, have, less than two years' teaching experience and hold an initial or a provisional early childhood, elementary, secondary, special K-12, or special preschool-age 21 certificate issued pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21] or a professional educator license issued pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B], as applicable. An individual seeking a professional educator license under the provisions of Section 21B-35 of the School Code [105 ILCS 5/21B-35] and holding an educator license with stipulations endorsed for provisional educator also may participate if he or she has less than two years' teaching experience.
- d) Each program shall be designed to ensure that each beginningnew teacher spends no less than ~~4060~~ hours in face-to-face contact with the mentor assigned, either one on one or in another configuration, including both classroom observation of the beginningnew teacher by the mentor and other interactions between these individuals. ~~Each mentor who provides at least 60 hours of mentoring service in a grant year shall be paid \$1,200 from grant funds awarded pursuant to this Part.~~
- e) Each program shall provide for the development of an individual learninginduction plan for each beginningnew teacher served and for the provision of professional development that is directly related to the needs identified in the individual learning plan.

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

**Section 65.140 Initial Application Procedure**

Each applicant that is proposing a program that has not received funding in the year previous to the current application, to include all applications from eligible entities that received funding

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under this Part previous to FY 2012, shall submit to the State Board of Education an application that includes the components specified in this Section. For purposes of this Subpart, the terms "proposal" shall have the same meaning.

- a) Grants for initial programs shall be offered in years in which the level of available funding is such that one or more new programs can be supported, along with those currently funded programs that seek continuation funding in accordance with Section 65.155 of this Part.
- b)a) When State funding is available for new grants under this Subpart, the State Superintendent of Education shall issue the applicable application materials (see Section 65.20(a) of this Part) ~~Request for Proposals (RFP)~~ in order to solicit applications from eligible entities.
- c)b) The application materials~~RFP~~ shall describe the format that applicants will be required to follow and the information they will be required to submit, including a description of the proposed program, identification of the specific schools in which the induction program will be conducted, and the number of beginning~~new~~ teachers and mentors involved. (Also see Section 65.150 of this Part for information relative to the contents of the proposal.)
- d)e) The application materials~~RFP~~ shall indicate the amount or expected amount of the appropriation for the program and shall describe the allowable expenditures and the basis for awarding grants. If matching funds or resources will be required of applicants, the RFP shall describe these requirements.
- e)d) The application materials~~RFP~~ shall include a budget summary and payment schedule, as well as a narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure.
- f)e) The application materials~~RFP~~ shall identify the data recipients will be required to collect and report regarding the activities conducted with grant funds and the results of those activities, as well as the timelines for reporting.
  - 1) The applicant shall propose a specific method for collecting and maintaining data specific to program implementation and the induction program's impact on beginning teachers' performance, based on the induction program standards and continuum (see Appendices A and B of this Part), for the purpose of program improvement and evaluation.

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- A) Program records shall at least include a roster of mentors and beginning teachers that includes the frequency (number of interactions) and duration (number of hours) of contact between each mentor and beginning teacher.
- B) Program records shall at least include information about each beginning teacher's performance evaluation rating awarded pursuant to Section 24A-5 of the School Code [105 ILCS 5/24A-5] and 23 Ill. Adm. Code 50 (Evaluation of Certified Employees under Articles 24A and 34 of the School Code) and retention status of each beginning teacher during his or her participation and after completion of the program.
- 2) The applicant shall describe a process that is consistent with continuous program improvement for using any data collected under subsection (f)(1) of this Section.
- ~~g)f)~~ The application materialsRFP shall include ~~such~~ certifications and assurances and program-specific terms of the grant as the State Superintendent may require, to be signed by each applicant that is a party to the application and submitted with the proposal. (Also see Section 65.170 of this Part.)
- ~~h)g)~~ The application materialsRFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 30 days to respond.
- ~~h)~~ Separate applications shall be required for renewal of grant funding. Each application for renewal shall include at least:
- 1) a description of expenditures and activities during the year just concluded, demonstrating that the project has been implemented in conformance with the approved grant agreement and that the recipient continues to exhibit need for grant funds for this purpose; and
- 2) an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown.
- i) Incomplete proposals shall not be considered.

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

**Section 65.150 Criteria for the Review of Initial Applications**

Applications for initial funding shall be evaluated to determine the extent to which each meets in accordance with the criteria set forth in this Section. ~~When considering substantially equal proposals, the State Superintendent of Education shall give preference to programs that will take place in hard-to-staff schools, i.e., Illinois public schools that rank in the upper third among public schools of their type (e.g., elementary, middle, secondary) in terms of the rate of attrition among teachers.~~

a) Program Goals and Design and Resources (20 points)

- 1) The proposal articulates goals for the program that focus on the improvement of beginning teacher practice, retention, and student achievement, as well as the continuous improvement of the program.
- 2) The proposal articulates the requirements for beginning teachers to successfully complete the program.
- 3) The proposal contains a plan for effective communication among all stakeholders.
- 4) The proposal articulates how the program is aligned with school and district improvement plans, other teaching effectiveness initiatives, and other professional learning opportunities.
- 5) The proposal identifies and allocates adequate resources to ensure the successful implementation of the program design.
- 6) The proposal provides for specific practices and policies, such as reduced course load for mentors, reduced course load for beginning teachers, release time, substitute pay, mentor stipends and access to resources, that will permit the participants in the program to devote the time necessary to reach the goals of the program.

b) Induction Program Leadership, Administration and Support (15 points)

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- 1) The proposal identifies the individuals who will lead the program and clearly delineates their roles in planning, implementing, evaluating and refining the program. The roles and responsibilities of the program leaders are appropriate for the scope and complexity of the proposed program.
  - 2) The proposal includes strategies that will be used in providing oversight for the program to permit ongoing analysis of its effectiveness, allow for necessary programmatic modifications and provide communication with all stakeholders.
  - 3) The proposal identifies how the induction program leadership will encourage and facilitate communication and collaboration among all stakeholders to ensure support of the program.
- c) Site Administrator's Roles and Responsibilities (15 points)
- 1) The detailed description of the role and responsibilities of the program's site administrator (e.g., principal) suggests that each administrator will have ongoing participation in and provide leadership for the program so as to engender positive teaching and learning conditions for beginning teachers.
  - 2) The proposal presents a plan for professional development for site administrators that provides a minimum of at least four hours of training specific to the site administrator's role in understanding, designing and implementing high-quality beginning teacher induction programs.
- d) Mentor Selection, Assignment, Training and Ongoing Development (20 points)
- 1) The proposal describes a comprehensive strategy for recruiting teachers who are suited to the role of mentor.
  - 2) The proposal describes the criteria for mentor selection, which shall include at least the following:
    - A) a record of the mentor's effective teaching practice and professional conduct, including at least three years of teaching experience and a performance evaluation rating of "proficient" or

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- "excellent" from each of the mentor's last two performance evaluations conducted pursuant to Section 24A-5 of the School Code and 23 Ill. Adm. Code 50 (Evaluation of Certified Employees under Articles 24A and 34 of the School Code);
- B) demonstrated commitment of the mentor to his or her own professional growth and learning, including the ability to be reflective and articulate about his or her teaching practice;
  - C) ability of the mentor to relate and communicate effectively with colleagues;
  - D) the mentor's professional commitment to improving the induction of beginning teachers; and
  - E) knowledge of effective professional development for beginning teachers and effective adult learning strategies.
- 3) The proposal describes the foundational training for mentors, which shall include or incorporate at least the following topics:
- A) adult learning theory and/or instruction relative to the implementation of the Standards for Professional Learning (2011) published by Learning Forward, 504 South Locust Street, Oxford, Ohio 45056 and posted at <http://www.learningforward.org/standards/index.cfm>; no later amendments to or editions of these standards are incorporated by this Section;
  - B) foundations of mentoring;
  - C) formative assessment;
  - D) coaching and observation strategies; and
  - E) analysis of student work and data.
- 4) The proposal provides a plan for mentor training that is ongoing, with at least monthly opportunities for mentors to interact with other mentors via a mentor learning community to build mentors' skills through problem-solving and reflection so that they can better assist beginning teachers in

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the development of their teaching skills and professional practices. The sessions will enable participating mentors to share experiences and strengthen their ability to employ mentoring tools, protocols and formative assessment to support mentoring effectiveness.

- 5) The proposal provides a detailed description of the process to be used for assessment of mentor practice and mentor accountability.

e) Beginning Teacher Development and Formative Assessment (15 points)

- 1) The proposal describes plans for the timely orientation of the beginning teachers to the induction program before the start of their teaching assignments and for a formal network to provide novice colleagues with at least quarterly learning opportunities and ongoing support.

- 2) The proposal provides for the professional development of beginning teachers, which includes at least the development of an individual learning plan for each beginning teacher served and for the provision of professional development that is directly related to the needs identified in the individual learning plan.

- 3) The proposal clearly articulates a method for the formative assessment of beginning teachers' practice and describes how that information will be used in the individual learning plan.

- 4) The proposal includes quarterly plans for incorporating issues of pedagogy, classroom management and content knowledge into professional development for beginning teachers and for ensuring alignment of this material with the Illinois Professional Teaching Standards, the participants' specific identified needs and local instructional priorities.

- 5) The program is designed to afford at least one opportunity during each semester to observe teaching practices modeled by experienced teachers and discuss selected aspects of teaching practice with these teachers.

f) Program Impact and Implementation (Evaluation) (15 points)

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- 1) The proposal identifies information to be collected and reported on the performance and retention of beginning teachers that will add to an understanding of the effects of more intensive induction programs as compared to the results of more typical models.
  - 2) The evaluation is designed to assess the effectiveness of particular initiatives or components of the program and will likely produce data that can be used to improve the program.
  - 3) The applicant identifies a method for tracking the continued service of the teachers served after the project ends so that longitudinal data can be compiled.
- a) Program Design (45 points)
- 1) ~~The proposal identifies specific practices and policies such as reduced course load for mentors, release time, and access to resources that will permit the participants in the program to devote the necessary time to induction and mentoring.~~
  - 2) ~~The proposal describes plans for timely orientation of the new teachers to the induction program and for a formal network of the novice colleagues that will provide them with ongoing learning opportunities and support.~~
  - 3) ~~The proposal clearly articulates methods for collecting evidence related to the new teachers' practice and describes how that information will be used in planning for professional development and other support for the new teachers.~~
  - 4) ~~The proposal includes specific plans for incorporating issues of pedagogy, classroom management, and content knowledge into professional development for the new teachers and for ensuring alignment of this material with the Illinois Professional Teaching Standards, the participants' specific identified needs, and local instructional priorities.~~
  - 5) ~~The proposal presents coherent allocation and scheduling of the participants' time and is cost-effective in light of the level of resources requested and the number of new teachers to be served.~~

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- b) ~~Mentor Recruitment and Support (25 points)~~
- 1) ~~The proposal describes a comprehensive strategy for recruiting experienced teachers who are suited to the role of mentors, including:~~
    - A) ~~the involvement of parties with an interest in teacher quality and retention;~~
    - B) ~~thorough outreach and communication regarding the availability of positions for mentors;~~
    - C) ~~clear criteria for the skills and experience sought; and~~
    - D) ~~consideration of multiple sources of information in identifying the candidates to be selected.~~
  - 2) ~~The proposal provides for formal orientation of the mentors selected, for fundamental training of these individuals at the beginning of the program, and for professional development during the course of the program that is designed to strengthen their ability to employ mentoring tools, protocols, and formative assessment in response to the needs of beginning teachers.~~
  - 3) ~~The proposal describes a systematic approach to establishing a "community of mentoring practice" that will enable the participating mentors to share experiences and strategies and support each other's work within the induction program.~~
- e) ~~Evaluation Design (20 points)~~
- 1) ~~The proposal identifies information to be collected and reported on the performance and retention of new teachers that will add to an understanding of the effects of more intensive induction programs as compared to the results of more typical models.~~
  - 2) ~~The proposal suggests how the effects of particular initiatives or components of the program will be measured.~~

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- 3) ~~The applicant proposes a method for tracking the continued service of the teachers served after the project ends so that longitudinal data can be compiled.~~
- d) ~~Leadership and Direction (10 points)~~
- 1) ~~The proposal demonstrates that the individuals who will direct or coordinate the induction program have experience in this endeavor or a commitment to it, as evidenced by their history of involvement or professional development.~~
- 2) ~~The management structure described is appropriate to the scope and complexity of the program, the specific responsibilities of the on-site administrator are evident, and the roles and contributions of collaborating entities, if any, are clearly delineated.~~
- 3) ~~The proposal includes strategies that will be used in providing oversight for the program to permit ongoing analysis of its effectiveness, necessary programmatic modifications, integration of various relevant professional development plans, and communication structures that respect the need for confidentiality when applicable.~~

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

**Section 65.155 Application Content and Approval for Continuation Programs**

The requirements of this Section shall apply to those applicants seeking funding to continue beginning teacher induction programs beyond the initial grant period.

- a) In order to continue to operate a Beginning Teacher Induction Grant Program, a grantee each year shall submit an application for continuation. The application shall include at least the following:
- 1) a description of expenditures and activities conducted during the year just concluded, demonstrating that the project has been implemented in conformance with the approved grant agreement and that the recipient continues to exhibit a need for grant funds for this purpose (i.e., the expected number of beginning teachers to be served);

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- 2) an overview of the program to be conducted in the continuation period, addressing the program components outlined in Section 65.130 of this Part;
  - 3) a summary of progress the applicant has made in implementing the standards and criteria listed in Appendix A of this Part during the previously funded grant period. The summary shall:
    - A) be based on the induction program continuum contained in Appendix B of this Part; and
    - B) list any strategies to be employed during the continuation period to improve the induction program and advance the applicant along the induction program continuum for one or more standards or criteria;
  - 4) budget summary and payment schedule as well as a budget breakdown, i.e., a detailed explanation of each line item of expenditure; and
  - 5) the certifications and assurances and program-specific terms of the grant referred to in Section 65.140(f) of this Part applicable to the continuation period.
- b) A Beginning Teacher Induction Grant Program shall be approved for continuation provided that:
- 1) a need continues to exist for the program, as evidenced by the number of beginning teachers to be served;
  - 2) the program components proposed will be effective in assisting and improving the practice of beginning teachers and are based on the areas identified for program improvement pursuant to subsection (a)(3) of this Section;
  - 3) the proposed budget is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided; and

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- 4) in the year previous to the continuation application, the applicant complied with the terms and conditions of any grant it received pursuant to this Subpart B.

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

**Section 65.160 Allocation of Funds**

- a) The State Superintendent of Education shall approve initial applications for competitive funding and make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative, the amounts necessary to fund the top-ranked proposals, and the need to distribute the benefits of innovative induction models on a statewide basis. The minimum grant to be awarded will range from \$1,200 to \$1,500 for each teacher served in a program that has been approved for funding under this Part.
- b) It is the intention of the State Board of Education to approve continuation funding for projects under this Part prior to providing funding for new applicants. Funding for existing grantees for each year shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved grant agreements and that the recipients continue to need additional State resources in order to implement their programs. If funds remain available for new programs, an RFP shall be issued as provided in Section 65.140 of this Part.
- c) In accordance with Section 21A-25 of the School Code, in years when sufficient funding is available for a statewide implementation of the beginning teacher induction grant program, the minimum grant to be awarded will be \$1,200 for each teacher served in a program approved for funding under this Part.

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

**Section 65.170 Terms of the Grant**

- a) The grantee shall participate in external reviews and statewide data collection, as determined by the State Superintendent of Education, to be used to assess the overall effectiveness of induction and mentoring in the State and to understand the effects of intensive induction programs on beginning teacher practice and effectiveness.

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- b) The grantee shall participate in State-provided technical assistance activities and State-developed trainings related to the use of the Illinois Standards of Quality and Effectiveness for Beginning Teacher Programs and the Illinois Induction Program Continuum. (See Appendix A and Appendix B of this Part.)
- c) Reporting. The grantee shall submit data and information about the beginning teacher induction program each year to the State Superintendent of Education in a format specified by and according to the timeline set forth by the State Superintendent. The report shall include, at a minimum, an assessment of the grantee's progress towards meeting any locally established goals for the program, as set forth in the approved application, and the number of beginning teachers and mentors served during the grant period.
- d) Each grantee shall submit to the State Board of Education by December 31 of each grant year a final count of the teachers to be served in the beginning teacher induction program for the respective grant period. In instances in which the final count is less than the number of teachers proposed to be served in the approved application, the State Board of Education shall reduce grant proceeds not yet received by an amount equal to the difference between the proposed and actual number of teachers served multiplied by the per teacher amount awarded pursuant to either Section 65.160(a) or (c) of this Part, as applicable.

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

### **Section 65.APPENDIX A Illinois Standards of Quality and Effectiveness for Beginning Teacher Induction Programs**

This Appendix A sets forth a clear framework to assist in the development of research-based programs that meet local needs and are responsive to local contexts. The standards are broad and interdependent, describing a vision of a comprehensive and dynamic program for beginning teachers and those who support them. The intent of these standards is to foster thoughtful, high-quality growth and development. Each program funded under this Part shall meet the standards set forth in this Section.

#### Standard 1: Induction Program Leadership

The induction program has an administrative structure with specified leaders who plan, implement, evaluate and refine the program through data analysis, program evaluation and stakeholder communication linked to relevant standards.

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Criterion 1.1: Program leadership is selected and the leaders' role is clearly defined to include being responsible for program planning, operation, oversight and use of data.

Criterion 1.2: Program leadership, program partners and all stakeholders have the time, fiscal resources and authority to implement and support the program.

Criterion 1.3: Program leadership, program partners and all stakeholders create a culture of commitment to beginning teacher induction and improving student achievement.

Criterion 1.4: Program leadership engages in initial and ongoing professional development to understand, design and implement high-quality induction and mentoring.

Standard 2: Program Goals and Design

Local program design is focused on beginning teacher development, support and retention and improved student learning. The goals are guided by current induction research, effective practices, standards contained in this Section, the district and school improvement plans and local concerns and context.

Criterion 2.1: Program design includes learning outcomes for beginning teacher participants that recognize a continuum of teacher development and a focus on student learning with clearly defined participant expectations for program completion.

Criterion 2.2: Program design provides for effective communication among program leadership, mentors, beginning teachers and site administrators and is consistently integrated into district and school improvement goals and ongoing professional development initiatives.

Criterion 2.3: Program design includes high-quality mentor selection, training, assessment and evaluation, and ongoing support in a mentor learning community.

Criterion 2.4: Program design defines essential activities, including beginning teacher formative assessment, written documentation of beginning teacher and mentor work, analysis of beginning teacher instruction and student learning, and professional development for all stakeholders.

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Criterion 2.5: Program goals and outcomes for teacher development, retention and support and student learning are reviewed and revised as necessary by designated program leaders and stakeholders based on the analysis of multiple sources of program evaluation data.

Standard 3: Resources

Program leadership allocates and monitors sufficient resources to meet all goals and deliver program components to all participants.

Criterion 3.1: Program leadership, program partners and all stakeholders allocate adequate resources to ensure an appropriate distribution of funds to support components defined in the program design and in alignment with the district's improvement plan.

Criterion 3.2: Program leadership, program partners and all stakeholders access and coordinate existing professional development resources to effectively align and coordinate those resources with the induction program.

Criterion 3.3: Program leadership, program partners and all stakeholders allocate sufficient, sanctioned, protected time for mentoring to foster high-quality mentoring for beginning teachers.

Criterion 3.4: Formative program leadership, program partners and all stakeholders monitor resource allocations on a regular basis in order to make necessary adjustments as needed during the year.

Criterion 3.5: Summative program leadership, program partners and all stakeholders support the development of fiscal reports to document allocations of resources as necessary for accountability and to promote ongoing program improvement.

Standard 4: Site Administrators Roles and Responsibilities

Site administrators lead efforts to create a positive climate for the delivery of all essential program components. Site administrators and program leadership collaborate to ensure that they are well-prepared to assume their responsibilities for supporting beginning teachers in the induction program.

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Criterion 4.1: Program leadership, program partners and all stakeholders collaborate to design effective professional development for site administrators and promote their full involvement in program operations to maximize ongoing program improvement.

Criterion 4.2: Program leadership, program partners and all stakeholders collaborate with site administrators to ensure positive working environments for beginning teachers.

Criterion 4.3: Program leadership, program partners and all stakeholders collaborate with site administrators to foster the development of collaborative learning communities to promote a program of support for all staff.

Criterion 4.4: Program leadership, program partners and all stakeholders support site administrators to provide ongoing high-quality communications regarding induction program design and implementation.

Criterion 4.5: Program leadership, program partners and all stakeholders engage with site administrators to ensure positive mentoring experiences and to uphold the relationship between mentor and beginning teacher as confidential.

Criterion 4.6: Program leadership, program partners and all stakeholders collaborate with the site administrator to align their work in support of beginning teachers with the standards for administrators.

Standard 5: Mentor Selection and Assignment

Mentors are recruited, selected and assigned using a comprehensive strategy that includes a clearly articulated, open process and specific criteria that are developed by and communicated to all stakeholder groups.

Criterion 5.1: Program leadership, program partners and all stakeholders are guided by clear rigorous selection criteria and processes to ensure that beginning teachers will receive high-quality mentoring throughout their participation in the induction program.

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Criterion 5.2: Program leadership, program partners and all stakeholders ensure that the matching of beginning teachers and mentors is based on multiple relevant factors to establish effective pairing of mentors with beginning teachers.

Criterion 5.3: Program leadership, program partners and all stakeholders define and implement a process to address changes or make necessary adjustments in mentor and beginning teacher matches.

Standard 6: Mentor Professional Development

Mentor professional development provides a formal orientation and foundational mentor training before they begin their work with beginning teachers and should continue over the course of the mentor's work with beginning teachers. Mentors have time, supported by the program, to engage in this mentor learning community and are consistently supported in their efforts to assist beginning teachers in their development, with a focus on student learning.

Criterion 6.1: Program leadership, program partners and all stakeholders collaborate to provide foundational training for mentors to develop basic knowledge, skills and attitudes for high-quality mentoring.

Criterion 6.2: Program leadership, program partners and all stakeholders facilitate the development of a professional learning community for mentors to regularly reflect on, improve and refine their practice.

Criterion 6.3: Program leadership, program partners and all stakeholders collaborate to provide ongoing professional development for mentors to advance induction practice and promote beginning teacher development.

Standard 7: Development of Beginning Teacher Practice

Beginning teachers have regularly scheduled time, provided during the two-year program, to participate in ongoing professional development that is focused on their professional growth to support student learning.

Criterion 7.1: Program leadership, program partners and all stakeholders collaborate to provide beginning teacher orientation to clarify district school and induction programs and ensure high levels of beginning teacher participation.

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Criterion 7.2: Program leadership, program partners and all stakeholders collaborate to design and implement formal support of networking opportunities for beginning teachers to ensure their participation in collaborative cultures focused on professional learning and ongoing support.

Criterion 7.3: Program leadership, program partners and all stakeholders implement ongoing professional development to ensure high-quality beginning teacher development.

Criterion 7.4: Program leadership, program partners and all stakeholders provide and support sanctioned time for induction and mentoring processes to ensure sufficient support for high-quality professional development experiences for beginning teachers.

Standard 8: Formative Assessment

Beginning teachers and mentors participate in formative assessment experiences, collaboratively collecting and analyzing measures of teaching progress, including appropriate documentation, mentor observations and student work, to improve classroom practices and increase student achievement. The formative assessment is an ongoing, non-evaluative, evidence-based measurement of growth over time, involving a variety of sources of data, that is used to inform ongoing professional development.

Criterion 8.1: Program leadership, program partners and all stakeholders ensure that mentors use formative assessment tools collaboratively with beginning teachers for initial self-assessments and development of individual learning plans to guide weekly visits and determine the scope, focus and content of professional development activities.

Criterion 8.2: Program leadership, program partners and all stakeholders ensure that mentors utilize a wide range of formative assessment tools in order to establish multiple measures of teaching from which to promote further professional development.

Criterion 8.3: Program leadership, program partners and all stakeholders establish and maintain procedures for documenting confidential use of formative assessment to gather evidence of reflective processes that impact student learning and practice.

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Criterion 8.4: Program leadership, program partners and all stakeholders develop and follow policy regarding use of formative assessment and documentation to protect their use for program purposes only and not for evaluation of beginning teachers or for employment decisions.

Standard 9: Program Evaluation

Programs operate a comprehensive, ongoing system of program development and evaluation that involves all program participants and other stakeholders.

Criterion 9.1: Program leadership, program partners and all stakeholders develop and implement an ongoing process for program evaluation based on multiple internal and external sources with formal and informal measures to ensure ongoing program improvement.

Criterion 9.2: Program leadership, program partners and all stakeholders analyze multiple sources of data and share results with stakeholders in a systematic way.

Criterion 9.3: Program leadership, program partners and all stakeholders implement a process for mentor accountability in a supportive environment through a defined process of communication and documentation.

Criterion 9.4: Program leadership, program partners and all stakeholders participate in external reviews and statewide data collection designed to examine and improve program quality and effectiveness and to inform policymakers and stakeholders.

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

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**Section 65.APPENDIX B Illinois Induction Program Continuum**

- a) The Illinois Induction Program Continuum describes four levels of program implementation for each criterion of the standards set forth in Appendix A of this Part. The levels outline the progress of improvement new induction programs are expected to make and provide the basis for the development, support and evaluation of induction programs. The levels of program implementation are as follows.
- 1) Establishing Programs are learning about the induction program standards and establishing program components. Limited involvement of all stakeholders occurs at this level.
  - 2) Applying Programs have some experience and are applying knowledge of induction program standards and moving toward full implementation of program components. The program is shared with additional stakeholders.
  - 3) Integrating Programs are more experienced with induction program standards and accomplished in implementation of program components. They are working collaboratively with an expanded group of stakeholders on a regular basis.
  - 4) Systematizing Programs collaborate regularly with all stakeholders to integrate induction program standards and program components throughout the district or consortia. The program is beyond compliance and embodies innovative practices by contributing to the broader educational community.
- b) The Illinois Induction Program Continuum assists with continuous program improvement through:
- 1) the provision of a common language to describe and discuss program development and ongoing improvement;
  - 2) assistance to program leadership and partners to collaboratively design, implement and assess the quality and effectiveness of their programs;

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- 3) assistance to program leadership in setting clear, evidence-based goals and planning for program development and improvement; and
- 4) identification of program needs for resources and supports.

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

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.560                      Proposed Action: New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This administrative rule is authorized under Public Act 97-687. Public Act 97-687 expands medical assistance eligibility under Title XIX of the federal Social Security Act for individuals at or below 133% of the federal poverty level pursuant to a waiver authorized by the federal government. The program is financed entirely by units of local government and federal matching funds. Public Act 97-689, the Save Medicaid Access and Resources Together (SMART) Act, the law that addresses the significant spending and liability deficits in the Medicaid program, could not take effect until the bill underlying Public Act 97-687 became law.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.335	Amendment	35 Ill. Reg. 19337; December 2, 2011
120.310	Amendment	35 Ill. Reg. 19635; December 9, 2011
- 11) Statement of Statewide Policy Objectives: This rulemaking affects units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments

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concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments do not have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

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

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Licensed Community – Integrated Living Arrangements (Repealed)

## 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 Payment of Medicare Part B Premiums for Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiaries (SLIBs) and Qualified Individuals-1 (QI-1) 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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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
<u>120.560</u>	<u>County Eligibility Expansion Waiver Program</u>

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;

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amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 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;

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amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency

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amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; peremptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; peremptory amendment suspended at 32 Ill. Reg. 8450, effective May 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

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30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a 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; amended at 36 Ill. Reg. 9095, effective June 11, 2012; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART I: SPECIAL PROGRAMS

**Section 120.560 County Eligibility Expansion Waiver Program**

- a) Effective July 1, 2012 or as soon thereafter as approved by the federal government, eligibility for medical assistance under an approved waiver program authorized under Section 5-2(17) of the Public Aid Code (Code) is available to individuals who meet all of the following eligibility requirements:
- 1) Cooperate in establishing eligibility as described in Section 120.308;
  - 2) Have citizenship or immigration status as described in Section 120.310;
  - 3) Reside within the boundaries of the unit of Illinois local government sponsoring the approved waiver program;
  - 4) Assign rights to medical support and collection of payment as described in Section 120.319;
  - 5) Furnish a Social Security Number as described in Section 120.327;
  - 6) Be at least 19 years of age and no older than 64 years of age;
  - 7) Not be an inmate of a correctional facility pursuant to 42 CFR 435.1008 unless eligibility for such individuals is expressly authorized by the approved waiver;
  - 8) Not be enrolled in Medicare; and
  - 9) Have countable monthly income at or below 133 percent of the federal poverty level.
- b) An individual shall not be determined eligible under this Section if he or she is otherwise eligible for medical assistance without a spenddown under this Part

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except that, if authorized under the approved waiver, women enrolled in the Illinois Healthy Women Program, as established by Section 120.540, may be determined eligible under this Section.

- c) An individual who is otherwise eligible for medical assistance with a spenddown and who meets the requirements of this Section shall have the option of enrolling in medical assistance with a spenddown or under this Section.
- d) The earned and unearned income of the following persons shall be counted when determining eligibility:
  - 1) The individual.
  - 2) The spouse who lives with the individual.
- e) Countable monthly income is determined by taking the total gross monthly income of the individual and the individual's spouse, if married and living with the spouse, and subtracting allowable deductions and exemptions according to the provisions of 89 Ill. Adm. Code 120.330 through 120.376, except that Sections, 120.338(a), 120.345(b), 120.350, 120.355(a), 120.360(d), 120.362, 120.370(a), 120.371(b) and (c), and 120.373(a) shall not apply.
- f) All assets shall be exempt from consideration in determining eligibility under this Section.
- g) Application Process
  - 1) Individuals may apply by phone, at participating provider locations or in-person through designated application assistors or by additional means as established by the Department.
  - 2) The application date shall be the date a signed application is received by the Department or its designee and can be no sooner than the effective date of the approved waiver.
  - 3) Applications made for enrollment under this Section shall be considered only for eligibility under this Section.
  - 4) Applications made for enrollment under this Section shall be exempt from the application requirements of 89 Ill. Adm. Code 110.

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- h) Eligibility will be effective no earlier than the third month before the month of application if the applicant would have met the criteria of this Section had he or she applied. In no case shall eligibility be effective prior to the effective date of the waiver.
- i) Individuals may be determined presumptively eligible as provided under an approved waiver program authorized under [Section 5-2\(17\) of the Code](#).
- j) Eligibility under this Section will be redetermined every 12 months.
- k) An individual's eligibility shall be terminated if the individual no longer meets the requirements of this Section.
- l) Persons applying or enrolled under this Section shall be entitled to appeal rights described in 89 Ill. Adm. Code 102.80 through 102.83.
- m) Eligibility under this Section shall end upon termination of the approved waiver authorized under [Section 5-2\(17\) of the Code](#).
- n) Individuals enrolled under this Section shall not be exempt from estate recovery as established in 89 Ill. Adm. Code 102.210.
- o) Benefits available for clients eligible under an approved waiver authorized by [Section 5-2\(17\) of the Code](#) shall be as defined in 89 Ill. Adm. Code 140.5.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
140.5	Amendment
140.642	Amendment
140.643	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The administrative rule regarding the County Eligibility Expansion Waiver Program Services is authorized under Public Act 97-687. Public Act 97-687 expands medical assistance eligibility under Title XIX of the federal Social Security Act for individuals at or below 133% of the federal poverty level pursuant to a waiver authorized by the federal government. The program is financed entirely by units of local government and federal matching funds. Public Act 97-689, the Save Medicaid Access and Resources Together (SMART) Act, the law which addresses the significant spending and liability deficits in the Medicaid program, could not take effect until the bill underlying Public Act 97-687 became law.

The administrative rules impacting the “determination of need” (DON) is authorized by the SMART Act that mandates an increase in the DON from 29 to 37.

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.445	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.523	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.539	Amendment	36 Ill. Reg. 7757; May 25, 2012

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140.570	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.1001	Amendment	36 Ill. Reg. 8081; June 1, 2012
140.400	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.438	Amendment	36 Ill. Reg. 8594; June 15, 2012

- 11) Statement of Statewide Policy Objectives: This rulemaking does affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded long term care facilities
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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NOTICE OF PROPOSED AMENDMENTS

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES  
SUBCHAPTER d: MEDICAL PROGRAMSPART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 County Eligibility Expansion Waiver Program Services~~Covered Medical Services Under General Assistance~~
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance

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	Program
140.18	Effect of Termination or Revocation on Persons Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Sanctioned Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.44	Withholding of Payments Due to Fraud or Misrepresentation
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund

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## NOTICE OF PROPOSED AMENDMENTS

140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
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AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9

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Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at

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12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057,

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effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill.

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Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency

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amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill.

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Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; preemptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667,

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effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 140.5 County Eligibility Expansion Waiver Program Services ~~Covered Medical Services Under General Assistance~~**

County Eligibility Expansion Waiver Services. The following shall apply to individuals eligible pursuant to 89 Ill. Adm. Code 120.560.

- a) Available benefits and cost sharing obligations as established for an approved waiver authorized by Section 5-2(17) of the Public Aid Code (Code). The following medical services shall be covered for recipients of financial assistance under General Assistance for both the State Transitional Assistance Program and the State Family and Children Assistance Program:
- 1) ~~Encounter rate clinic visits;~~
  - 2) ~~Physician services;~~
  - 3) ~~Vital pharmacy services (items necessary for life maintenance or to avoid~~

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~~life threatening situations);~~

- ~~4) Vital medical supplies and equipment;~~
- ~~5) Group care services, subject to prior approval;~~
- ~~6) Family planning services;~~
- ~~7) Laboratory and x-ray services;~~
- ~~8) Transportation to secure medical services;~~
- ~~9) Prostheses, orthoses (only when essential for employment or expediting hospital discharge);~~
- ~~10) Home health agency visits (only on a prior approval basis when the medical condition is documented by the physician as terminal);~~
- ~~11) Hospice services;~~
- ~~12) Dental services;~~
- ~~13) Chiropractic services;~~
- ~~14) Podiatric services; and~~
- ~~15) Optical services and supplies.~~

- b) Participating providers and reimbursement rates for services as established for an approved waiver authorized by Section 5-2(17) of the Code. ~~The following medical services shall be covered for recipients of financial assistance under General Assistance only for the State Family and Children Assistance Program, not the State Transitional Assistance Program, in addition to the services covered under subsection (a) above:~~

- ~~1) Inpatient hospital services. (Physical rehabilitation services and psychiatric services are not covered for General Assistance recipients age 18 or over);~~

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- ~~2) Hospital outpatient and clinic services for surgical procedures, renal dialysis or cancer therapy; and~~
- ~~3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment.~~

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

## SUBPART E: GROUP CARE

**Section 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services**

- a) Beginning July 1, 1996, any individual, except those identified in subsection (c) of this Section, seeking admission to a nursing facility licensed under the Nursing Home Care Act [210 ILCS 45] for nursing facility services must be screened to determine his or her need for those services pursuant to this Section. Any individual, except those identified in subsection (c) of this Section, who is seeking admission to a nursing facility that operates under the Hospital Licensing Act [210 ILCS 85] must be screened to determine his or her need for those services except when Medicaid funds will not be used for nursing facility services for any part of the stay. For the purposes of this Section, "nursing facility" or "facility" means a location licensed under the Nursing Home Care Act or the Hospital Licensing Act as a skilled nursing facility or an intermediate care facility.
- b) Screening Assessment
  - 1) The Level I ID Screen is the first phase of the preadmission screening process for nursing facility services described in subsection (a) of this Section. The Level I ID Screen is conducted to determine if there is a reasonable basis for suspecting that an individual has developmental disabilities (DD), as defined in subsection (b)(1)(A) of this Section, or severe mental illness (MI), as defined in subsection (b)(1)(B) of this Section. This determination is required to assure that individuals with DD or severe MI are placed into settings which provide the services they require. Entities authorized to complete the Level I ID Screen are agents of DPA, Department of Human Services (DHS), Department on Aging

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(DoA), Department of Public Health (DPH), hospitals or nursing facilities.

- A) A developmental disability is a disability that is attributable to a diagnosis of mental retardation (mild, moderate, severe, profound), or a related condition. A related condition is attributable to: cerebral palsy or epilepsy, or any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation, and requires treatment or services similar to those required for persons with mental retardation. In addition, this condition is manifested before the age of 22; is likely to continue indefinitely; and results in substantial functional limitations in three or more of the following areas of major life activity:
- i) self-care;
  - ii) understanding and use of language;
  - iii) learning;
  - iv) mobility;
  - v) self-direction;
  - vi) capacity for independent living.
- B) An individual is considered to have a severe mental illness for the purpose of this Section if he or she has one of the following diagnoses: schizophrenia; delusional disorder; schizoaffective disorder; psychotic disorder not otherwise specified; bipolar disorder I – mixed, manic, and depressed; bipolar disorder II; cyclothymic disorder; bipolar disorder not otherwise specified; major depression, recurrent; and due to his or her mental illness exhibits resulting substantial functional limitations. The functional limitation must be of an extended duration expected to be present for at least a year, which results in substantial limitation in major life activities affecting at least two of the following areas:

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- i) self-maintenance;
  - ii) social functioning;
  - iii) community living activities;
  - iv) work related skills.
- 2) If the Level I ID Screen indicates that an individual may have DD or severe MI, a comprehensive assessment, the Level II assessment, except as defined in subsection (b)(7) of this Section, is conducted by preadmission screening (PAS) agents designated by the DHS-Office of Developmental Disabilities or DHS-Office of Mental Health, whichever is applicable, concerning the need for nursing facility services and the need for specialized services.
- 3) If the Level I ID Screen does not identify a reasonable basis for suspecting DD or severe MI, the individual is referred to DoA (individuals 60 years of age or older) or DHS - Office of Rehabilitation Services (individuals 18 through 59 years of age) for a Determination of Need to assess the need for nursing facility services.
- 4) For applicants of Medicaid services who are already residing in the facility and were admitted after June 30, 1996, the Department will review and evaluate a copy of the most recent Minimum Data Set (MDS) resident assessment instrument. The Department will refer to DoA or DHS, as appropriate, any light need resident who appears to be a potential candidate for community placement.
- 5) A screening assessment is valid for 90 calendar days from the date of the assessment. For individuals with DD or severe MI, an existing Level II assessment may remain valid after 90 calendar days when the designated PAS agent updates any component of the assessment which is not current, and confirms the validity of the assessment as reliably reflecting the status of the individual.
- 6) Due to exceptional circumstances, an individual identified as having DD or MI, following a Level I ID Screen, may be determined to need nursing

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facility services. The individual with exceptional circumstances must then receive a Level II assessment to determine the individual's need for specialized services related to placement in a nursing facility, except in the specific circumstances noted in subsection (b)(7) of this Section.

Exceptional circumstances include, but are not limited to:

- A) terminal illness with a life expectancy of six months or less; and
  - B) convalescent care (a medically prescribed period of recovery, following acute care, not to exceed 120 calendar days); and
  - C) severe physical illnesses, such as coma, ventilator dependence, functioning at brain stem level or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure; and
  - D) a diagnosis of dementia, including Alzheimer's disease or a related disorder, in the case of the individual with DD.
- 7) Level II assessment exemption. Some individuals with DD or severe MI may be admitted to a nursing facility without receiving a Level II assessment to determine the need for specialized services by a designated PAS agent. Individuals exempt from a Level II assessment for specialized services are provisional admissions pending further assessment in cases of delirium where an accurate diagnosis cannot be made until the delirium clears. In all other cases, a determination that specialized services are not needed must be based on a Level II assessment.
- 8) Screening agents shall present alternatives to institutional placement, and inform individuals of alternative settings before placement into a nursing facility.
- 9) Non-Medicaid supported individuals who choose to be admitted into a nursing facility when the screening assessment does not justify nursing facility placement will not be denied access to the facility.
- c) A screening assessment does not apply to an individual who:

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- 1) is receiving or will be receiving sheltered care services; or
  - 2) transfers from one facility to another, with or without an intervening hospital stay. It is the transferring facility's responsibility to ensure that copies of the resident's most recent screening assessment accompany the transferring resident; or
  - 3) resided in a facility for a period of at least 60 days and is returning to a facility after an absence of not more than 60 days; or
  - 4) is receiving or will be receiving hospice services; or
  - 5) is readmitted to a facility after a therapeutic home visit; or
  - 6) is readmitted to a facility from a hospital to which he or she was transferred for the purpose of receiving care; or
  - 7) resided in the facility on June 30, 1996.
- d) **Nursing Facility Services**  
In Illinois, nursing facilities are licensed for intermediate level nursing care and skilled level nursing care. For guidelines to the type of services provided by nursing facilities refer to 77 Ill. Adm. Code 300.Appendix A.
- e) **Date of Payment**
- 1) No payment for nursing facility services may be made for individuals who have been determined eligible, or have applied, for Medicaid at the point of admission, unless the screening assessment documents a need for such care.
  - 2) Where the assessment does not establish this need, the individual may request that a licensed physician designated by DPA review the medical reports and any other evidence the individual wishes to submit, and certify whether there is a need for nursing facility services in the individual's case. The individual will be notified of the right to this review.
  - 3) For an individual whose preadmission screening assessment has been completed prior to admission, DPA will begin payment:

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- A) on the date of admission if Medicaid eligibility has been established, or
  - B) on the beginning date of Medicaid eligibility if eligibility starts after the date of admission.
- 4) For an individual whose preadmission screening assessment has not been completed prior to admission, DPA will begin payment on the later of:
- A) the date that the screening assessment requirement is met, or
  - B) the effective date of Medicaid eligibility.
- 5) For an individual who applies for Medicaid after admission to a facility, DPA will begin payment on the effective date of Medicaid eligibility.
- f) **Review Required Upon Change in DD/MI Resident Condition**  
Nursing facilities must notify the State mental health authority or the State developmental disability authority, or their designee as applicable, when there has been a significant change in the condition of a Medicaid eligible resident with developmental disability or severe mental illness as required by 42 USC 396r(e)(7)(B)(iii) (1999). The nursing facility shall report in a format established by the applicable State authority, or its designee, significant changes in a resident's condition. A determination will then be made whether there has been a significant change requiring a resident review. For the purposes of this subsection (f), a significant change for a resident with severe mental illness or developmental disability will be deemed to have occurred when:
- 1) An individual who was determined by PAS to be severely mentally ill, and who has continuously resided in a nursing facility within the last 12 months, who has been referred for admission or been admitted to a psychiatric hospital or psychiatric ward of a general hospital for psychiatric care three or more times within that 12 month period; or
  - 2) An individual who was determined by PAS to be severely mentally ill or developmentally disabled is evaluated by the nursing facility to no longer have a severe mental illness or developmental disability; or

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- 3) An individual who was determined by PAS not to be severely mentally ill or developmentally disabled is evaluated by the nursing facility to have a severe mental illness or developmental disability. There must be a reasonable basis for believing that the condition may indicate the presence of a developmental disability prior to the age of 22; or
- 4) An individual who was determined by PAS to be severely mentally ill who does not have a medical need for nursing facility level of care, meets all of the following:
  - A) no longer receives any intervention programs for mood, behavior or cognitive loss;
  - B) has successfully completed training skills required to return to the community; and
  - C) discharge to the community is not planned within the next 90 days; or
- 5) An individual who was determined by PAS to be developmentally disabled no longer receives specialized services; or
- 6) An individual with severe mental illness or an individual with a developmental disability who entered the nursing facility as an exempted hospital discharge is now found to require more than 30 days of nursing facility care.
- g) Periodic Resident Review  
The Department, the Department of Public Health, or their agents may periodically review some or all Medicaid eligible residents found to be severely mentally ill or developmentally disabled to evaluate nursing facilities' compliance with this Section.
- h) On July 1, 2012 or as soon thereafter as approval is received from the federal government, whichever date is later, the minimum score on the determination of need for applicants for institutional and home- and community-based long term care shall be increased from 29 to 37.

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

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**Section 140.643 In-Home Care Program**

The State of Illinois shall operate an In-Home Care Program designed to promote proper utilization of long term care services and prevent unnecessary institutionalization. The programs will be operated by the ~~Department~~Departments on Aging (clients 60 and older) and; the Department of Human Services-Divisions of Rehabilitation Services (physically disabled) and ~~Mental Health and~~ Developmental Disabilities (~~developmentally disabled~~). The Illinois Department of Healthcare and Family Services~~Public Aid~~, as the single state agency under Medicaid, is responsible for claiming Federal Financial Participation and is the State of Illinois' contact with the ~~federal~~Federal government in relation to the In-Home Care Program. Specific eligibility criteria and all other relevant factors of the In-Home Care Program are contained in the ~~rules~~Rules of the operating agencies – the Department on Aging (89 Ill. Adm. Code ~~240Section 04-60.000 et seq.~~) and; the Department of Human Services-Divisions of Rehabilitation Services (89 Ill. Adm. Code, Chapter IV, Subchapter d) and ~~the Department of Mental Health and~~ Developmental Disabilities~~disabilities~~ (~~proposed~~ 59 Ill. Adm. Code 120). On July 1, 2012 or as soon thereafter as approved by the federal government, whichever date is later, the minimum score on the determination of need for applicants for institutional and home- and community-based long term care shall be increased from 29 to 37.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Number: 146.205                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: Public Act 97-689, the Save Medicaid Access and Resources Together (SMART) Act, authorized an increase in the "determination of need" (DON) from 29 to 37.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
146.225	Amendment	36 Ill. Reg. 6208; April 27, 2012
146.225	Amendment	36 Ill. Reg. 8106; June 1, 2012
146.255	Amendment	36 Ill. Reg. 8106; June 1, 2012
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Jeanette Badrov  
General Counsel

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

Illinois Department of Healthcare and Family Services  
201 South Grand Avenue E., 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

217/782-1233

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded long term care facilities
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES  
SUBCHAPTER d: MEDICAL PROGRAMSPART 146  
SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

## SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section	
146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

## SUBPART B: SUPPORTIVE LIVING FACILITIES

Section	
146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action
146.285	Voluntary Surrender of Certification

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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146.290	Geographic Groups
146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

## SUBPART C: STATE HEMOPHILIA PROGRAM

Section	
146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

## SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section	
146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

## SUBPART E: SUPPORTIVE LIVING FACILITIES WITH DEMENTIA CARE UNITS

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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146.670	Assessment and Service Plan and Quarterly Evaluation
146.680	Monitoring
140.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SUPPORTIVE LIVING FACILITIES

**Section 146.205 Definitions**

For purposes of this Part, the following terms shall be defined as follows:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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"Abuse" means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish (42 CFR 488.301).

"Activities of Daily Living" or "ADL" means eating, bathing, dressing, transferring, toileting, walking and grooming.

"Advance Directive" means a power of attorney that gives a designated individual decision-making powers upon a person's incompetence. The Department of Public Health is required to make available a Uniform Do Not Resuscitate Advance Directive that may be used in all settings, the Statutory Will Declaration form, the Illinois Statutory Short Form Power of Attorney for Health Care, the statutory Declaration of Mental Health Treatment Form, and the summary of advance directives law in Illinois (Section 2310-600 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310-600]).

"Bank Nursing Facility Beds" means a choice by SLF providers to participate by converting a distinct part of a nursing facility. Such facilities shall be allowed to retain the Certificate of Need for nursing beds that were converted.

"Complaint" means a phone call, letter or personal contact to the Department from a resident, family member, resident representative or any other interested person expressing a concern related to the health, safety or well-being of one or more SLF residents.

"Comprehensive Resident Assessment Instrument" or "RAI" means the Department designated resident assessment instrument designed for use in SLFs.

"Declaration of Mental Health Treatment" means a document that lets a person state he or she wants to receive electroconvulsive treatment (ECT) or psychotropic medicine when the person has a mental illness and is unable to make decisions for himself or herself. It also allows a person to say whether he or she wishes to be admitted to a mental health facility if unable to make that decision.

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

"Determination of Need" or "DON" means the tool used by the Department or the Department's authorized representative to determine functional needs of a resident

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or prospective resident of the SLF. A minimum score of ~~3729~~ is required on the DON before payment may be authorized for the SLF resident.

"Developmental Disability" or "DD" means a disability that is attributable to a diagnosis of mental retardation or related condition such as cerebral palsy or epilepsy that results in impairment of general intellectual functioning or adaptive behavior. This condition is manifested before the age of 22 and is likely to continue indefinitely. It results in substantial functional limitations in three or more areas of major life activities, such as self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.

"Direct Care Staff" means staff that provides professional nursing services, assistance with activities of daily living or other personal needs or maintenance, or general supervision and oversight of the physical and mental well being of an individual.

"Distinct Part" means a separate building or an entire wing or other physically identifiable space of an existing nursing facility licensed under the Nursing Home Care Act or the Hospital Licensing Act that is operated as an SLF distinguishable from the rest of the facility. The distinct part of a nursing facility will not be subject to provisions of the Nursing Home Care Act. The distinct part of a hospital will be subject to provisions of the Hospital Licensing Act while complying with provisions of this Subpart B. Distinct part does not include the conversion of an entire nursing facility or hospital.

"Do Not Resuscitate" or "DNR" means a medical treatment order that says cardiopulmonary resuscitation (CPR) will not be attempted if a person's heart and/or breathing stops.

"Durable Power of Attorney" means power of attorney given to a person designated as another person's agent giving broad powers to make health care decisions, including power to require, consent to or withdraw any type of personal care or medical treatment for any physical or mental condition, and to admit or discharge a person from any hospital, home or other institution.

"Financial Exploitation" means the act of obtaining control over a resident or his or her property and/or resources through deception or intimidation to the disadvantage of the resident and/or the profit of another and/or the intent of

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depriving the resident of the use, benefit or possession of his or her property and/or resources.

"Follow-up Care" means the response to, and documentation of, the service plan that is discussed with, and agreed to by, the resident and/or the resident's guardian. It may include, but is not limited to, physician referrals, revision of the service plan to incorporate nursing services, health promotion counseling and teaching self care in meeting health needs.

"Freestanding Facility" means a separate building that is not part of an existing nursing facility or hospital. Freestanding facility includes new construction, an existing building or conversion of an entire nursing facility or hospital into an SLF.

"Immediate Jeopardy" means a situation in which a provider's noncompliance with one or more requirements of participation has caused, or is likely to cause, serious injury, harm, impairment or death to a resident (42 CFR 488.301).

"Instrumental Activities of Daily Living" or "IADL" means activities related to independent living and includes preparing meals, managing money, shopping for groceries or personal items, performing light or heavy housework, and using a telephone.

"Licensed Nurse" means a person whose services are paid for by an SLF and who is licensed as a registered nurse, registered professional nurse, practical nurse or licensed practical nurse under the Nurse Practice Act [225 ILCS 65].

"Living Will" means a document that tells a person's health care professional whether the person wants death-delaying procedures used if the person has a terminal condition, and the person is unable to state his or her wishes. A terminal condition means an incurable and irreversible condition such that death is imminent, and the application of any death delaying procedures serves only to prolong the dying process. A living will allows for the administration of medication, sustenance, or the performance of any medical procedure deemed necessary by the person's attending physician to provide the person with comfort care.

"Mandated Reporter" is anyone identified in the Elder Abuse and Neglect Act [320 ILCS 20] that shall report suspected abuse while engaged in carrying out

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professional duties. A mandated reporter includes, but is not limited to, a professional or professional's designee while engaged in social services and the care of an adult age 60 and over. It also includes, but is not limited to, any occupation required to be licensed under the Dietetic and Nutrition Services Practice Act [225 ILCS 30], Nurse Practice Act, and Nursing Home Administrator Licensing and Disciplinary Act [225 ILCS 70], and field personnel of the Departments of Healthcare and Family Services, Public Health and Human Services and any county or municipal health department.

"Medicaid" means the Department's Medical Assistance Program.

"Medicaid Resident" means a person with a disability (as determined by the Social Security Administration) age 22 years and over or a person who is age 65 years and over, who has been determined eligible for Medicaid payment for SLF services. Eligibility for a person residing in an SLF shall be determined in accordance with 89 Ill. Adm. Code 120.10 and 120.61 (excluding subsection (f) of Section 120.61). Provisions for property transfers as described at 89 Ill. Adm. Code 120.387 shall apply to a person residing in an SLF. Provisions for the prevention of spousal impoverishment as described at 89 Ill. Adm. Code 120.379 shall apply to a person residing in an SLF.

"Medical Assistance Program" means the program administered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] or successor programs and Title XIX of the Social Security Act (42 USC 1396) and related federal and State rules and regulations.

"Medication Error" includes, but is not limited to, incorrect dosage, medication given at incorrect time, wrong medication given, wrong route used or missed medication.

"Mental Illness" or "MI" means a diagnosis of schizophrenia, delusional disorder, schizoaffective disorder, psychotic disorders not otherwise specified, bipolar disorder, and recurrent major depression resulting in substantial functional limitations.

"Neglect" means a failure by the SLF to notify the appropriate health care professional, to provide or arrange necessary services to avoid physical or psychological harm to a resident or to terminate the residency of a resident whose

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needs can no longer be met by the SLF, causing an avoidable decline in function. Neglect may be either passive (non-malicious) or willful.

"Personal Allowance" means the \$90 minimum protected monthly amount of a Medicaid-eligible resident's income that is retained by Medicaid-eligible residents for their personal use.

"Progress Notes" means notes used to document the decline or improvement in a resident's status.

"Rehabilitated Nursing Facility" means the conversion of a distinct part of an existing nursing facility into an SLF.

"Related Parties" means affiliates of an SLF; entities for which investments are accounted for by the equity method by the entire enterprise; trusts for the benefit of employees, such as pensions and profit-sharing trusts that are managed by or under the trusteeship of management; any general partner; management of the SLF; members of the immediate families of principal owners of the SLF or its management; and other parties with which the SLF may deal if one party controls or can significantly influence management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests. An entity or person shall be deemed by the Department to be a related party if it can significantly influence management or operating policies of the transacting parties or if it has an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

"Resident" means a person living in an SLF, including Medicaid residents as defined in this Section and individuals who are not eligible for Medicaid payment for SLF services.

"Resident Assessment Instrument" or "RAI" or "Comprehensive Resident Assessment Instrument" means the Department designated resident assessment instrument designed for use in SLFs.

"Room and Board" means the housing, utilities and meals provided under the resident contract. Unless otherwise specified in the resident contract, room and board does not include phone or cable charges.

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"Security Deposit" means a payment used to secure the payment of rent or compensation for damage to property for residential property containing 25 units or more (see Security Deposit Interest Act [765 ILCS 715]). A security deposit may also include a pet deposit to secure payment for damage to the residential property. Damage to property shall not include normal wear and tear to an apartment or any other part of the SLF.

"Services" means the personal and health care related services provided by an SLF pursuant to Section 146.230.

"Service Plan" means the written plan of care on the Department designated form that is developed for each resident based upon the initial assessment, annual comprehensive resident assessment or quarterly evaluation.

"Significant Change" means that there has been a decline or improvement in a resident's status that will not normally resolve itself without intervention by staff or by implementing standard disease-related clinical interventions, and the decline or improvement impacts more than one area of the resident's health status and requires revision of the Service Plan.

"SLF" or "Supportive Living Facility" means a residential setting that meets the requirements of this Subpart B.

"SSI" means Supplemental Security Income under Title XVI of the Social Security Act.

"Subcontractor" means any person who assumes any duties and responsibilities from an SLF for the performance of SLF services pursuant to Section 146.230.

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

## DEPARTMENT OF INSURANCE

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- 1) Heading of the Part: Medical Malpractice Data Base
- 2) Code Citation: 50 Ill. Adm. Code 928
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
928.10	Amendment
928.20	Amendment
928.30	Amendment
928.40	Amendment
928.42	Repeal
928.43	New Section
928.44	New Section
928.EXHIBIT A	Repeal
928.EXHIBIT B	Amendment
928.EXHIBIT C	Repeal
928.EXHIBIT D	Repeal
928.EXHIBIT E	New Section
- 4) Statutory Authority: Implementing Section 155.19 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.19 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The amendments being proposed will make the filing requirements more consistent with the NAIC Casualty Actuarial and Statistical Task Force Proposal, and change the due date of the filings.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Joe Clennon, Staff Attorney  
Illinois Department of Insurance  
320 West Washington St.  
Springfield, IL 62767-0001

or Susan Anders, Rules Coordinator  
Illinois Department of Insurance  
320 West Washington St.  
Springfield, IL 62767-0001

217/557-1396  
217/524-9033 (facsimile)

217/785-8220

- 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: Reporting of claims information as specified in the rule
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2011

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

## DEPARTMENT OF INSURANCE

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## TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF ~~INSURANCE FINANCIAL AND PROFESSIONAL~~  
~~REGULATION~~

## SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

## PART 928

MEDICAL ~~PROFESSIONAL LIABILITY DATABASE~~~~EMALPRACTICE DATA BASE~~

## Section

928.10	Authority
928.20	Purpose and Scope
928.30	Definitions
928.40	Reports
928.42	Circuit Court Clerk Reporting Requirements <del>(Repealed)</del>
<u>928.43</u>	<u>Supplement A to Schedule T Reconciliation</u>
<u>928.44</u>	<u>General Submission Deadlines</u>
928.50	Effective Date (Repealed)
928.EXHIBIT A	Illinois Medical Professional Liability Insurance Uniform Claims Data Entry Reporting Screen <del>(Repealed)</del>
928.EXHIBIT B	Illinois Medical Professional Liability Insurance Uniform Claims Report – Reporting Instructions
928.EXHIBIT C	Illinois Medical Professional Liability Insurance Uniform Claims Reporting (IMPLIUCR) – Data Entry Navigational User's Guide <del>(Repealed)</del>
928.EXHIBIT D	Illinois Medical Professional Liability Insurance Uniform Claims Reporting (IMPLIUCR) – Batch Reporting Requirements and Navigational User's Guide <del>(Repealed)</del>
<u>928.EXHIBIT E</u>	<u>Supplement A to Schedule T Reconciliation Form</u>

AUTHORITY: Implementing Section 155.19 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/155.19 and 401].

SOURCE: Filed February 2, 1977, effective March 1, 1977; codified at 7 Ill. Reg. 892; amended at 24 Ill. Reg. 19133, effective January 1, 2001; amended at 30 Ill. Reg. 19288, effective December 4, 2006; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 928.10 Authority**

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This Part is promulgated by the Director of the Department of ~~Financial and Professional Regulation Division of~~ Insurance under Section 401 of the Illinois Insurance Code [215 ILCS 5/401], which empowers the Director *to make reasonable rules and regulations as may be necessary for making effective* the insurance laws of this State. The purpose of this Part is to implement Section 155.19 of the Illinois Insurance Code [215 ILCS 5/155.19].

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

**Section 928.20 Purpose and Scope**

- a) This Part establishes a uniform format for the reporting of information relating to allegations of provider liability. Individual liability data records filed by insurers pursuant to this Part will be held confidential by the ~~Department~~Division, to the same extent as is prescribed by Section 155.19 of the Illinois Insurance Code [215 ILCS 5/155.19].
- b) This Part shall apply to all companies licensed to do insurance business in this State that are transacting the kind or kinds of business described as Class 2(c) of Section 4 of the Illinois Insurance Code [215 ILCS 5/4] and all other entities authorized or permitted by law as identified in Section 155.19 of the Illinois Insurance Code [215 ILCS 5/155.19] and as defined in Section 928.30 of this Part.

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

**Section 928.30 Definitions**

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Illinois Department of ~~Insurance~~Financial and Professional Regulation.

"Director" means the Director of the Illinois Department of ~~Insurance~~Financial and Professional Regulation.

~~Division means the Department of Financial and Professional Regulation-Division of Insurance.~~

"Insurance Claim" means a formal or written demand for compensation under a

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medical professional liability insurance policy relating to allegations of liability on the part of one or more providers, as defined in this Section, for any act, error or omission in the rendering of, or failure to render, medical services for medically related injuries. Insurance claim includes any instance for which benefits or compensation are payable or eligible to be paid under any coverage under the policy.

"Insurance Claim Closed" means any insurance claim, as defined in this Section, for which all indemnity and/or expense payments have been made or for which the loss or loss expense reserve is withdrawn by the insurer.

"Insurance Claim Filed" means any insurance claim, as defined in this Section, that alleges liability on the part of any provider, as defined in this Section, for medically related injuries and/or for which coverage is provided, for which a loss or loss expense reserve is established under a medical professional liability insurance policy.

"Insurer" means an insurance company that has delivered or issued for delivery in this State a medical professional liability insurance policy.

"Lawsuit" means a complaint filed in any court in this State alleging liability on the part of one or more providers, as defined in this Section, for any act, error or omission in the rendering of, or failure to render, medical services for medically related injuries.

"Lawsuit Closed" means any lawsuit, as defined in this Section, for which final disposition has been reached.

"Lawsuit Filed" means a lawsuit filed in any court of this State that alleges liability on the part of any physician, hospital or other health care provider for medically related injuries.

"Other Entity" means any stop loss insurer, captive insurer, risk retention group, county risk retention trust, religious or charitable risk pooling trust or surplus line insurer, or any other entity authorized or permitted by law to provide medical professional liability insurance as identified in Section 155.19 of the Code [215 ILCS 5/155.19].

"Provider" means any physician, hospital facility, or other person that is licensed

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*or otherwise authorized to furnish health care services and also includes any other entity that arranges for the delivery or furnishing of health care services.* [215 ILCS 125/1-2(12)].

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

**Section 928.40 Reports**

- a) All insurance claims and all lawsuits ~~filed after January 1, 2006~~ shall be reported electronically to the ~~Secretary or~~ Director by the insurer and contain the information set forth in ~~Exhibit Exhibits BA through D~~ of this Part, ~~filed electronically, required in the filing software provided by the Division.~~
- b) All insurance claims closed and all lawsuits closed that were previously reported pursuant to subsection (a) of this Section shall be reported electronically to the ~~Secretary or~~ Director by the insurer and contain the information set forth in ~~Exhibit Exhibits BA through D~~ of this Part, ~~filed electronically, required in the filing software provided by the Division.~~
- c) All insurance claims and all lawsuits re-opened that were previously reported pursuant to subsection (b) of this Section shall be reported electronically to the ~~Secretary or~~ Director by the insurer and contain the information set forth in ~~Exhibit Exhibits BA through D~~ of this Part, ~~filed electronically, required in the filing software provided by the Division.~~
- d) All insurance claims and all lawsuits re-closed that were previously reported pursuant to subsection (c) of this Section shall be reported electronically to the ~~Secretary or~~ Director by the insurer and contain the information set forth in ~~Exhibit B Exhibits A through D~~ of this Part, ~~filed electronically, required in the filing software provided by the Division.~~
- e) All updates to insurance claims and lawsuits that were previously reported pursuant to subsections (a) through (d) of this Section shall be reported electronically to the ~~Secretary or~~ Director by the insurer and contain the information set forth in ~~Exhibit B Exhibits A through D~~ of this Part, ~~filed electronically required in the filing software provided by the Division.~~
- f) Beginning January 1, ~~2013~~2006, the reports required by subsections (a) through (e) of this Section shall be filed with the ~~Secretary or~~ Director on a quarterly

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basis, due ~~4590~~ days after the end of the quarter, and shall cover all updates and/or status changes that occurred in that quarter to all insurance claims and lawsuits filed.

- g) Beginning January 1, 2006, insurers shall only be required to file reports pursuant to subsections (a) through (e) of this Section upon request of the ~~Secretary or~~ Director for providers who arrange for the delivery or furnishing of health care services pursuant to Section 1-2(12) of the Health Maintenance Organization Act [215 ILCS 125/1-2(12)].

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

**Section 928.42 Circuit Court Clerk Reporting Requirements (Repealed)**

- a) ~~Beginning January 1, 2006, each clerk of the circuit court shall report to the Secretary or Director for every case filed in the Circuit alleging medical malpractice, the following information in an electronic format, in order for the Secretary or Director to verify the accuracy and completeness of reports required by Section 155.19 of the Code. Each filing will be for a unique docket number. If more than one defendant/plaintiff is associated with the same docket number, separate reports shall be filed for each named defendant and/or plaintiff. The information required for each lawsuit filed is listed below with a description and required format of each element:~~
- ~~1) Court Docket Number—Docket number (maximum = 40 characters);~~
  - ~~2) Named Defendant—Defendant named in the lawsuit (Last Name Suffix, First Name MI. Professional Designation; maximum = 64 characters);~~
  - ~~3) Named Plaintiff—Plaintiff named in the lawsuit (Last Name Suffix, First Name MI.; maximum = 59 characters);~~
  - ~~4) Award Date—Date of award (MM/DD/YYYY);~~
  - ~~5) County—County of circuit court (maximum = 35 characters);~~
  - ~~6) Amount Awarded by Circuit Court—Amount awarded by the circuit court (whole dollar amounts only);~~

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- ~~7) Economic Damages Awarded—Amount of economic damages awarded by the circuit court (whole dollar amounts only);~~
  - ~~8) Non-economic Damages Awarded—Amount of non-economic damages awarded by the circuit court (whole dollar amounts only);~~
  - ~~9) Court Verdict—Use the following code that best indicates the circuit court results: (1) Directed Verdict for Plaintiff; (2) Directed Verdict for Defendant; (3) Judgment Notwithstanding Verdict for Plaintiff (judgment for defendant); (4) Judgment Notwithstanding Verdict for Defendant (judgment for plaintiff); (5) Judgment for Plaintiff; (6) Judgment for Defendant; (7) Decision for Plaintiff on Appeal; (8) Decision for Defendant on Appeal; (9) Voluntary Dismissals; (10) Involuntary Dismissals; (11) All Other Actions.~~
  - ~~10) Disposition of Post Trial Motions—Describe any post trial motions (maximum = 25 characters);~~
  - ~~11) Name of Contact Person at the Clerk of Circuit—Name of contact person responsible for preparing this information (maximum = 59 characters);~~
  - ~~12) Telephone Number of Contact Person—Contact person telephone number (maximum = 20 characters); and~~
  - ~~13) Email Address of Contact Person—Contact person email address (maximum = 40 characters).~~
- b) ~~The information submitted pursuant to subsection (a) of this Section shall be reported via the Division website, or on 3.5" diskettes or CDs. All fields for a given record, including fields that contain no data, shall have a tab or comma with a "full quote" text qualifier separator. Do not use quotes to qualify text. Each diskette or CD must be labeled "Casualty Actuarial Section—Circuit Court Information" The label must also include the following:~~
- ~~1) Name of Circuit Court—County;~~
  - ~~2) Submission Date;~~
  - ~~3) Dates Covered by the Filing;~~

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- ~~4) Number of Diskettes/CDs in this Submission with the Diskette/CD Number; and~~
- ~~5) Number of Records in this Submission.~~
- ~~e) The disks should be enclosed in rigid protective packaging that will prevent bending and other destructive exposures that might be experienced in normal mail handling.~~
- ~~d) Information shall be submitted to the Secretary or Director on a quarterly basis, due 90 days after the end of the quarter. Information submitted shall contain the elements listed in this Section for all new cases filed during the quarter, as well as for any new or additional information added to a previously reported case.~~

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

**Section 928.43 Supplement A to Schedule T Reconciliation**

- a) To ensure completeness of the data reported by insurers, medical professional liability losses and claim counts shall be reconciled for closed claims using NAIC Annual Statement Exhibit of Supplement A to Schedule T as seen in Exhibit E of this Part. Specifically, the claims numbers reported under this Section shall correspond to the claims numbers reported in Column "Number of Claims Direct Losses Paid" and "Number of Claims Direct Losses Unpaid". Also, loss amounts filed under this Section shall correspond to the amounts reported under "Amount Direct Losses Paid" and "Direct Losses Incurred".
- b) If there are discrepancies in claim counts and/or losses for a particular year, the insurer must provide an explanation of discrepancies to the Department and make any necessary amendments to the effected claims.

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

**Section 928.44 General Submission Deadlines**

- a) Data Submission  
Reports are due on a quarterly basis no later than 45 days after the quarter's end. The quarterly report will be submitted electronically to the Illinois Department of

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Insurance, Casualty Actuarial Unit, 320 W. Washington St., Springfield, Illinois 62767-0001. Insurers are responsible for contacting the Casualty Actuarial Unit for further detail on electronic submissions.

- b) Data Reconciliation Submission  
Schedule T Data Reconciliation Forms for the prior year shall be submitted no later than April 30 of the current year to the Illinois Department of Insurance, Casualty Actuarial Unit, 320 W. Washington St., Springfield, Illinois 62767-0001.

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

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**Section 928.EXHIBIT A Illinois Medical Professional Liability Insurance Uniform Claims Data Entry Reporting Screen (Repealed)**

Name of Insurer:				FEIN:	
Claim ID:				Coverage Code:	
Date of Injury:	Date Reported to Insurer:	Date Claim Opened:	Date Claim Reopened:	Date of Original Closure:	
Profession or Business Code:				Date of Birth:	
Type of Practice Code:				Specialty:	
<b>Insured's Name:</b>				Board-Certified:	
License Number or FEIN:				County:	
Place Where Injury Occurred Code:				<b>Name of Institution:</b>	
Location in Institution Code:				County:	
<b>Injured Person's Name:</b>				Social Security Number:	
Gender:				County:	
Age Category:					
Total Insured Defendants Involved in Claim:					
Companion Claim File ID#:					
Person Responsible for Preparing Report:				Title:	
Contact Person					
Telephone Number:					
Email Address:					
Plaintiff Attorney's Name or Law Firm:				City:	
				State:	
Nature and Substance of Claim:					
Act or Omission Codes:					
Severity of Injury Code:					
Date of Closure:		Claim Disposition Code:		Settlement Code:	
Review Panel Code:		Binding Arbitration Code:			
Court Information — Court Code:				Appealed (Y/N):	
County:				Result of Appeal:	
Docket Number:				Other Post Trial Motions:	
Amount Awarded by Circuit Court:				Economic Damages:	
Date of award:				Non-economic Damages:	

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<del>Indemnity Paid/Payable by You under <b>This Policy</b> on Behalf of This Insured/Defendant:</del>
<del>Economic Damages:</del>
<del>Non-economic Damages:</del>
<del>Loss Adjustment Expense Paid/Payable by You under This Policy to Defense Counsel:</del>
<del>All other Allocated Loss Adjustment Expenses Paid/Payable by You under This Policy:</del>
<del>Indemnity Paid/Payable by You under <b>All Policies</b> on Behalf of This Insured/Defendant:</del>
<del>Other Indemnity Paid by You or on Behalf of This Defendant:</del>
<del>D) Deductible Paid by Insured:</del>
<del>E) Indemnity Paid under Excess Limits Policy by Another Insurer:</del>
<del>F) Amount Paid under Self-insured Retention:</del>
<del>G) Amount Paid above Stop Loss Limit:</del>
<del>Claimed Medical Expense:</del>
<del>Claimed Wage Loss:</del>

- a) ~~Court Docket Number:~~ \_\_\_\_\_
- b) ~~Named Defendant:~~ \_\_\_\_\_
- e) ~~Named Plaintiff:~~ \_\_\_\_\_
- d) ~~Award Date: MM/DD/YYYY~~ \_\_\_\_\_
- e) ~~County:~~ \_\_\_\_\_
- f) ~~Amount Awarded by Circuit Court: \$~~ \_\_\_\_\_
- g) ~~Economic Damages Awarded: \$~~ \_\_\_\_\_
- h) ~~Non-economic Damages Awarded: \$~~ \_\_\_\_\_
- i) ~~Court Verdict:~~ \_\_\_\_\_
- j) ~~Disposition of Post-Trial Motions:~~ \_\_\_\_\_
- k) ~~Name of Contact Person at the Clerk of Circuit:~~ \_\_\_\_\_
- l) ~~Telephone Number of Contact Person:~~ \_\_\_\_\_
- m) ~~Email Address of Contact Person:~~ \_\_\_\_\_

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|  
(Source: Repealed at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 928.EXHIBIT B Illinois Medical Professional Liability Insurance Uniform Claims Report – Reporting Instructions**

~~To assist insurers and other reporting entities with electronic reporting, the Illinois Department of Financial and Professional Regulation Division of Insurance (DOI) has created an electronic reporting application, which will be provided free of charge. Reporting entities will choose one of the two processes depending on how they prefer to file. One process will allow for data entry claim reporting and contain drop-downs with choices. The other process will allow for batch reporting.~~

As required by Section 155.19 of the Insurance Code [215 ILCS 5/155.19] and 50 Ill. Adm. Code 928:

1. File all opened, closed, re-opened, and re-closed medical professional liability insurance claims and lawsuits, including any updates, with the DOI on a quarterly basis. For closed claims, include claims closed without payment. Insurance claim means a formal or written demand for compensation under a medical professional liability insurance policy relating to allegations of liability on the part of one or more providers for any act, error or omission in the rendering of, or failure to render, medical services for medically related injuries. Insurance claim includes any instance for which benefits or compensation are payable or eligible to be paid under any coverage under the policy. Lawsuit means a complaint filed in any court in this State alleging liability on the part of one or more providers for any act, error or omission in the rendering of, or failure to render, medical services for medically related injuries.
2. File separate reports for each defendant you insure. Each filing of a claim or lawsuit report shall be identified with a unique claim number. If more than one defendant/insured is associated with an incident, a unique claim number is required for each defendant/insured. If more than one claimant/injured party is associated with an incident, a unique claim number is required for each claimant/injured party. When there are multiple associated claims/lawsuits, report the incident identifier~~companion claim numbers~~ in the other claims information section.
3. RESPONSES TO ALL FIELDS ARE REQUIRED. For open claim reports, complete Insurer Information through Contact Person Information. When updating reports, any information may be updated. For closed claim reports, all fields are required.

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4. ~~On the data entry process, drop-downs are available for selecting codes for fields with an asterisk (\*).~~
5. ~~On the data entry process, incomplete filings cannot be saved—i.e., if you quit a filing before you have completed all required fields, you will not be able to save that incomplete filing.~~
6. ~~Reports are due on a quarterly basis no later than 90 days after the quarter's end.~~

~~NOTE: If a company fails to submit accurate, timely, or complete reports, the Director may fine the company up to \$1000 for each offense. Each day during which a violation occurs constitutes a separate offense.~~

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**Insurer Information**

- 1a. Insurer Name (not group name) (Maximum = 40 characters).
- 1b. Insurer 9-digit FEIN. Entities without a Federal Employer Identification Number (FEIN), contact the DOI for assigned number.

**Initial Claim Information**

- 2a. Claim ID. For each open claim report, assign a distinguishing claim number sufficient to enable ~~the Department of Insurance~~**DOI** to track a particular claim over a period of years. This claim number should consist of a unique sequence of letters and/or numbers. Once a claim number has been assigned, it should not be repeated for any future claim. One claim record should be reported for each named individual or entity formally alleged to have contributed to an injury or grievance and from whom a malpractice payment is being sought. On re-opened claims, use the same claim number as the original claim file that is being re-opened.
- 2b. ~~Coverage Code.\* Select the type of policy covering this claim. (1) Claims Made – Policy covers claim made during policy term regardless of when the incident occurred; (2) Prior Acts – Policy covers claim made during the policy term for events that occurred prior to the beginning of the policy term; (3) Occurrence – Policy covers claim that occurred during the policy term regardless of when the claim is presented; (4) Extended Reporting~~

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~~Period/Tail Coverage – Policy covers claim that occurred during the policy period but claim is made after the policy period ended.~~

~~2b.2e.~~ Date of Principal or Alleged Injury: (MM/DD/YYYY). Report the date of the earliest alleged error or omission that was the first necessary if not sufficient cause of the alleged medical injury.

~~2c.2d.~~ Date Incident First Reported to Insurer: (MM/DD/YYYY). Date of alleged injury first reported to the insurer.

~~2d.2e.~~ Date Claim Opened by Insurer: (MM/DD/YYYY).

~~2e.2f.~~ Date Claim Re-Opened by Insurer: (MM/DD/YYYY).

~~2f.2g.~~ Date of Original Closure ~~of Original Claim.~~ (MM/DD/YYYY). Only applicable if claim was re-opened.

~~2g.~~ Date of Final Closure (MM/DD/YYYY). The date of final disposition or settlement of a claim. Payments for defense costs or indemnity may occur after the date of closure (as in a structured settlement).

**Insured Information**

3a. Profession or Business Code.\* (1) Physician or Surgeon\*; (2) Hospital; (3) Nurse\*; (4) Nursing Home; (5) Dentist\*; (6) Pharmacy; (7) Optometrist\*; (8) Chiropractor\*; (9) Podiatrist/Chiropodist\*; (10) Clinic/Corporation; (11) Other\* – Employee (Maximum = 25 characters). A code with an asterisk (\*) requires a "Type of Practice Code" as well.

3b. Type of Practice Code.\* (1) Institutional, including Academic; (2) Professional Corporation, Partnership, or Group; (3) Self-Employed; (4) Hospital; (5) Nursing Home; (6) All Other Employees; (7) Intern or Resident.

3c. Insured's Name, including suffix such as MD, DO, etc.

3d. Insured's Illinois License Number. If unavailable, enter insured's Social Security Number. Enter FEIN for clinics and corporations.

~~3e.~~ ~~Insured's Date of Birth (MM/DD/YYYY). Not applicable to institution, group, or partnership.~~

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3e.3f. Medical Specialty Codes. Select the most relevant specialty code from the following table.

<u>Code</u>	<u>Description</u>
<b><u>Physician Specialties</u></b>	
<u>01</u>	<u>Allergy and Immunology</u>
<u>03</u>	<u>Aerospace Medicine</u>
<u>05</u>	<u>Anesthesiology</u>
<u>10</u>	<u>Cardiovascular Diseases</u>
<u>13</u>	<u>Child Psychiatry</u>
<u>20</u>	<u>Dermatology</u>
<u>23</u>	<u>Diagnostic Radiology</u>
<u>25</u>	<u>Emergency Medicine</u>
<u>29</u>	<u>Forensic Pathology</u>
<u>30</u>	<u>Gastroenterology</u>
<u>33</u>	<u>General/Family Practice</u>
<u>35</u>	<u>General Preventive Medicine</u>
<u>37</u>	<u>Hospitalist</u>
<u>39</u>	<u>Internal Medicine</u>
<u>40</u>	<u>Neurology</u>
<u>43</u>	<u>Neurology, Clinical Neurophysiology</u>
<u>45</u>	<u>Nuclear Medicine</u>
<u>50</u>	<u>Obstetrics &amp; Gynecology</u>
<u>53</u>	<u>Occupational Medicine</u>
<u>55</u>	<u>Ophthalmology</u>
<u>59</u>	<u>Otolaryngology</u>
<u>60</u>	<u>Pediatrics</u>
<u>63</u>	<u>Psychiatry</u>
<u>65</u>	<u>Public Health</u>
<u>67</u>	<u>Clinical Pharmacology</u>
<u>69</u>	<u>Physical Medicine &amp; Rehabilitation</u>
<u>70</u>	<u>Pulmonary Diseases</u>
<u>73</u>	<u>Anatomic/Clinical Pathology</u>
<u>75</u>	<u>Radiology</u>
<u>76</u>	<u>Radiation Oncology</u>
<u>80</u>	<u>Colon &amp; Rectal Surgery</u>
<u>81</u>	<u>General Surgery</u>

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<u>82</u>	<u>Neurological Surgery</u>
<u>83</u>	<u>Orthopedic Surgery</u>
<u>84</u>	<u>Plastic Surgery</u>
<u>85</u>	<u>Thoracic Surgery</u>
<u>86</u>	<u>Urological Surgery</u>
<u>98</u>	<u>Other Specialty – not classified</u>
<u>99</u>	<u>Unspecified</u>

<b><u>Dental Specialties</u></b>	
<u>D1</u>	<u>General Dentistry (no specialty)</u>
<u>D2</u>	<u>Dental: Public Health</u>
<u>D3</u>	<u>Endodontics</u>
<u>D4</u>	<u>Oral and Maxillofacial Surgery</u>
<u>D5</u>	<u>Oral and Maxillofacial Pathology</u> <u>Orthodontics and Dentofacial</u>
<u>D6</u>	<u>Orthopedics</u>
<u>D7</u>	<u>Pediatric Dentistry</u>
<u>D8</u>	<u>Periodontics</u>
<u>D9</u>	<u>Prosthodontics</u>
<u>DA</u>	<u>Oral and Maxillofacial Radiology</u>
<u>DB</u>	<u>Unknown</u>

~~Five-digit ISO Specialty Code from Current ISO Common Statistical Base Classifications. Check annually with ISO for possible changes to specialty codes. Specialty code must be tied to the year the alleged injury occurred.~~

~~3g. Board-Certified?\* – Y or N.  
If Board-Certified is answered with a "Y", Name of Board is required (Maximum = 25 characters).~~

~~3f.3h. County of Insured's Principal Place of Practice for Rating Purposes.~~

~~3g. Policy Limits Available, Primary Coverage. Policy limits available for the claim being reported under the insured's primary coverage.~~

~~3h. Policy Limits Available, Excess Coverage. Policy limits available for the claim being reported under the insured's excess coverage.~~

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**Place of Injury Information**

- 4a. Place Where Alleged Injury Occurred Code.\* Enter only one. (1) Hospital Inpatient Facility\*; (2) Emergency Room; (3) Hospital Outpatient Facility\*; (4) Nursing Home\*; (5) Physician's Office; (6) Patient's Home; (7) Other Outpatient Facility, including Clinics\*; (U) Unknown\*; (X) Other\* – describe place (Maximum = 25 characters). A code with an asterisk (\*) requires a "Location Within Institution Code" as well.
- 4b. Location Within Institution Code.\* (1) Patient's Room; (2) Labor/Delivery Room; (3) Operating Suite; (4) Recovery Room; (5) Critical Care Unit; (6) Special Procedure Room; (7) Nursery; (8) Radiology; (9) Physical Therapy Department; (U) Unknown; (X) Other – describe (Maximum = 25 characters).
- ~~4c.~~ Name of Institution. (Maximum = 25 characters)
- ~~4c.~~~~4d.~~ County Where Alleged Injury Occurred. Full name of the county in which the injury is alleged to have occurred.

**Injured Person Information**

- 5a. Injured Person's Name.
- 5b. Injured Person's Gender. M F
- ~~5c.~~ Injured Person's Age ~~Category~~. Enter age of injured person at the date of injury.
- ~~5d.~~ Injured Person's Social Security Number (for cross-tracking purposes only; information is kept confidential).
- ~~5e.~~ County.

**Other Claim Information**

- 6a. Total Number of Defendants. Enter total number of persons or corporations that you insure that are involved in the incident relating to this claim.
- 6b. Incident Identifier. Each reporting entity should assign a unique numeric identifier for each incident or occurrence. An occurrence is an event or series of events leading to an allegation of malpractice, and that may involve allegations against multiple individuals

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and entities. An occurrence is defined causally and may or may not be constrained in time. For example, multiple failures to diagnose a given illness may occur over a period of years. Such a series of events would be considered a single occurrence. Each claim submitted for providers involved in a single occurrence should be assigned the same incident identifier. Companion Claim Number(s). Enter claim identification numbers for all claims against other defendants you insure that are involved in this claim. Space is limited to five separate claim numbers (Maximum = 35 characters each).

**Contact Person Information**

- 7a. Name of Person Responsible for Preparing this Report.
- 7b. Title of Person Responsible for Preparing this Report.
- 7c. Contact Person Name (if different than Name of Person Responsible for Preparing this Report).
- 7d. Contact Person Telephone Number.
- 7e. Contact Person Email Address.

**Plaintiff Attorney Information**

- 8a. Plaintiff Attorney's Name or Name of Law Firm.
- 8b. Plaintiff Attorney's Office City.
- 8c. Plaintiff's Attorney's Office State.\*

**Claim Data Information**

- 9a. Nature and Substance of Claim. Give complete description of all actions and circumstances causing the claim, including allegations made by claimant. (Maximum = 250 characters)
- 9b. Allegation Act or Omission Codes Related to Claim.\* Enter as many codes as needed. Use DOI 3-digit codes listed below. (1) Diagnosis Related; (2) Anesthesia Related; (3) Surgery Related; (4) Medication Related; (5) Intravenous and Blood Products Related;

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(6) Obstetrics Related; (7) Treatment Related; (8) Monitoring Related; (9) Biomedical Equipment/Product Medication Related; (10) Miscellaneous Related.

DOI 3-digit ~~Allegation~~~~Act or Omission~~ Code choices:

- Diagnosis-Related
- 010 – Failure to Diagnose (e.g., concluding that patient has no disease or condition worthy of follow-up or observation)
  - 020 – Wrong Diagnosis or Misdiagnosis (e.g., original diagnosis is incorrect)
  - 030 – Improper Performance of Test
  - 040 – Unnecessary Diagnostic Test
  - 050 – Delay in Diagnosis
  - 060 – Failure to Obtain Consent/Lack of Informed Consent
  - 070 – Diagnosis Related – Not Otherwise Classified
- Anesthesia-Related
- 110 – Failure to Complete Patient Assessment
  - 120 – Failure to Monitor
  - 130 – Failure to Test Equipment
  - 140 – Improper Choice of Anesthesia Agent or Equipment
  - 150 – Improper Technique/Induction
  - 160 – Improper Equipment Use
  - 170 – Improper Intubation
  - 180 – Improper Positioning
  - 185 – Failure to Obtain Consent/Lack of Informed Consent
  - 190 – Anesthesia Related – Not Otherwise Classified
- Surgery-Related
- 210 – Failure to Perform Surgery
  - 220 – Improper Positioning
  - 230 – Retained Foreign Body
  - 240 – Wrong Body Part
  - 250 – Improper Performance of Surgery
  - 260 – Unnecessary Surgery
  - 270 – Delay in Surgery
  - 280 – Improper Management of Surgical Patient
  - 285 – Failure to Obtain Consent/Lack of Informed Consent
  - 290 – Surgery Related – Not Otherwise Classified
- Medication-Related
- 305 – Failure to Order Appropriate Medication
  - 310 – Wrong Medication Ordered

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- 315 – Wrong Dosage Ordered of Correct Medication
  - 320 – Failure to Instruct on Medication
  - 325 – Improper Management of Medication Regimen
  - 330 – Failure to Obtain Consent/Lack of Informed Consent
  - 340 – Medication Error – Not Otherwise Classified
  - 350 – Failure to Medicate
  - 355 – Wrong Medication Administered
  - 360 – Wrong Dosage Administered
  - 365 – Wrong Patient
  - 370 – Wrong Route
  - 380 – Improper Technique/Induction
  - 390 – Medication Administration Related – Not Otherwise Classified
- Intravenous &  
Blood Products-  
Related
- 410 – Failure to Monitor
  - 420 – Wrong Solution
  - 430 – Improper Performance
  - 440 – I.V. Related – Not Otherwise Classified
  - 450 – Failure to Ensure Contamination Free
  - 460 – Wrong Type
  - 470 – Improper Administration
  - 480 – Failure to Obtain Consent/Lack of Informed Consent
  - 490 – Blood Product Related – Not Otherwise Classified
- Obstetrics-Related
- 505 – Failure to Manage Pregnancy
  - 510 – Improper Choice of Delivery Method
  - 520 – Improperly Performed Vaginal Delivery
  - 530 – Improperly Performed C-Section
  - 540 – Delay in Delivery (Induction or Surgery)
  - 550 – Failure to Obtain Consent/Lack of Informed Consent
  - 555 – Improperly Managed Labor – Not Otherwise Classified
  - 560 – Delay in Treatment of Fetal Distress (i.e., identified but treated in untimely manner)
  - 570 – Retained Foreign Body/Vaginal/Uterine
  - 575 – Abandonment
  - 580 – Wrongful Life/Birth
  - 590 – Obstetrics Related – Not Otherwise Classified
- Treatment-Related
- 610 – Failure to Treat

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620 – Wrong Treatment/Procedure Performed  
 630 – Failure to Instruct Patient on Self-Care  
 640 – Improper Performance of Treatment/Practice  
 650 – Improper Management of Course of Treatment  
 660 – Unnecessary Treatment  
 665 – Delay in Treatment  
 670 – Premature End of Treatment (Also Abandonment)  
 675 – Failure to Supervise Treatment/Procedure  
 680 – Failure to Obtain Consent/Lack of Informed Consent  
 685 – Failure to Refer or Seek Consultation  
 690 – Treatment Related – Not Otherwise Classified

Monitoring-Related 710 – Failure to Monitor  
 720 – Failure to Respond to Patient  
 730 – Failure to Report on Patient Condition  
 790 – Monitoring Related – Not Otherwise Classified

Biomedical  
 Equipment/  
 Product-Related 810 – Failure to Inspect/Monitor  
 820 – Improper Maintenance  
 830 – Improper Use  
 840 – Failure to Respond to Warning  
 850 – Failure to Instruct Patient on Use of Equipment/Product  
 860 – Malfunction/Failure  
 890 – Biomedical Equipment/Product-Related – Not Otherwise  
 Classified

Miscellaneous-  
 Related 920 – Failure to Protect Third Parties (e.g., failure to warn/protect  
 from violent patient behavior)  
 930 – Breach of Confidentiality/Privacy  
 940 – Failure to Maintain Appropriate Infection Control  
 950 – Failure to Follow Institutional Policy or Procedure  
 960 – Other (Provide Detailed Description)  
 990 – Failure to Review Providing Performance

9c. Severity of Injury Code. Select only one – Select code for principal injury if several injuries are involved.\*

Temporary:	<u>1.</u> Emotional Only (e.g., fright, no physical damage)
	<u>2.</u> Insignificant (e.g., lacerations, contusions, minor scars, rash; no

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	<u>delay)</u>
	<u>3. Minor (e.g., infections, misset fracture, fall in hospital; recovery delayed)</u>
<u>Permanent:</u>	<u>4. Major (e.g., burns, surgical material left, drug side effect, brain damage; recovery delayed)</u>
	<u>5. Minor (e.g., loss of fingers, loss or damage to organs; includes non-disabling injuries)</u>
	<u>6. Significant (e.g., deafness, loss of limb, loss of eye, loss of one kidney or lung)</u>
	<u>7. Major (e.g., paraplegia, blindness, loss of two limbs, brain damage)</u>
	<u>8. Grave (e.g., quadriplegia, severe brain damage, lifelong care or fatal prognosis)</u>
	<u>9. Death</u>

- |                   |  |
|-------------------|--|
| <u>Temporary:</u> | 1) Emotional Only (e.g., fright, no physical damage)   |
|                   | 2) Insignificant (e.g., lacerations, contusions, minor scars, rash; no delay)                    |
|                   | 3) Minor (e.g., infections, misset fracture, fall in hospital; recovery delayed)                 |
|                   | 4) Major (e.g., burns, surgical material left, drug side effect, brain damage; recovery delayed) |
| <u>Permanent:</u> | 5) Minor (e.g., loss of fingers, loss or damage to organs; includes non-disabling injuries)      |
|                   | 6) Significant (e.g., deafness, loss of limb, loss of eye, loss of one kidney or lung)           |
|                   | 7) Major (e.g., paraplegia, blindness, loss of two limbs, brain damage)                          |
|                   | 8) Grave (e.g., quadriplegia, severe brain damage, lifelong care or fatal prognosis)             |
|                   | 9) Death   |

9d. ~~Date of Closure of Claim. (MM/DD/YYYY)~~

9d.9e. Claim Disposition Code.\* Enter code representing the final disposition of the claim. (1) Settled by Parties\*; (2) Disposed of by a Court\*\*; (3) Disposed of by Binding Arbitration\*\*\*; (4) Suit Abandoned\*\*\*\*; (5) Claim Abandoned.

A code with an (\*) requires a "Settlement Code" as well.

A code with an (\*\*) requires "Court Information" to be completed as well.

A code with an (\*\*\*) requires a "Binding Arbitration Code" as well.

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A code with an (\*\*\*\*) requires a "County of Circuit Court" and "Docket Number" as well.

- | ~~9e.9f.~~ Settlement Code.\* (1) Before Filing Suit or Demanding Arbitration Hearing; (2) Before Trial or Hearing; (3) During Trial or Hearing; (4) After Trial or Hearing but Before Judgment or Decision/Award; (5) After Judgment or Decision but Before Appeal; (6) During Appeal; (7) After Appeal; (8) As a result of Review Panel or Non-Binding Arbitration\*\*; (9) As a Result of Mediation; (10) As a Result of High/Low Settlement\*\*\*.

A code with an (\*\*) requires a "Review Panel or Non-Binding Arbitration Code" as well.

A code with an (\*\*\*) requires all applicable "Court Information" except "Court Code".

- | ~~9f.9g.~~ Review Panel or Non-Binding Arbitration Code.\* (1) Finding for Plaintiff; (2) Finding for Defendant.

- | ~~9g.9h.~~ Binding Arbitration Code\* (1) Award for Plaintiff; (2) Award for Defendant.

**Court Information**

- | 10a. Court Code.\* (1) Directed Verdict for Plaintiff; (2) Directed Verdict for Defendant; (3) Judgment Notwithstanding Verdict for Plaintiff (judgment for defendant); (4) Judgment Notwithstanding Verdict for Defendant (judgment for plaintiff); (5) Judgment for Plaintiff; (6) Judgment for Defendant; (7) Decision for Plaintiff on Appeal; (8) Decision for Defendant on Appeal; (9) Voluntary Dismissal; (10) Involuntary Dismissal; (11) All Other Actions.

- | 10b. County of Circuit Court. County of Circuit Court where lawsuit occurred.

- 10c. Docket Number.

- | ~~10d.~~ ~~Amount Awarded by Circuit Court. (whole dollar amounts only)~~

- | ~~10d.10e.~~ Date of Award. (MM/DD/YYYY)

- | ~~10e.10f.~~ Was the Circuit Court decision appealed? Y or N  
If "Y", Describe the Result of the Appeal. (Maximum = 25 characters)

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- ~~10f.10g.~~ Describe any Other Post Trial Motions. (Maximum = 25 characters)
- ~~10g.10h.~~ Economic Damages. Amount of economic damages awarded by the court. ~~This amount plus 10i. Non-economic Damages must equal 10d. Amount Awarded by Circuit Court.~~(whole dollar amounts only)
- ~~10h.10i.~~ Non-economic Damages. Amount of economic damages awarded by the court. ~~This amount plus 10h. Economic Damages must equal 10d. Amount Awarded by Circuit Court.~~(whole dollar amounts only)
- 10i. Liability Doctrine. Indicate whether liability was governed by the doctrine of joint and several liability (J) or whether liability was separate (S).

**Claim Payment Information**

- 11a. Total Direct Indemnity Paid/Payable by You Under this Policy on Behalf of this Insured/Defendant. ~~Amount reported here shall be less than or equal to 10d. Amount Awarded by Circuit Court, if 10d. contains an amount greater than 0.~~(whole dollar amounts only)
- 11b. Economic Damages. If ~~9d9e.~~ Claim Disposition Code is (2) Disposed of by a Court, enter the amount that was paid/payable by you for economic damages, as indicated by the court award. This amount plus 11c. Non-Economic Damages must equal amount reported in 11a. Total Direct Indemnity Paid/Payable by You Under this Policy on Behalf of this Insured/Defendant. (whole dollar amounts only)
- 11c. Non-Economic Damages. If ~~9d9e.~~ Claim Disposition Code is (2) Disposed of by a Court, enter amount that was paid/payable by you for non-economic damages, as indicated by the court award. This amount plus 11b. Economic Damages must equal amount reported in 11a. Total Direct Indemnity Paid/Payable by You Under this Policy on Behalf of this Insured/Defendant. (whole dollar amounts only)
- 11d. Direct Loss Adjustment Expense Paid/Payable by You under this Policy to Defense Counsel. (whole dollar amounts only)
- 11e. All Other Allocated Loss Adjustment Expenses Paid/Payable by You for this Insured/Defendant for this claim, including filing fees, telephone charges, photocopy fees, expenses of defense counsel, etc. (whole dollar amounts only)

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- 11f. Direct Indemnity Paid/Payable by You Under All Policies for this Insured/Defendant. (whole dollar amounts only)
- 11g. Other Indemnity Paid by or on Behalf of this Insured/Defendant. (whole dollar amounts only)
- D) ~~Deductibles~~Deductible(s) paid by insured/defendant for this claim under this policy;
  - E) Indemnity paid under any excess limits policy issued by you;
  - R) Amount paid by insured/defendant under self-insured retention;
  - S) Amount you paid above any stop loss limit.
- 11h. Claimed Medical Expense. Amount of medical expense claimed by the plaintiff/injured party. (whole dollar amounts only)
- 11i. Claimed Wage Loss. Amount of wage loss claimed by the plaintiff/injured party. (whole dollar amounts only)"
- 11j. Trial Type. If trial was started, indicate whether it was a bench trial (B) or jury trial (J).

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

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**Section 928.EXHIBIT C Illinois Medical Professional Liability Insurance Uniform Claims Reporting (IMPLIUCR) – Data Entry Navigational User's Guide (Repealed)**

State of Illinois  
Department of Financial and Professional Regulation  
Division of Insurance

May 2006

Illinois Medical Professional Liability Insurance Uniform Claims Reporting (IMPLIUCR)  
Data Entry Navigational User's Guide

To assist insurers and other reporting entities with electronic reporting, the Illinois Department of Financial and Professional Regulation—Division of Insurance (DOI) has created an electronic reporting application, which will be provided free of charge. Reporting entities will choose one of the two processes depending on how they prefer to file. One process will allow for data entry claim reporting and contain drop-downs with choices. The other process will allow for batch reporting. This is the navigational user's guide for data entry claim reporting.

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1.	Application Start Up Instructions and System Menu .....	3
2.	Main Menu .....	4
3.	Claims Report Maintenance Menu .....	5
4.	Uniform Claims Report Maintenance .....	6
5.	Person Responsible and Contact Person Information Lists .....	7
6.	Quarterly Reporting Process .....	8
7.	Claim Report Field Types and Maximum Lengths .....	10
8.	Quarterly Submission Mailing Instructions .....	13

**Application Start Up Instructions and System Menu**

Application Startup Instructions

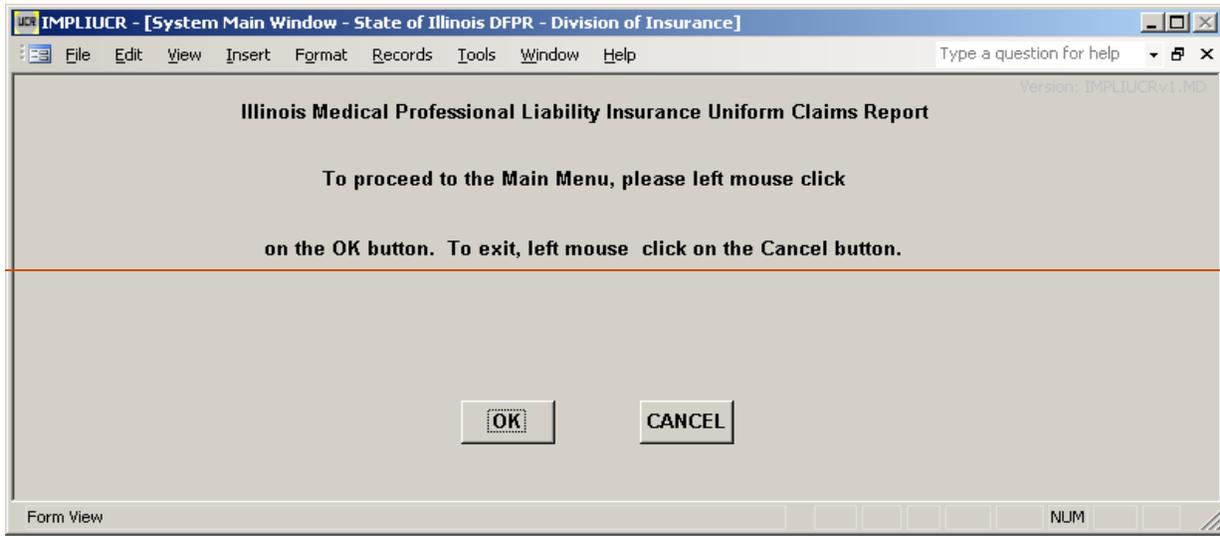
Left mouse click on Start, mouse over the Programs menu caption, look for the IMPLIUCR caption and mouse over.



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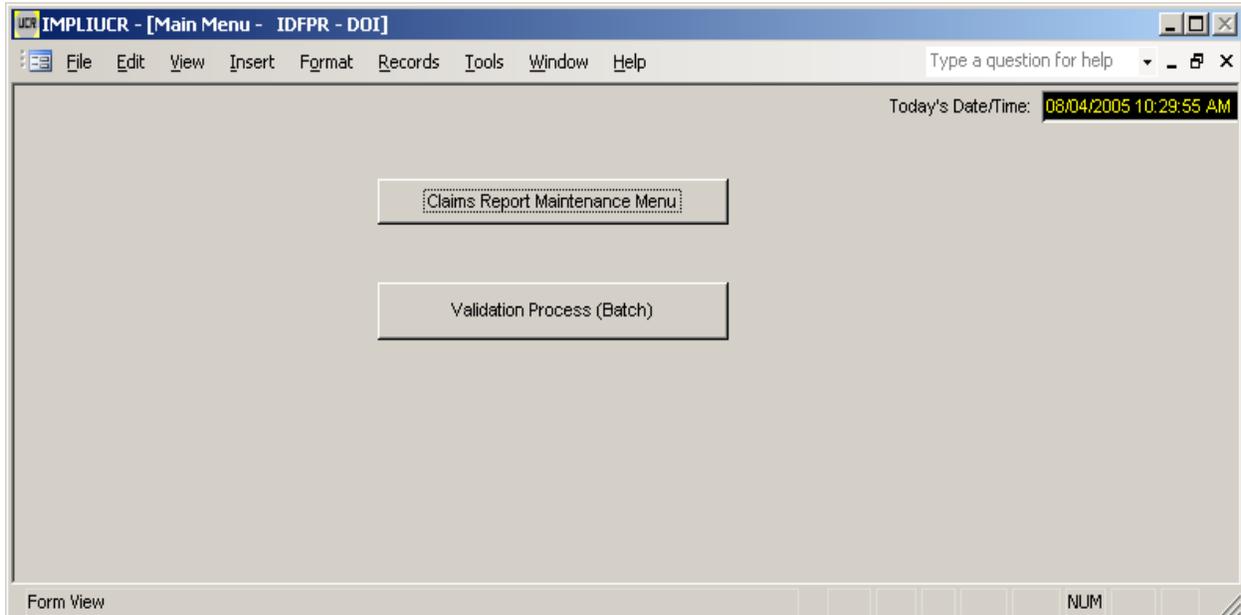
NOTICE OF PROPOSED AMENDMENTS

To the right of the IMPLIUCR caption you should see the ACCESS key ICON  and IMPLIUCR caption. Left mouse click on the IMPLIUCR caption to gain access to the System Main Window as displayed below:



Left mouse click on the "OK" button to gain access to the IMPLIUCR Main Menu. Left mouse click on the "Cancel" button to exit this application.

**Main Menu**



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~~The Illinois Department of Financial and Professional Regulation Division of Insurance (IDFPR-DOI) "IMPLIUCR Requirements Main Menu", shown above, is the starting point from which you can enter Claims Report information into a Medical Malpractice Database.~~



~~Left mouse click on this button to gain access to the Claims Report Maintenance Menu for reporting Claim Reports.~~

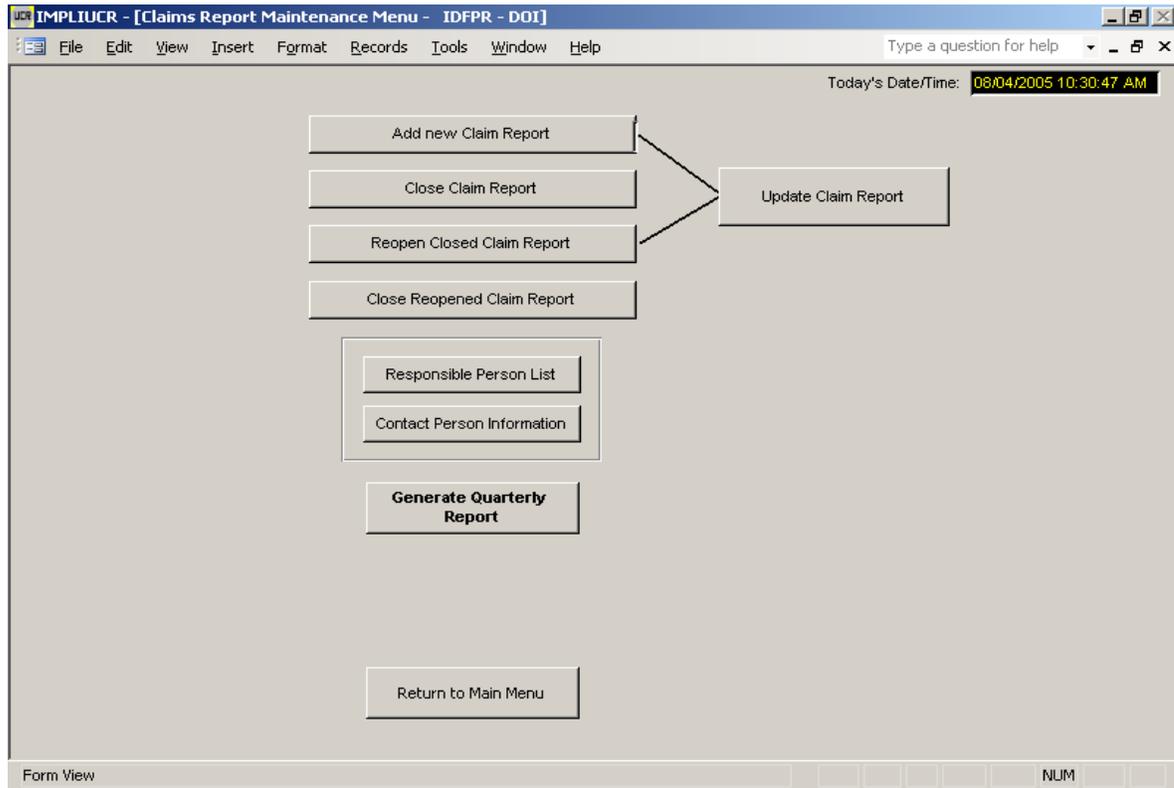


~~Left mouse click on this button to process submitted claims report files. See IMPLIUCR Industry Reporting Requirements User Guide, batch processing, for help.~~

~~Claim Reporting Maintenance Menu~~

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Left mouse click on this button to create new Open Claim Reports.



Left mouse click on this button to close an Open Claim Report.



Left mouse click on this button to Re-open a Closed Claim Report.



Left mouse click on this button to close a Re-opened Claim Report.



Left mouse click on this button to make changes to an Open Claim Report or a Re-opened Closed Claim Report or to Re-open a Closed Claim Report.

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Responsible Person List

Left mouse click on this button to process add/update/delete changes to Person Responsible list.

Contact Person Information

Left mouse click on this button to process add/update/delete changes to the Contact Person Information list.

Generate Quarterly Report

Left mouse click on this button to gain access to the Quarterly Reporting Process for submission of Claim Reports to the IDFPR-Division of Insurance.

Return to Main Menu

Left mouse click on this button to return to the "IMPLIUCR Requirements Main Menu".

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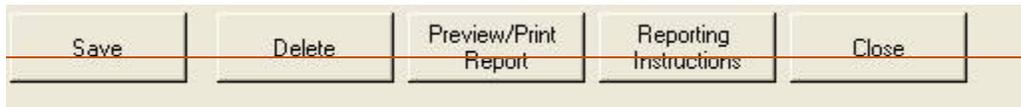
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Uniform Claims Reporting

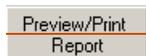
**Uniform Claims Report**  
**Update Claim Report**  
 08/04/2005 9:03:40 AM  
 LMDAY: 06/30/2005

Name of Insurer: Name of Test Company FEIN: 12-1234567  
 Claim ID: TS2003 CoverageCode: 1  
 Date of Injury: 07/14/1997 Date Reported to Insurer: 08/22/1997 Date Claim Opened: 08/22/1997 Date Claim Reopened: 01/01/2000 Date of Original Closure: 01/01/2001  
 Profession or Business Code: 1 NA City: City  
 Insured's Name: Insured X., Name, MD State: IL  
 License Number: NA Zip: 62702-0000  
 Age: 69 County: County  
 Specialty: 00156 Type of Practice Code: 3  
 Board Certified: NA IN  
 Place Where Injury Occurred Code: 5 NA City: City  
 Name of Institution: State: IL  
 Place: Zip: 62702-0000  
 Location in Institution Code: 1 NA County: InjuryPlaceCounty  
 Injured Person's Name: Injured, Name Date of Birth: Age: 35  
 Gender: F Social Security Number: 111-11-1111

You can get to this window via the "IMPLIUCR—Claims Report Maintenance Menu".



Left mouse click on this button to save the report information you have typed into the claim.



Left mouse click on this button to see a preview of the claim and to print a copy of that claim or to add a claim to the database.



Left mouse click on this button to gain access to Field definitions and Specifications.



Left mouse click on this button located at the bottom of the claim or this button  located in the top right hand corner of the claim to close the claim. If changes to the claim have been made you will be prompted to save those changes. If you respond no and do not save changes they will be lost.

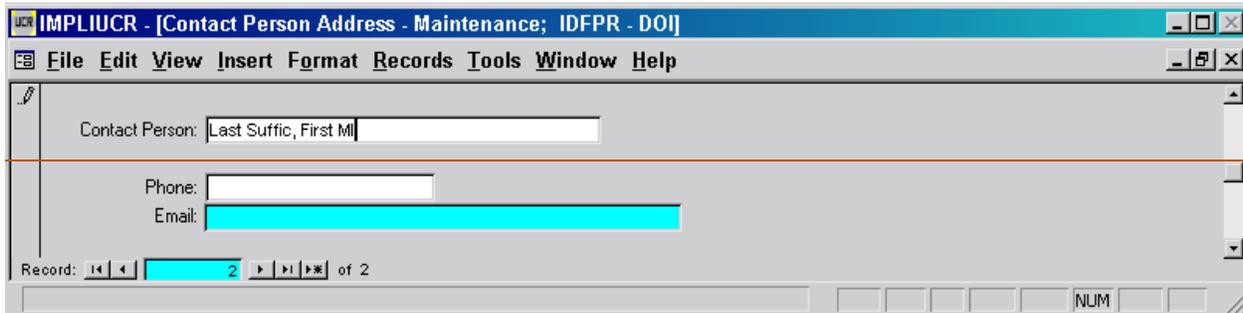
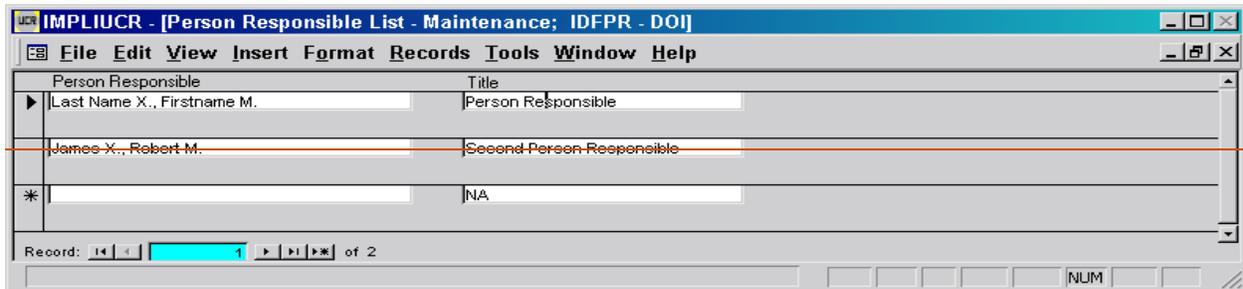
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Left mouse click on this button to delete a record. Once a record is deleted it cannot be retrieved again.

Person Responsible and Contact Person Information Lists



You can get to these windows via the "IMPLIUCR—Claims Report Maintenance Menu". Building and maintaining current Person Responsible and Contact Person information files will aid in the data entry process for opening a new claims report (see figure below).

To add/change a record, type in report information, then left mouse click on the record navigation buttons , "Shift + Enter" keys, or the enabled close button at the top right corner of this window to effect a change or new record addition.

To delete a record, left mouse click on the vertical record selector box containing the black twisty , and then press the delete key. You must reenter data that is mistakenly deleted.

Picture Extract of Claim Report Data Entry Window:

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 Left mouse click on the twisty button, next to "Person Responsible for Preparing Report", for gaining access to a list of Responsible Person and Title.

 Left mouse click on the twisty button, next to "Contact Person", for gaining access to a list of Responsible Person and Title.

### Quarterly Reporting Process

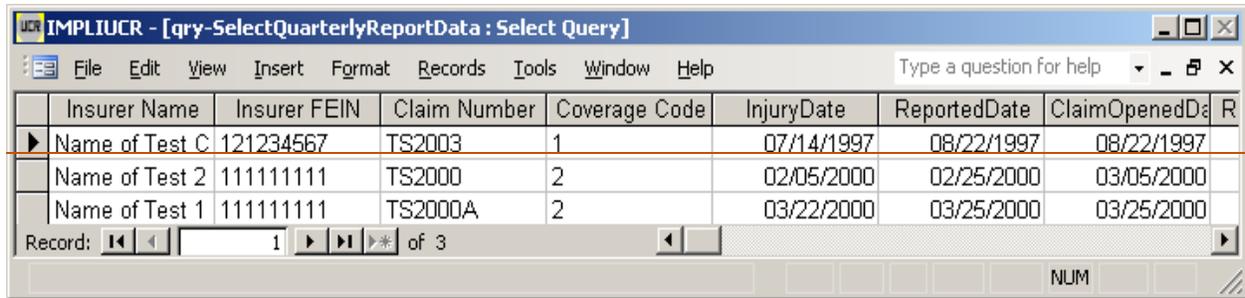
You can get to this window for generating a quarterly claims report file by left mouse clicking on the "Generate Quarterly Report" button displayed on the "**IMPLIUCR—Claims Report Maintenance Menu**" window. First, select quarter from drop down list. Then, if needed, change the reporting year. All claims with an open, re-opened, closed date, and any claim with a maintenance date that falls within the reporting quarter will be selected for submission to the IDFP—Division of Insurance.

Left mouse click on the  button next to "View Selected Quarterly Claim Reports" for gaining access to a datasheet view of claim reports.

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Left mouse click on the  button next to "Generate Quarterly Claim Report File" for gaining access to a browser "Save As" window (see Figure 1 page 9).



	Insurer Name	Insurer FEIN	Claim Number	Coverage Code	InjuryDate	ReportedDate	ClaimOpenedDate	R
▶	Name of Test C	121234567	TS2003	1	07/14/1997	08/22/1997	08/22/1997	
	Name of Test 2	111111111	TS2000	2	02/05/2000	02/25/2000	03/05/2000	
	Name of Test 1	111111111	TS2000A	2	03/22/2000	03/25/2000	03/25/2000	

Record: 1 of 3

Claim reports can only be viewed. Cannot delete, or modify displayed data. Each row consists of an individual claim report.

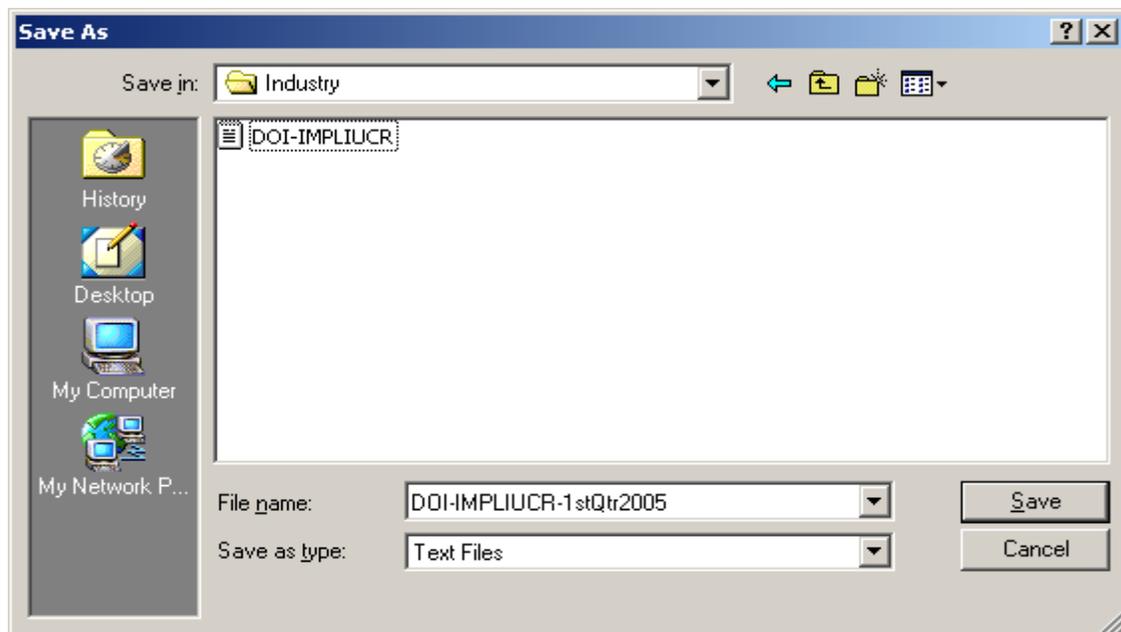
#### Computer Disk File Structures and Naming Conventions

Each disk submitted shall contain a physical file for Uniform Claim Reports.

A disk file name will be made up of two portions, a data name and an extension. The extension name will always be "txt". The file name of each file on the diskette will be:

————— DOI-IMPLIUCR and the Quarter and year being filed

————— Example with additional information: DOI-IMPLIUCR-1stQtr2005.txt



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(Figure 1)

From this browser "Save As" window, you will be able to save selected claim reports file for submission to the IDEPR Division of Insurance.

**Claim Report Field Types and Maximum Lengths**

For Field/Data Definitions & Requirements see Exhibit B of this Part.

Company **FEIN** and **Claim ID** (Key Fields) are combined to make a unique claim report).

**RI** = Reporting Instructions numbering system reference.

<b>RI</b>	<b>Field Name</b>	<b>Type</b>	<b>Maximum Length</b>
<b>1a)</b>	Insurer Name	Text	50
<b>1b)</b>	Insurer FEIN	Text	11
<b>2a)</b>	<b>Claim ID</b>	Text	35
<b>2b)</b>	Coverage Code	Text	2
<b>2c)</b>	Injury Date	Text	10
<b>2d)</b>	Reported Date	Text	10
<b>2e)</b>	Opened Date	Text	10
<b>2f)</b>	Re-opened Date	Text	10
<b>2g)</b>	Original Closure Date	Text	10
<b>3a)</b>	Insured Profession Code	Text	37
	Insured Profession Description	Text	30
<b>3b)</b>	Insured Practice Code	Text	2
<b>3c)</b>	Insured Name	Text	64
	Format: "Last Suffix, First MI. Profession"		
	Last	Text	40
	Suffix	Text	4
	Comma	Text	1
	First	Text	15
	MI	Text	1
	Period	Text	1
	Professional Designation (e.g., MD)	Text	4
<b>3d)</b>	Insured License Number	Text	15
<b>3e)</b>	Insured Date of Birth	Text	2
<b>3f)</b>	Insured Specialty Code	Text	5

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<b>3g)</b>	<b>Insured Board Certified</b>	Text	2
	Name of Board	Text	25
<b>3h)</b>	<b>Insured County</b>	Text	30
<b>4a)</b>	<b>Injury Place</b>	Text	59
	Injury Place Description	Text	30
<b>4b)</b>	<b>Injury Place Location within Institution Code</b>	Text	2
	Injury Place Location in Institution Description	Text	25
<b>4c)</b>	<b>Injury Place Institution Name</b>	Text	40
<b>4d)</b>	<b>Injury Place County</b>	Text	30
<b>5a)</b>	<b>Injured Name</b>	Text	59
	Format: "Last Suffix, First MI."		
	Last	Text	40
	Suffix	Text	4
	Comma	Text	1
	First	Text	15
	MI	Text	2
	Period	Text	1
<b>5b)</b>	<b>Injured Gender</b>	Text	1
<b>5c)</b>	<b>Injured Person's Age Category</b>	Text	10
<b>5d)</b>	<b>Injured Person's SSN</b>	Text	11
<b>5e)</b>	<b>Injured Person's County Residence</b>	Text	30
<b>6a)</b>	<b>Total Number Defendants</b>	Text	4
<b>6b)</b>	<b>Companion Claim ID A</b>	Text	35
	Companion Claim ID B	Text	35
	Companion Claim ID C	Text	35
	Companion Claim ID D	Text	35
	Companion Claim ID E	Text	35
<b>7a)</b>	<b>Person Responsible</b>	Text	64
	Format: "Last Suffix, First MI."		
	Last	Text	40
	Suffix	Text	4
	Comma	Text	1
	First	Text	15
	MI	Text	1
	Period	Text	1
<b>7b)</b>	<b>Person Responsible Title</b>	Text	30
<b>7c)</b>	<b>Contact Person</b>	Text	100
	Format: "Last Suffix, First MI."		

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	Last	Text	40
	Suffix	Text	4
	Comma	Text	1
	First	Text	15
	MI	Text	1
	Period	Text	1
<b>7d)</b>	Contact Person Phone	Text	20
<b>7e)</b>	Contact Person Email Address	Text	40
<b>8a)</b>	Attorney Name	Text	64
	Format: "Last Suffix, First MI."		
	Last	Text	40
	Suffix	Text	4
	Comma	Text	1
	First	Text	15
	MI	Text	1
	Period	Text	1
<b>8b)</b>	Attorney City	Text	16
<b>8c)</b>	Attorney State	Text	2
<b>9a)</b>	Nature and Substance of Claim	Text	150
<b>9b)</b>	Act or Omission Codes	Text	255
<b>9c)</b>	Severity Injury Code	Text	2
<b>9d)</b>	Date Claim Closed	Text	10
<b>9e)</b>	Disposition Code	Text	2
<b>9f)</b>	Settlement Code	Text	2
<b>9g)</b>	Review Code	Text	2
<b>9h)</b>	Arbitration Code	Text	2
<b>10a)</b>	Court Code	Text	2
<b>10b)</b>	Court County	Text	35
<b>10c)</b>	Court Docket Number	Text	40
<b>10d)</b>	Amount Awarded by Circuit Court	Currency	
<b>10e)</b>	Award Date	Text	10
<b>10f)</b>	Circuit Court Appealed	Text	1
	Result of Appeal	Text	25
<b>10g)</b>	Other Post-Trial Motions	Text	25
<b>10h)</b>	Economic Damages	Currency	
<b>10i)</b>	Non-Economic Damages	Currency	
<b>11a)</b>	Total Indemnity Paid/Payable by Insurer	Currency	
<b>11b)</b>	Economic Damages	Currency	

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<b>11e)</b>	Non-Economic Damages	Currency	
<b>11d)</b>	LAE to Defense Counsel	Currency	
<b>11e)</b>	All Other LAE	Currency	
<b>11f)</b>	Total Indemnity Insurer	Currency	
<b>11g)</b>	Other Indemnity Insurer Deductible	Currency	
	Other Indemnity Insurer Excess Limits	Currency	
	Other Indemnity Insurer SIR	Currency	
	Other Indemnity Insurer Stop Loss	Currency	
<b>11h)</b>	Claimed Medical Expense	Currency	
<b>11i)</b>	Claimed Wage Loss	Currency	

**Quarterly Submission Mailing Instructions****Disk Instructions**

~~Disks must be clearly identified by external labels containing all of the following information:~~

~~Insurer Name  
 Insurer FEIN Number  
 Disk File Name  
 Filing Date  
 Disk Contact Person and Telephone number~~

**Example:**

~~ABC Insurance Company of America  
 2005-1<sup>st</sup> Qtr Open/Closed Report Data  
 Date: 3/31/2005  
 Joe Smith (800) 555-1234~~

**Mailing Requirements**

~~The disk(s) should be enclosed in rigid protective packaging that will prevent bending and other destructive exposures that might be experienced in normal mail handling.~~

~~The outer package shall be clearly labeled to indicate computer diskettes are enclosed.~~

~~Address submission to: — Illinois Department of Financial and Professional Regulation  
 Division of Insurance~~

DEPARTMENT OF INSURANCE

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~~IMPLIUCR data  
320 West Washington, 4<sup>th</sup> Floor  
Springfield IL 62767  
Attn.: Casualty Actuarial Section~~

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

**Section 928.EXHIBIT D Illinois Medical Professional Liability Insurance Uniform Claims Reporting (IMPLIUCR) – Batch Reporting Requirements and Navigational User's Guide (Repealed)**

State of Illinois  
Department of Financial and Professional Regulation  
Division of Insurance

May 2006

~~Illinois Medical Professional Liability Insurance Uniform Claims Reporting (IMPLIUCR)  
Batch Requirements and Navigational User's Guide~~

~~To assist insurers and other reporting entities with electronic reporting, the Illinois Department of Financial and Professional Regulation Division of Insurance (DOI) has created an electronic reporting application, which will be provided free of charge. Reporting entities will choose one of the two processes depending on how they prefer to file. One process will allow for data entry claim reporting and contain drop-downs with choices. The other process will allow for batch reporting. This is the navigational user's guide for batch reporting.~~

<del>Table of Contents:</del>		<del>Page</del>
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<del>2.</del>	<del>Quarterly Claim Report Submission Data Field Names and Record Format.....</del>	<del>6</del>
<del>3.</del>	<del>IMPLIUCR Automated Application Processes (Navigational) Application Start Up Instructions and System Menu.....</del>	<del>9</del>
	<del>Import of Industry Claim Report File &amp; Validation Process.....</del>	<del>10</del>
<del>4.</del>	<del>Diskette Labeling and Mailing Instructions .....</del>	<del>14</del>

~~**General Submission Guidelines**~~

- ~~1) Data Collection Information~~
  - ~~a) Data must be submitted on 3½" size diskette or compact disk (CD-R/RW).~~
  - ~~b) Disks must conform to the filing specifications contained within this document.~~
- ~~2) Guidelines for Data Collection~~

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

- a) ~~Submission of data files must meet the filing specifications prescribed in this document.~~
- b) ~~DOI has created an electronic reporting application to help reporting entities enter and edit data and to create the quarterly claims report data file.~~

~~To access the on-line user guides for the electronic reporting applications, you must download Adobe Acrobat Reader software from URL:  
<http://www.adobe.com/products/acrobat/main.html> to access the on-line user guides.~~

- e) ~~If you have not received a copy of the electronic reporting application, you can download the software from the following URL:  
<http://www.ins.state.il.us/exe/IMPLIUCR.zip>~~

3) ~~Data Format Standards~~

~~To simplify aspects of the data collection process for the DOI, data and file formats for diskettes will consist of a delimited common ASCII representation.~~

4) ~~File Description and Reporting Requirements (edit program process).~~

~~DOI has adopted the following specifications to be used in formatting the claims report data file information prior to using the "edit program".~~

~~Tab or Comma delimited file:~~

- ~~• File one report for each defendant you insure.~~
- ~~• Include claims closed without payment.~~
- ~~• When an item calls for a dollar amount and no amount is involved, enter 0 in the space.~~
- ~~• Record all amounts in whole dollars.~~
- ~~• All dates shall be in the format MM/DD/YYYY and have leading zeroes.  
Example: 01/01/2001 = January 1, 2001~~
- ~~• All names of individuals shall follow the following format:  
Last Name Suffix, First Name MI. (e.g., Public Jr, John Q.)~~
- ~~• Insured Individual's name format:  
Last Name Suffix, First Name MI. Professional Designation (e.g., Public Jr,  
John Q. MD)~~

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- ~~All fields for a given record, including fields that contain no data, shall have a Tab or Comma with a "full quote" text qualifier separator. There are a total of 75 fields that must be accounted for in each record (report).~~

**~~General Submission Guidelines~~**

~~Each of the following fields must have a Tab or Comma separator:~~

- |  |  |
|--|--|
| <del>1) Insurer Name;</del>                                      | <del>39) Person Responsible Title;</del>                     |
| <del>2) Insurer FEIN;</del>                                      | <del>40) Contact Person Name;</del>                          |
| <del>3) Claim ID;</del>  | <del>41) Contact Person Phone;</del>                         |
| <del>4) Coverage Code;</del>                                     | <del>42) Contact Person Email Address;</del>                 |
| <del>5) Injury Date;</del>                                       | <del>43) Attorney Name;</del>                                |
| <del>6) Reported Date;</del>                                     | <del>44) Attorney City;</del>                                |
| <del>7) Opened Date;</del>                                       | <del>45) Attorney State;</del>                               |
| <del>8) Re-opened Date;</del>                                    | <del>46) Nature and Substance of Claim;</del>                |
| <del>9) Original Closure Date;</del>                             | <del>47) Act or Omission Codes;</del>                        |
| <del>10) Original Claim ID*;</del>                               | <del>48) Severity of Injury Code;</del>                      |
| <del>11) Insured Profession or Business Code;</del>              | <del>49) Date Claim Closed;</del>                            |
| <del>12) Insured Profession Description;</del>                   | <del>50) Disposition Code;</del>                             |
| <del>13) Insured Practice Code;</del>                            | <del>51) Settlement Code;</del>                              |
| <del>14) Insured Name;</del>                                     | <del>52) Review Panel or Non-Binding Arbitration Code;</del> |
| <del>15) Insured IL License Number;</del>                        | <del>53) Binding Arbitration Code;</del>                     |
| <del>16) Insured DOB;</del>                                      | <del>54) Court Code;</del>                                   |
| <del>17) Insured Specialty Code;</del>                           | <del>55) Court County;</del>                                 |
| <del>18) Insured Board Certified;</del>                          | <del>56) Court Docket Number;</del>                          |
| <del>19) Name of Board;</del>                                    | <del>57) Amount Awarded by Circuit Court;</del>              |
| <del>20) Insured County;</del>                                   | <del>58) Award Date;</del>                                   |
| <del>21) Injury Place Code;</del>                                | <del>59) Circuit Court Appealed;</del>                       |
| <del>22) Injury Place Description;</del>                         | <del>60) Result of Appeal;</del>                             |
| <del>23) Injury Place Location within Institution Code;</del>    | <del>61) Other Post-Trial Motions;</del>                     |
| <del>24) Injury Place Location in Institution Description;</del> | <del>62) Court Economic Damages Awarded;</del>               |
| <del>25) Injury Place Institution Name;</del>                    | <del>63) Court Non-Economic Damages Award;</del>             |
| <del>26) Injury Place County;</del>                              | <del>64) Total Indemnity Paid/Payable by Insurer;</del>      |
| <del>27) Injured Name;</del>                                     |  |

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<del>28) Injured Person's Gender,</del>	<del>65) Economic Damages,</del>
<del>29) Injured Person's Age Category,</del>	<del>66) Non-Economic Damages,</del>
<del>30) Injured Person's SSN,</del>	<del>67) LAE to Defense Counsel,</del>
<del>31) Injured Person's County Residence,</del>	<del>68) All Other LAE,</del>
<del>32) Total Number Defendants,</del>	<del>69) Total Indemnity Insurer,</del>
<del>33) Companion Claim ID A,</del>	<del>70) Other Indemnity Deductible,</del>
<del>34) Companion Claim ID B,</del>	<del>71) Other Indemnity Excess Limits,</del>
<del>35) Companion Claim ID C,</del>	<del>72) Other Indemnity SIR,</del>
<del>36) Companion Claim ID D,</del>	<del>73) Other Indemnity Stop Loss,</del>
<del>37) Companion Claim ID E,</del>	<del>74) Claimed Medical Expense,</del>
<del>38) Person Responsible,</del>	<del>75) Claimed Wage Loss,</del>

~~\* If claim re-opened and a new Claim ID was assigned.~~

~~Examples using fields 1, 2, 3, 4, 5, 6, 7, 8~~

~~Example Tab delimited file:~~

~~InsurerName[tab]12-  
1234567[tab]220BBA[tab]1[tab]01/09/2001[tab]01/09/2001[tab]01/09/2001[tab]01/09/2001[tab]- etc ...~~

~~Example Comma delimited (with a "full quote" text qualifier) file:~~

~~"InsurerName","12-  
1234567","220BBA","1","01/09/2001","01/09/2001","01/09/2001","01/09/2001" etc ...~~

~~5) Disk types~~

~~Disks submitted to the DOI shall be the 3½" size or Compact Disk (CD-R/RW) from an IBM Personal computer or compatible. Disks will not be returned.~~

~~6) Computer Disk File Structures and Naming Conventions~~

~~Each disk submitted shall contain a physical file for Uniform Claims Reports.~~

~~A disk file name will be made up of two portions, a data name and an extension. The extension name will always be "txt". The file name of each file on the diskette will be:~~

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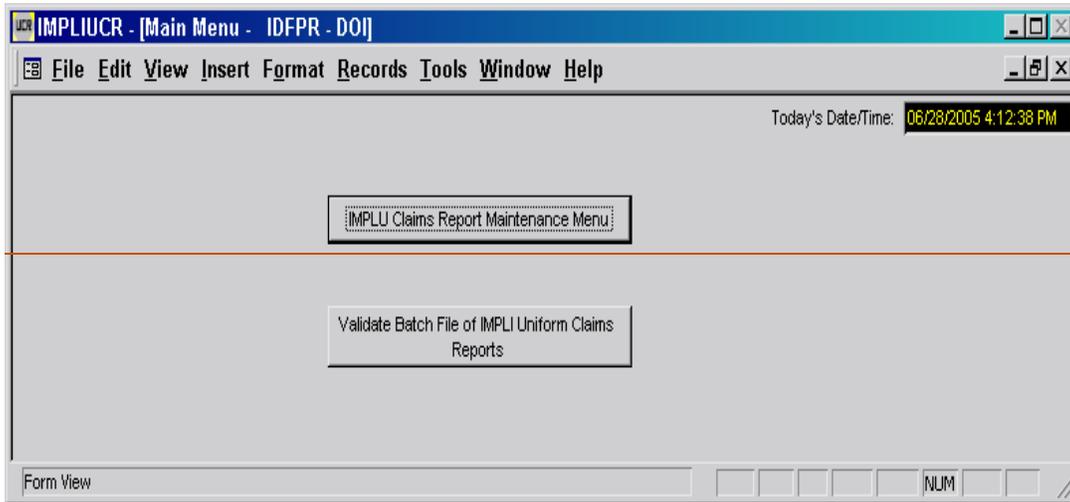
NOTICE OF PROPOSED AMENDMENTS

~~DOI IMPLIUCR and the Quarter and year being filed~~

~~Example with additional information: DOI-IMPLIUCR-1stQtr2004.txt~~

~~NOTE: The submission file on the disk will be created for you by the IMPLIUCR.MDE application.~~

- ~~7) TO BEGIN: Load the application (see installation instructions). Then import the claims data file Open/ClosedClaimsData.txt) you created. Use the "Validate Batch File of IMPLI Uniform Claims Reports" button on the IMPLIUCR application's main menu to import and validate your data.~~



~~Quarterly Claim Report Submission—Data Field Names and Report Format~~

~~For Field/Data Definitions and Requirements see Exhibit B of this Part.~~

~~Company FEIN and Claim ID (Key Fields) are combined to make a unique claim report. RI = Reporting Instructions numbering system reference.~~

<del>Pos/RI</del>	<del>Column Name</del>	<del>Type</del>	<del>Maximum Size</del>
<del>1/1a</del>	<del>Insurer Name</del>	<del>Text</del>	<del>50</del>
<del>2/1b</del>	<del>Insurer FEIN</del>	<del>Text</del>	<del>11</del>
<del>3/2a</del>	<del>Claim ID</del>	<del>Text</del>	<del>35</del>
<del>4/2b</del>	<del>Coverage Code</del>	<del>Text</del>	<del>—2</del>

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<del>5/2e</del>	<del>Injury Date</del>	<del>Text</del>	<del>10</del>
<del>6/2d</del>	<del>Reported Date</del>	<del>Text</del>	<del>10</del>
<del>7/2e</del>	<del>Opened Date</del>	<del>Text</del>	<del>10</del>
<del>8/2f</del>	<del>Re-opened Date</del>	<del>Text</del>	<del>10</del>
<del>9/2g</del>	<del>Original Closure Date</del>	<del>Text</del>	<del>10</del>
<del>10</del>	<del>Original Claim ID*</del>	<del>Text</del>	<del>35</del>
<del>11/3a</del>	<del>Insured Profession or Business Code</del>	<del>Text</del>	<del>37</del>
<del>12/3a</del>	<del>Insured Profession Description</del>	<del>Text</del>	<del>30</del>
<del>13/3b</del>	<del>Insured Practice Code</del>	<del>Text</del>	<del>-2</del>
<del>14/3e</del>	<del>Insured Name</del>	<del>Text</del>	<del>64</del>
	<del>Format: "Last Suffix, First MI. Profession"</del>		
	<del>Last</del>	<del>Text</del>	<del>40</del>
	<del>Suffix</del>	<del>Text</del>	<del>4</del>
	<del>Comma</del>	<del>Text</del>	<del>1</del>
	<del>First</del>	<del>Text</del>	<del>15</del>
	<del>MI</del>	<del>Text</del>	<del>1</del>
	<del>Period</del>	<del>Text</del>	<del>1</del>
	<del>Professional Designation (e.g., MD)</del>	<del>Text</del>	<del>4</del>
<del>15/3d</del>	<del>Insured License Number</del>	<del>Text</del>	<del>15</del>
<del>16/3e</del>	<del>Insured DOB</del>	<del>Text</del>	<del>10</del>
<del>17/3f</del>	<del>Insured Specialty Code</del>	<del>Text</del>	<del>5</del>
<del>18/3g</del>	<del>Insured Board Certified</del>	<del>Text</del>	<del>2</del>
<del>19/3g</del>	<del>Name of Board</del>	<del>Text</del>	<del>25</del>
<del>20/3h</del>	<del>Insured County</del>	<del>Text</del>	<del>30</del>
<del>21/4a</del>	<del>Injury Place</del>	<del>Text</del>	<del>59</del>
<del>22/4a</del>	<del>Injury Place Description</del>	<del>Text</del>	<del>30</del>
<del>23/4b</del>	<del>Injury Place Location within Institution Code Text</del>	<del>Text</del>	<del>-2</del>
<del>24/4b</del>	<del>Injury Place Location in Institution Description Text</del>	<del>Text</del>	<del>25</del>
<del>25/4e</del>	<del>Injury Place Institution Name</del>	<del>Text</del>	<del>40</del>
<del>26/4d</del>	<del>Injury Place County</del>	<del>Text</del>	<del>30</del>
<del>27/5a</del>	<del>Injured Name</del>	<del>Text</del>	<del>59</del>
	<del>Format: "Last Suffix, First MI."</del>		
	<del>Last</del>	<del>Text</del>	<del>40</del>
	<del>Suffix</del>	<del>Text</del>	<del>4</del>
	<del>Comma</del>	<del>Text</del>	<del>1</del>
	<del>First</del>	<del>Text</del>	<del>15</del>
	<del>MI</del>	<del>Text</del>	<del>1</del>
	<del>Period</del>	<del>Text</del>	<del>1</del>
<del>28/5b</del>	<del>Injured Gender</del>	<del>Text</del>	<del>1</del>

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<del>29/5e</del>	<del>Injured Person's Age Category</del>	<del>Text</del>	<del>1</del>
<del>30/5d</del>	<del>Injured Person's SSN</del>	<del>Text</del>	<del>11</del>
<del>31/5e</del>	<del>Injured Person's County Residence</del>	<del>Text</del>	<del>30</del>
<del>32/6a</del>	<del>Total Number Defendants</del>	<del>Text</del>	<del>4</del>
<del>33/6b</del>	<del>Companion Claim ID A</del>	<del>Text</del>	<del>35</del>
<del>34/6b</del>	<del>Companion Claim ID B</del>	<del>Text</del>	<del>35</del>
<del>35/6b</del>	<del>Companion Claim ID C</del>	<del>Text</del>	<del>35</del>
<del>36/6b</del>	<del>Companion Claim ID D</del>	<del>Text</del>	<del>35</del>
<del>37/6b</del>	<del>Companion Claim ID E</del>	<del>Text</del>	<del>35</del>
<del>38/7a</del>	<del>Person Responsible</del>	<del>Text</del>	<del>64</del>
	<del>Format: "Last Suffix, First MI."</del>		
	<del>Last</del>	<del>Text</del>	<del>40</del>
	<del>Suffix</del>	<del>Text</del>	<del>4</del>
	<del>Comma</del>	<del>Text</del>	<del>-1</del>
	<del>First</del>	<del>Text</del>	<del>15</del>
	<del>MI</del>	<del>Text</del>	<del>-1</del>
	<del>Period</del>	<del>Text</del>	<del>-1</del>
<del>39/7b</del>	<del>Person Responsible Title</del>	<del>Text</del>	<del>30</del>
<del>40/7e</del>	<del>Contact Person</del>	<del>Text</del>	<del>100</del>
	<del>Format: "Last Suffix, First MI."</del>		
	<del>Last</del>	<del>Text</del>	<del>40</del>
	<del>Suffix</del>	<del>Text</del>	<del>4</del>
	<del>Comma</del>	<del>Text</del>	<del>1</del>
	<del>First</del>	<del>Text</del>	<del>15</del>
	<del>MI</del>	<del>Text</del>	<del>1</del>
	<del>Period</del>	<del>Text</del>	<del>1</del>
<del>41/7d</del>	<del>Contact Person Phone</del>	<del>Text</del>	<del>20</del>
<del>42/7e</del>	<del>Contact Person Email Address</del>	<del>Text</del>	<del>40</del>
<del>43/8a</del>	<del>Attorney Name/Law Firm</del>	<del>Text</del>	<del>64</del>
	<del>Format: "Last Suffix, First MI."</del>		
	<del>Last</del>	<del>Text</del>	<del>40</del>
	<del>Suffix</del>	<del>Text</del>	<del>4</del>
	<del>Comma</del>	<del>Text</del>	<del>1</del>
	<del>First</del>	<del>Text</del>	<del>15</del>
	<del>MI</del>	<del>Text</del>	<del>1</del>
	<del>Period</del>	<del>Text</del>	<del>1</del>
<del>44/8b</del>	<del>Attorney City</del>	<del>Text</del>	<del>16</del>
<del>45/8e</del>	<del>Attorney State</del>	<del>Text</del>	<del>2</del>
<del>46/9a</del>	<del>Nature and Substance of Claim</del>	<del>Text</del>	<del>150</del>

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<del>47/9b</del>	<del>Act or Omission Codes</del>	<del>Text</del>	<del>255</del>
<del>48/9e</del>	<del>Severity of Injury Code</del>	<del>Text</del>	<del>2</del>
<del>49/9d</del>	<del>Date Claim Closed</del>	<del>Text</del>	<del>10</del>
<del>50/9e</del>	<del>Disposition Code</del>	<del>Text</del>	<del>2</del>
<del>51/9f</del>	<del>Settlement Code</del>	<del>Text</del>	<del>2</del>
<del>52/9g</del>	<del>Review Panel or Non-Binding Arbitration Code</del>	<del>Text</del>	<del>2</del>
<del>53/9h</del>	<del>Binding Arbitration Code</del>	<del>Text</del>	<del>2</del>
<del>54/10a</del>	<del>Court Code</del>	<del>Text</del>	<del>2</del>
<del>55/10b</del>	<del>Court County</del>	<del>Text</del>	<del>35</del>
<del>56/10e</del>	<del>Court Docket Number</del>	<del>Text</del>	<del>40</del>
<del>57/10d</del>	<del>Amount Awarded by Circuit Court</del>	<del>Currency</del>	
<del>58/10e</del>	<del>Award Date</del>	<del>Text</del>	<del>10</del>
<del>59/10f</del>	<del>Circuit Court Appealed</del>	<del>Text</del>	<del>1</del>
<del>60/10f</del>	<del>Result of Appeal</del>	<del>Text</del>	<del>25</del>
<del>61/10g</del>	<del>Other Post-Trial Motions</del>	<del>Text</del>	<del>25</del>
<del>62/10h</del>	<del>Court Economic Damages Awarded</del>	<del>Currency</del>	
<del>63/10i</del>	<del>Court Non-Economic Damages Awarded</del>	<del>Currency</del>	
<del>64/11a</del>	<del>Total Indemnity Paid/Payable by Insurer</del>	<del>Currency</del>	
<del>65/11b</del>	<del>Economic Damages</del>	<del>Currency</del>	
<del>66/11e</del>	<del>Non-Economic Damages</del>	<del>Currency</del>	
<del>67/11d</del>	<del>LAE to Defense Counsel</del>	<del>Currency</del>	
<del>68/11e</del>	<del>All Other LAE</del>	<del>Currency</del>	
<del>69/11f</del>	<del>Total Indemnity Insurer</del>	<del>Currency</del>	
<del>70/11g</del>	<del>Other Indemnity Insurer Deductible</del>	<del>Currency</del>	
<del>71/11g</del>	<del>Other Indemnity Insurer Excess Limits</del>	<del>Currency</del>	
<del>72/11g</del>	<del>Other Indemnity Insurer SIR</del>	<del>Currency</del>	
<del>73/11g</del>	<del>Other Indemnity Insurer Stop Loss</del>	<del>Currency</del>	
<del>74/11h</del>	<del>Claimed Medical Expense</del>	<del>Currency</del>	
<del>75/11i</del>	<del>Claimed Wage Loss</del>	<del>Currency</del>	

~~\* If claim reopened and a new Claim ID was assigned.~~

### ~~Application Start Up Instructions and System Menu~~

#### ~~Application Startup Instructions~~

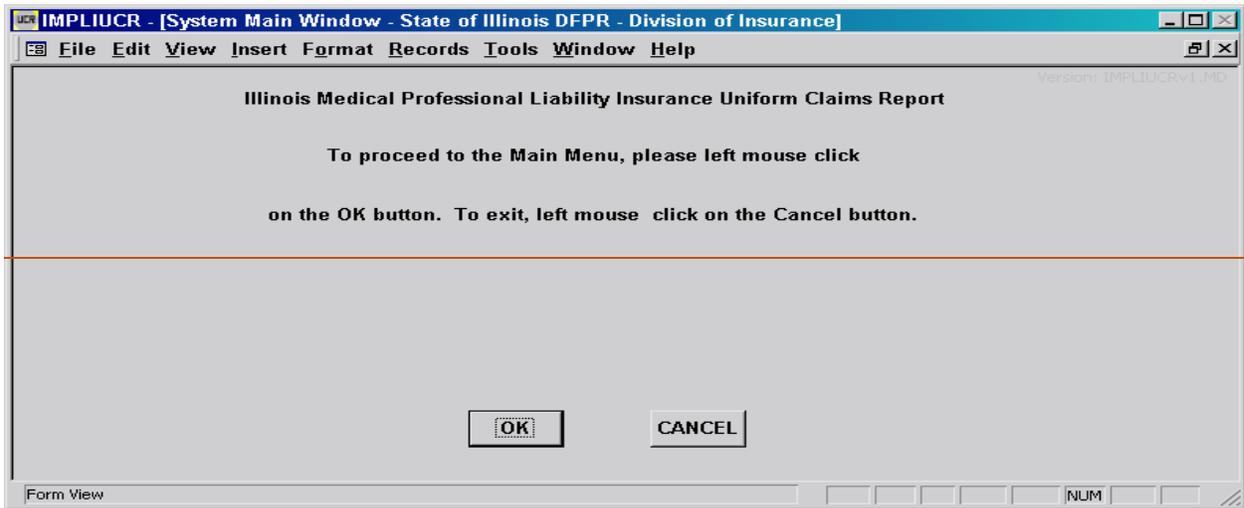
~~Left mouse click on Start, mouse over the Programs menu caption, look for the IMPLIUCR caption and mouse over.~~

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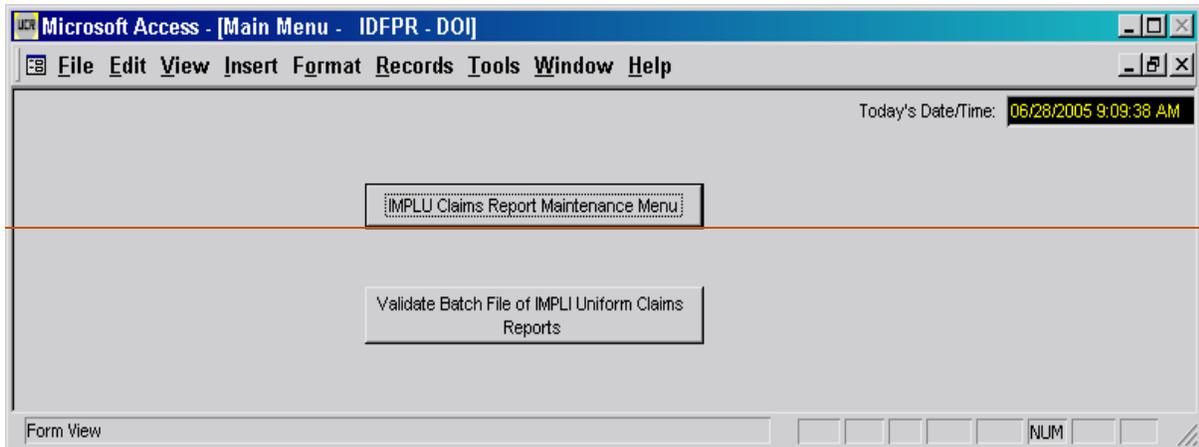


To the right of the IMPLIUCR caption you should see the ACCESS key ICON  and IMPLIUCR caption. Left mouse click on the IMPLIUCR caption to gain access to the System Main Window as displayed below.



Left mouse click on the "OK" button to gain access to the IMPLIUCR Main Menu. Left mouse click on the "Cancel" button to exit this application.

**Import of Industry Claim Reports and Validation Process**



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(Figure 1)

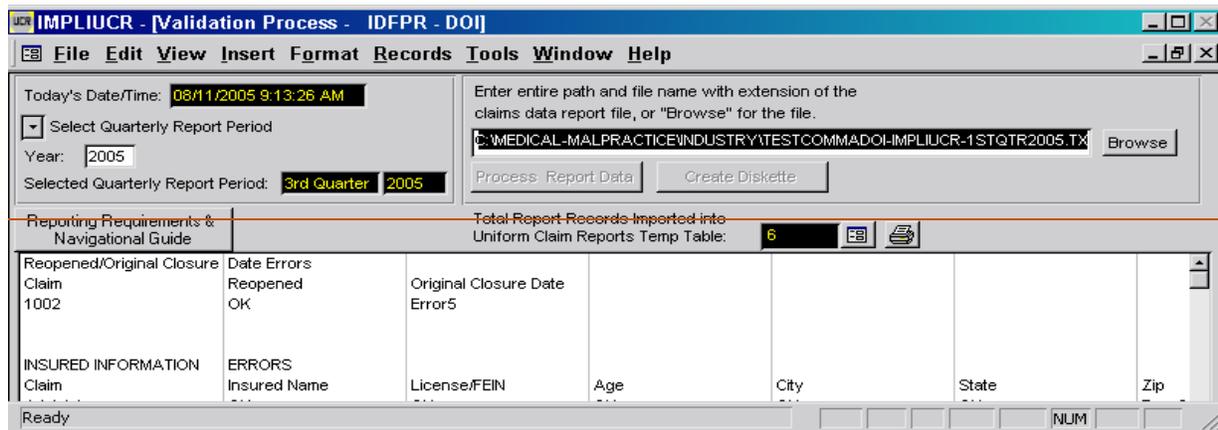
The IDFPR Division of Insurance "IMPLIUCR Requirements Main Menu", shown above, is the starting point from which you can enter hard copy claims report information into a medical malpractice database or process batch quarterly claims report data.



Left mouse click on this button to process submitted claims report files.



Left mouse on this button to gain access to the data entry processes for reporting claim reports. (See IMPLIUCR Online Industry User's Guide for help.)



The IDFPR Division of Insurance "IMPLIUCR Validation Process" window, shown above, is the starting point from which you can validate multiple claim reports. First select quarterly reporting period and enter reporting year if needed. Then process a claim data report file by entering the entire path and file name with extension. Example: "C:\IMPLIUCR\ClosedClaims1stQtrData.txt", or use the "BROWSE" button to select a file name (see Figure 2 below). Selecting the file you wish to process you will automatically return to the "IMPLIUCR Validation Process", where you can left mouse click on the "Process Report Data" button, if enabled, to begin the validation process. A list of ERRORS and associated Claim Numbers, if any, will be displayed when the import and validation process has completed. Left mouse clicking on any displayed Claim Number with errors will take you to a claim report maintenance window (see Figure 1, page 13) from which you can correct indicated errors.

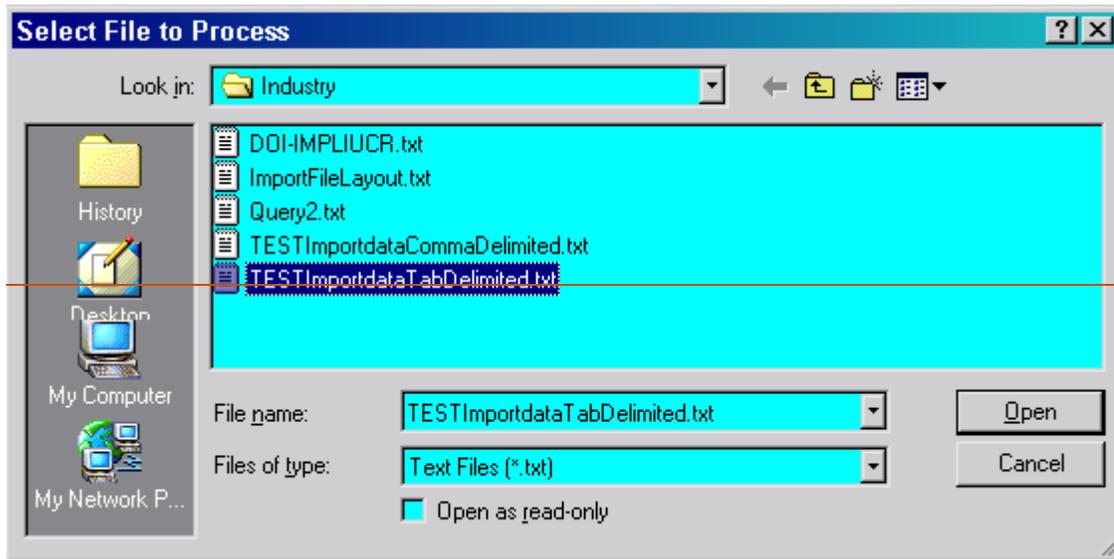
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Left mouse clicking on this button  will take you to a datasheet view (see Figure 2, page 13) from which you can correct indicated errors.

Left mouse clicking on this button  will print an error report similar to the one located in "IMPLIUCR Validation Process" (Figure 1).

If there are no errors displayed, the "Create Disk" button will be activated (see Figure 1, page 14). Left mouse clicking on the "Create Disk" button will pop-up a save file browser (see Figure 2, page 14).



(Figure-2)

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**IMPLIUCR - [Uniform Claims Report]**

txt1a\_Name

**Add New Claim Report** 02/07/2006 8:11:56 AM  
LMDAY: 02/07/2006

Name of Insurer: Company Name FEIN: 12-3456789

Claim ID: Coverage Code: 1

Date of Injury: Date Reported to Insurer: Date Claim Opened: Date Claim Reopened: NA: [X] Date of Original Closure: NA: [X]

Profession or Business Code: 1 NA Date of Birth: NA

Type of Practice Code: NA Specialty: NA

Insured's Name: Last Suffix, First MI Profession Board Certified: NA NA

NUM

(Figure 1)

From this Maintenance Process you must correct all highlighted claim report fields to effect a change to the list of errors on previous displayed error list. Or you can gain access to a table view of the data to correct indicated errors. However, errors will not be highlighted in this table view.

**IMPLIUCR - [qry1A\_ViewEntireIMPLUCRtempTable : Select Query]**

File Edit View Insert Format Records Tools Window Help

Insurer Name	Insurer FEIN	Claim Number	Coverage Cod	InjuryDate	ReportedDate	ClaimOpened	ReopenDate
Name of Test C O	0	TS0001	1	07/31/1998	05/14/2001	05/14/2001	01/01/2001
Name of Test C O	0	TS0004	1	07/14/1997	08/22/1997	08/22/1997	01/01/2001
Name of Test C O	0	TS0007	1	09/20/1996	08/25/1997	08/25/1997	01/01/2001
Name of Test C O	0	TS0009	1	08/03/1995	08/26/1997	08/26/1997	01/01/2001

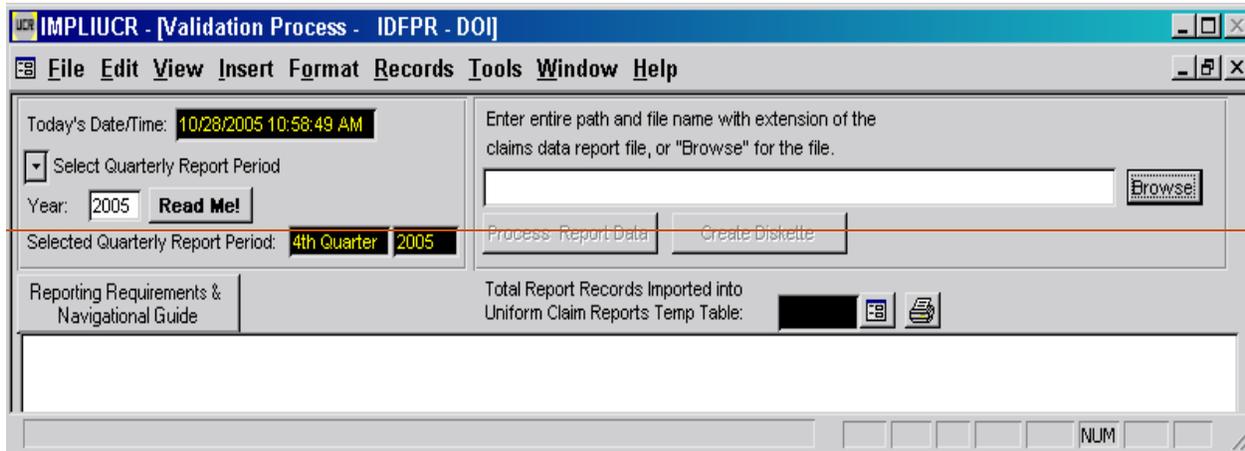
Record: 1 of 5

Datasheet View NUM

(Figure 2)

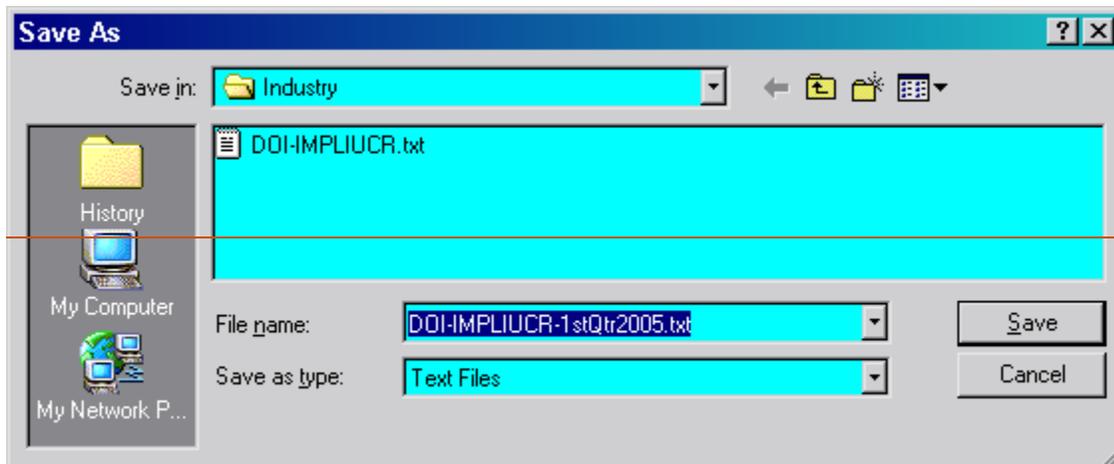
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(Figure-1)

Left mouse click on the "Create Diskette" button to save validated claim report(s) to a text file, Quarterly Reporting Period, for submission to the IDFPR Division of Insurance.



(Figure-2)

From this browser "Save As" window, you will be able to save a selected claim report file for submission to the IDFPR Division of Insurance.

### Diskette Labeling and Mailing Instructions

#### Disk Instructions

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~~Disks must be clearly identified by external labels containing all of the following information:~~

~~Insurer Name  
Insurer FEIN Number  
Disk File Name  
Filing Date  
Disk Contact Person and Telephone number~~

~~Example:~~

~~ABC Insurance Company of America  
2005 1<sup>st</sup> Qtr Open/Closed Report Data  
Date: 3/31/2005  
Joe Smith (800) 555-1234~~

~~Mailing Requirements~~

~~The disk(s) should be enclosed in rigid protective packaging that will prevent bending and other destructive exposures that might be experienced in normal mail handling.~~

~~The outer package should be clearly labeled to indicate computer diskettes are enclosed.~~

~~Address submission to:—Illinois Department of Financial and Professional Regulation  
Division of Insurance  
IMPLIUCR data  
320 West Washington, 4<sup>th</sup> Floor  
Springfield IL 62767  
Attn.: Casualty Actuarial Section~~

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

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**Section 928.EXHIBIT E Supplement A to Schedule T Reconciliation Form****SCHEDULE T DATA RECONCILIATION FORM**

<u>Line Number</u>	<u>Line</u>	<u>Loss paid – number of claims</u>	<u>Losses paid – dollar amount</u>
1	<u>Schedule T, Supplement A</u>		
2	<u>Closed claim report totals</u>		
3	<u>Difference (line 1 - line 2)</u>		
<b><u>Adjustments to Schedule T</u></b>			
4	<u>Sch T – payments reported in current year on claims closed in prior years</u>		
5	<u>Sch T – claims not reported in quarterly claims data for other reasons (claim not reportable in this State, etc.; specify in separate explanation)</u>		
6	<u>Correction for other discrepancies (occurrence vs. claims reporting, other accounting issues, etc.; specify in separate explanation)</u>		
7	<u>Adjustments to Schedule T (line 1 - line 4 - line 5 - line 6)</u>		
<b><u>Adjustments to Claims Data</u></b>			
8	<u>Claims not reported on Schedule T for other reasons (reported for another state, etc.; specify in separate explanation)</u>		
9	<u>Other adjustments needed for claims data to reconcile to Schedule T</u>		
10	<u>Adjustments to claims data (line 2 - line 8 - line 9)</u>		
<b><u>Reconciled Amounts</u></b>			
11	<u>Difference in adjusted amounts (line 7 - line 10) - this line should equal 0.</u>		
<u>Explanation for adjustment on line 5:</u>			
<u>Explanation for adjustments on line 6:</u>			

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Explanation for adjustments on line 8:

Explanation for adjustments on line 9:

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Insurance Oversight Data Collection
- 2) Code Citation: 50 Ill. Adm. Code 2907
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2907.10	New
2907.20	New
2907.30	New
2907.40	New
2907.APPENDIX A	New
2907.APPENDIX B	New
- 4) Statutory Authority: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401] and Section 29.2(b) of the Workers Compensation Act [820 ILCS 305/29.2(b)]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to 820 ILCS 305/29.2(b), the Director shall promulgate rules requiring each insurer licensed to write workers' compensation coverage in the State to record and report the information requested in this Section. This proposed rule intends to provide guidance and clarification to companies pertaining to the mandated information being submitted to the Department.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Joe Clennon, Staff Attorney  
Illinois Department of Insurance  
320 West Washington St.  
Springfield, IL 62767-0001

or Susan Anders, Rules Coordinator  
Illinois Department of Insurance  
320 West Washington St.  
Springfield, IL 62767-0001

217/557-1396  
217/524-9033 (facsimile)

217/785-8220

- 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: Reporting of data as specified throughout the Part

C) Types of professional skills necessary for compliance: None

- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

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

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

## TITLE 50: INSURANCE

## CHAPTER I: DEPARTMENT OF INSURANCE

## SUBCHAPTER hh: WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

## PART 2907

## INSURANCE OVERSIGHT DATA COLLECTION

## Section

2907.10	Applicability
2907.20	Purpose and Scope
2907.30	Reporting Requirement
2907.40	Coding Conventions for the Insurance Oversight Workers' Compensation Data Collection
2907.APPENDIX A	Data Element Definitions
2907.APPENDIX B	Sample Table

AUTHORITY: Implementing and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401] and Section 29.2(b) of the Workers' Compensation Act [820 ILCS 305/29.2(b)].

SOURCE: Adopted at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 2907.10 Applicability**

This Part shall apply to each company licensed to write workers' compensation insurance in this State pursuant to Section 4, Class 2(d) of the Illinois Insurance Code [215 ILCS 5/4]. These procedures are applicable to all workers' compensation insurance written by insurers licensed by the State of Illinois. The data filings are not to include premiums received from, or losses paid to, other insurers because of the reinsurance assumed by the reporting insurers; nor shall any deductions be made by the reporting insurers for premiums ceded to, or for losses recovered from, other insurers because of the reinsurance ceded.

**Section 2907.20 Purpose and Scope**

The purpose of this Part is to establish content, form and data reporting requirements for information required to be reported to the Director of the Illinois Department of Insurance (Director) pursuant to Section 29.2(b) of the Workers' Compensation Act (Act) [820 ILCS 305/29.2(b)]. This Part will also establish the medium by which this information shall be transmitted to the Director.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

**Section 2907.30 Reporting Requirement**

- a) **Scope of Procedure**  
Pursuant to Section 29.2 (b) of the Act, the Director shall promulgate rules requiring each insurer licensed to write workers' compensation coverage in the State to record and report information on an aggregate basis to the Department of Insurance (Department) before March 1 of each year, relating to claims in the State opened within the prior calendar year.
- b) Specific data elements to be reported are defined in Appendix A.
- c) In the event that a company files inaccurate or incomplete data or there is some other problem with the data that is filed, a company may need to re-file its data with the Department. When this occurs, either at the request of the Department or upon initiation by the company, the company shall provide the Department with a narrative discussion of the reason for the re-file. This narrative shall be in the form of an email directed to appropriate Department staff.

**Section 2907.40 Coding Conventions for the Insurance Oversight Workers' Compensation Data Collection**

All data described in Section 2907.30 shall be filed annually with the Director by March 1, starting in 2013. The survey period for each data submission shall be the prior calendar year. The data must be submitted to the Department electronically in a Comma Separated Values (.csv) format. A sample table illustrating the format of the data is included in Appendix B. A template for the data submission is available on the Department's website at <http://insurance.illinois.gov/>.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

**Section 2907.APPENDIX A Data Element Definitions**

<b>Field #</b>	<b>Data Field</b>	<b>Data Definition</b>
1	Company NAIC #	Character value 5 digits '00000'
2	Company FEIN	Character value 10 digits '00-0000000'
3	Company Name	Character value any length
4	Company Contact	Character value any length
5	Company Contact email	Character value any length
6	# of claims opened	A formal request for payment related to an event or situation that is covered under an in-force insurance policy received by the insurer during the survey period
7	# of reported medical only claims	The number of claims that are opened during the survey period in which recovery was limited to medical expenses only
8	# of contested claims	The number of claims that are opened during the survey period in which resolution was delayed due to a dispute regarding policy language or litigation was involved
9	# of claims for which the employee has attorney representation	The number of claims that are opened during the survey period in which the insurer has received notice that the insured has retained legal counsel

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

10a	# of claims with lost time	a) The number of claims that are opened during the survey period in which the insured incurred time off of less than 3 working days
10b	and	b) The number of claims that are opened during the survey period in which the insured incurred time off of between 3 and 14 working days
10c	# of claims for which temporary total disability was paid	c) The number of claims that are opened during the survey period in which the insured incurred time off of greater than 14 working days
11	# of claim adjusters employed to adjust workers' compensation claims	The total number of man-hours allocated to adjust workers' compensation claims received by the company during the survey period
12	# of claims for which temporary total disability was not paid within 14 days from the first full day off, regardless of reason	The number of temporary total disability claims that are opened during the survey period in which temporary total disability benefits were not paid within 14 days from the first full day off, regardless of reason
13a	# of medical bills paid 60 days or later from date of service	a) The total number of medical bills paid during the survey period when the time between the date of service and the date paid was greater than 60 days
13b	The average days paid on those paid after 60 days for the previous calendar year	b) The average number of days for all claim payments identified above
14a	# of claims in which in-house defense counsel participated	a) The total number of claims internal defense counsel expenses were paid on, applied to, or associated with during the survey period
14b	Total amount spent on in-house legal services	b) The total amount of all internal defense costs associated with the above claims
15a	# of claims in which outside defense counsel participated	a) The total number of claims external defense counsel expenses were paid on, applied to, or associated with during the survey period

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

15b	Total amount paid to outside defense counsel	b) The total amount of all defense costs associated with the above claims
16a	Total amount billed to employers for bill review	a) The total amount billed to employers for all medical bill review services provided by the insurer during the survey period
16b		b) The total allocated expenses for bill review paid on behalf of employers for all medical bill review services during the survey period
17	Total amount billed to employers for fee schedule savings	The total amount of allocated expenses for all fee schedule review services provided by the insurer during the survey period
18	Total amount charged to employers for any and all managed care fees	The total amount of allocated expenses for all managed care fees provided by the insurer during the survey period
19a	# of claims involving in-house medical nurse case management	a) The total number of claims internal medical nurse management expenses were applied to or associated with during the survey period, regardless of when the claim was opened
19b	The total amount spent on in-house medical nurse case management	b) The total amount of all internal nurse management expenses associated with the above claims
20a	# of claims involving outside medical nurse case management	a) The total number of claims external medical nurse management expenses were applied to or associated with during the survey period, regardless of when the claim was opened
20b	The total amount paid for outside medical nurse case management	b) The total amount of all outside nurse management expenses associated with the above claims
21	Total amount paid for independent medical exams	The total amount paid for all independent medical exams by the insurer during the survey period

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

22	Total amount spent on in-house Utilization Review for the previous calendar year	The total amount of all internal Utilization Review expenses incurred by the insurer during the survey period
23	Total amount paid for outside Utilization Review for the previous calendar year	The total amount of all external Utilization Review expenses incurred by the insurer during the survey period

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

**Section 2907.APPENDIX B Sample Table**

## a) Data File Format

The sample table in subsection (b) provides a list of the required data elements for illustrative purposes only. Do not submit your data in this format. All files must be submitted electronically as specified in Section 2907.40. A template is available for use on the Department's website at <http://insurance.illinois.gov/>.

## b) Sample Table

NAIC #	FEIN	Company Name	Company Contact	Contact email	Claims Opened	Medical Claims	Contested Claims	Client – Attorney
FIELD: 1	FIELD: 2	FIELD: 3	FIELD: 4	FIELD: 5	FIELD: 6	FIELD: 7	FIELD: 8	FIELD: 9

Breakdown of lost time by claim			Adjuster Man-Hours	Claims Paid Time Frame	Medical Payment Time Frame	Internal Defense Council	
FIELD: 10a	FIELD: 10b	FIELD: 10c	FIELD: 11	FIELD: 12	FIELD: 13a	FIELD: 13b	FIELD: 14a FIELD: 14b

External Defense Council		Bill Review Expenses		Fee Schedule Expenses	Managed Care Expenses	Internal Medical Nurse Management	
FIELD: 15a	FIELD: 15b	FIELD: 16a	FIELD: 16b	FIELD: 17	FIELD: 18	FIELD: 19a	FIELD: 19b

External Medical Nurse Management		Medical Exam Expenses	Internal Utilization Review Expenses	External Utilization Review Expenses
FIELD: 20a	FIELD: 20b	FIELD: 21	FIELD: 22	FIELD: 23

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Accounting Principles and Procedures
- 2) Code Citation: 74 Ill. Adm. Code 245
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
245.400	Repeal
245.401	Amend
245.402	Amend
245.403	Repeal
- 4) Statutory Authority: Authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21]. Implementing Section 7 of the State Comptroller Act [15 ILCS 405/7]
- 5) Effective Date of Amendments: June 20, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: A copy of the adopted rules, 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: December 16, 2011; 35 Ill. Reg. 19755
- 10) Has JCAR issued a statement of objection to this rulemaking? No
- 11) Differences between the Proposal and the Final Version: There were no changes made to the proposed version submitted.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes proposed by JCAR and no changes made to the proposed rules.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The adopted amendments update statutory citations and the references to the uniform accounting system to be used by each State agency when reporting or accounting for transactions involving public funds.
- 12) Time, Place, and Manner in which interested persons may comment on this adopted rulemaking:

Alissa J. Camp  
General Counsel  
Office of the Comptroller  
Room 201 Statehouse  
Springfield, IL 62706

217/782-0905  
CampAJ@mail.ioc.state.il.us

The text of the Adopted Amendments begin on the next page.

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE  
CHAPTER II: COMPTROLLERPART 245  
ACCOUNTING PRINCIPLES AND PROCEDURES

## Section

245.400	Statutory Authority ( <u>Repealed</u> )
245.401	<u>Comptroller's Accounting Principles Implementation</u>
245.402	<u>SAMS Manual Publication</u>
245.403	Changes ( <u>Repealed</u> )

AUTHORITY: Implementing Section 7 and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/7 and 21].

SOURCE: Rules of the Comptroller Adopted Pursuant to the State Comptroller Act, effective December 5, 1974; codified at 5 Ill. Reg. 10605; amended at 36 Ill. Reg. 9758, effective June 20, 2012.

**Section 245.400 Statutory Authority (Repealed)**

~~These rules are promulgated to implement the powers of the Comptroller under Section 7 of the State Comptroller Act (Ill. Rev. Stat., 1979, ch. 15, par. 207).~~

(Source: Repealed at 36 Ill. Reg. 9758, effective June 20, 2012)

**Section 245.401 Comptroller's Accounting Principles Implementation**

Each ~~State state~~ agency, as defined in the State Comptroller Act [15 ILCS 405], shall use, implement and comply with the accounting principles and procedures promulgated by the Comptroller when, ~~whenever~~ reporting or accounting for any transaction involving public funds. These accounting principles and procedures shall constitute an integral part of the uniform accounting system prescribed by law.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective June 20, 2012)

**Section 245.402 SAMS Manual Publication**

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

- a) The accounting principles and procedures promulgated by the Comptroller are ~~shall be~~ provided to each State state agency in the form of a Comptroller's Statewide Accounting Management System (SAMS) Manual. ~~Uniform Statewide Accounting System (CUSAS) Manual, prior to the implementation date of the uniform accounting system.~~
- b) Changes may be made in the SAMS Manual in the same manner as changes may be made to the Comptroller's Rules under Section 7 of the State Comptroller Act.

(Source: Amended at 36 Ill. Reg. 9758, effective June 20, 2012)

**Section 245.403 Changes (Repealed)**

~~After the implementation date of the uniform accounting system, changes may be made in the CUSAS Manual in the same manner as changes may be made to the Comptroller's Rules, as prescribed in Section 7 of the State Comptroller Act.~~

(Source: Repealed at 36 Ill. Reg. 9758, effective June 20, 2012)

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Contract Filing Requirements
- 2) Code Citation: 74 Ill. Adm. Code 255
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
255.600	Amend
255.601	Amend
255.602	Amend
255.603	Amend
- 4) Statutory Authority: Implementing Section 21 of the State Comptroller Act [15 ILCS 405/21] and Section 1-30 of the Illinois Procurement Code [30 ILCS 500/1-30].  
Implementing Section 7 of the State Comptroller Act [15 ILCS 405/7] and Section 20-80 of the Illinois Procurement Code [30 ILCS 500/20-80]
- 5) Effective Date of Amendments: June 20, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any 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: December 16, 2011; 35 Ill. Reg. 19759
- 10) Has JCAR issued a statement of objections to this rulemaking? No
- 11) Differences between the Proposal and the Final Version: There were no changes made to the proposed version submitted.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes proposed by JCAR and no changes to the proposed rules were made.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

COMPTROLLER

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of the Rulemaking: The adopted amendments reflect the current authority under which the Comptroller may require the filing of contracts.
- 12) Time, Place, and Manner in which interested persons may comment on this adopted rulemaking:

Alissa J. Camp  
General Counsel  
Office of the Comptroller  
Room 201 Statehouse  
Springfield, IL 62706

217/782-0905  
CampAJ@mail.ioc.state.il.us

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

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

TITLE 74: PUBLIC FINANCE  
CHAPTER II: COMPTROLLERPART 255  
CONTRACT FILING REQUIREMENTS

Section	
255.600	Statutory Authority
255.601	Application
255.602	Filing
255.603	Payment

AUTHORITY: Implementing Sections 7 and 9 of the State Comptroller Act [15 ILCS 405/7 and 9] and Section 20-80 of the Illinois Procurement Code [30 ILCS 500/20-80] and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21] and Section 1-30 of the Illinois Procurement Code [30 ILCS 500/1-30].

SOURCE: Rules of the Comptroller Adopted Pursuant to the State Comptroller Act, effective December 5, 1974; codified at 5 Ill. Reg. 10608; amended at 36 Ill. Reg. 9762, effective June 20, 2012.

**Section 255.600 Statutory Authority**

~~This Part is~~These rules are promulgated to implement the powers of the Comptroller under ~~Sections 7 and 9~~Sections 11 and 15 of the State Comptroller Act [15 ILCS 405] and ~~Section 20-80 of the Illinois Procurement Code [30 ILCS 500]~~(Ill. Rev. Stat., 1979, ch. 15, pars. 211 and 215).

(Source: Amended at 36 Ill. Reg. 9762, effective June 20, 2012)

**Section 255.601 Application**

The filing requirements imposed by Section 20-80 of the Illinois Procurement Code and the Comptroller's Statewide Accounting Management System (SAMS) Manual established in accordance with Section 7 of the State Comptroller Act~~Sections 11 and 15 of the State Comptroller Act and Section 9 of "An Act in relation to state finance" (Ill. Rev. Stat. 1979, ch. 127, par. 137 et seq.)~~ are applicable to all State~~state~~ agencies as defined in the State Comptroller Act, whether or not the State~~state~~ agency participates in transactions involving funds held by the

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENTS

State Treasurer.

(Source: Amended at 36 Ill. Reg. 9762, effective June 20, 2012)

**Section 255.602 Filing**

Any document ~~that~~<sup>which</sup> is required to be filed with the Comptroller under [Section 20-80 of the Illinois Procurement Code and the SAMS Manual Sections 11 and 15 of the State Comptroller Act or Section 9 of "An Act in relation to state finance"](#) will be considered ~~filed~~<sup>filed</sup> when ~~that document is~~ physically received at the Office of the Comptroller.

(Source: Amended at 36 Ill. Reg. 9762, effective June 20, 2012)

**Section 255.603 Payment**

Whenever [Section 20-80 of the Illinois Procurement Code or the SAMS Manual Section 11 or Section 15 of the State Comptroller Act or Section 9 of "An Act in relation to state finance"](#) requires that a contract, lease, or other evidence of liability be filed with the Comptroller, and ~~the~~<sup>such</sup> contract, lease, or other evidence has not been filed, the Comptroller ~~will~~<sup>shall</sup> refuse to issue any warrant for payment ~~under that contract, lease or other evidence of liability~~<sup>thereunder</sup>.

(Source: Amended at 36 Ill. Reg. 9762, effective June 20, 2012)

## COMPTROLLER

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: State Comptroller Minority Contractor Opportunity Initiative
- 2) Code Citation: 74 Ill. Adm. Code 340
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
340.100	New Section
340.200	New Section
340.300	New Section
- 4) Statutory Authority: Implementing Section 23.9 of the State Comptroller Act [15 ILCS 405/23.9] and authorized by the Section 21 of the State Comptroller Act [15 ILCS 405/21]
- 5) Effective Date of Amendments: June 20, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: A copy of the adopted rules, 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: December 16, 2011; 35 Ill. Reg. 19763
- 10) Has JCAR issued a statement of objection to this rulemaking? No
- 11) Differences between the Proposal and the Final Version: There were no changes made to the proposed version submitted.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? There were no changes proposed by JCAR and the Comptroller made no changes to the proposed rules. JCAR has proposed, and the Comptroller agreed, to file amendments to the rules by January 1, 2013.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

## COMPTROLLER

## NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of the Rule: To implement changes made by PA 97-590 that created Section 23.9 of the State Comptroller Act. These rules are intended to clarify the accounting methods to be used by the Comptroller in the implementation of the new Minority Contractor Opportunity Initiative.
- 12) Time, Place, and Manner in which interested persons may comment on this adopted rulemaking:

Alissa J. Camp  
General Counsel  
Office of the Comptroller  
Room 201 Statehouse  
Springfield, IL 62706

217/782-0905  
CampAJ@mail.ioc.state.il.us

The text of the Adopted Rules begins on the next page.

## COMPTROLLER

## NOTICE OF ADOPTED RULES

TITLE 74: PUBLIC FINANCE  
CHAPTER II: COMPTROLLER

## PART 340

## STATE COMPTROLLER MINORITY CONTRACTOR OPPORTUNITY INITIATIVE

## Section

340.100	Definition
340.200	Filing of Contracts; Fees
340.300	Administrative Fee

AUTHORITY: Implementing Section 23.9 and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/23.9 and 21].

SOURCE: Adopted at 36 Ill. Reg. 9766, effective June 20, 2012.

**Section 340.100 Definitions**

"Administrative fee" is the fee the State Comptroller is required to collect from qualifying contracts under Section 23.9 of the State Comptroller Act [15 ILCS 405].

"Code" is the Illinois Procurement Code [30 ILCS 500].

"Qualifying contract" is a contract of \$1,000 or more, filed with the State Comptroller, that was procured according to Section 20-10, 20-15, 20-25 or 20-30 of the Code. Qualifying contracts include, but are not limited to:

competitive sealed bids, sole source procurements, and emergency purchases of supplies and services awarded under Sections 20-10, 20-25 and 20-30 of the Code; and

competitive sealed bids, sole source procurements, and emergency purchases of construction and construction-related professional services awarded under Sections 20-10, 20-25 and 20-30 of the Code.

## COMPTROLLER

## NOTICE OF ADOPTED RULES

"SAMS" is the Statewide Accounting Management System that reflects the Comptroller's Uniform Accounting principles and procedures (see 74 Ill. Adm. Code 245).

"SAMS Procedures" are the procedures contained in the State Comptroller's Statewide Accounting Management System (SAMS) Manual.

"State Comptroller" is the Illinois Office of the Comptroller.

"Vendor" is any bidder or offeror awarded a contract of \$1,000 or more under Section 20-10, 20-15, 20-25 or 20-30 of the Code.

**Section 340.200 Filing of Contracts; Fees**

- a) An administrative fee of \$15 shall be collected from all qualifying contracts required to be filed with the State Comptroller under SAMS Procedure 15.10.40, or as otherwise prescribed by law.
- b) A contract is considered filed when the filing requirements contained in SAMS Procedure 15.10.40 have been met.

**Section 340.300 Administrative Fee**

- a) The State Comptroller shall collect the administrative fee from the first warrant issued under a qualifying contract from which collection is technically and administratively feasible.
- b) If collection is infeasible from any particular warrant, the administrative fee shall subsequently be collected from the first warrant issued under the qualifying contract for which collection is feasible. Circumstances of infeasibility include:
  - 1) temporary limitations on the State Comptroller's operating capability, including, but not limited to, limitations of system designs, maintenance and upgrades; or
  - 2) the amount payable on the warrant, prior to collection of the administrative fee, is less than \$25.

## COMPTROLLER

## NOTICE OF ADOPTED RULES

- c) If any vendor awarded a qualifying contract determines that the collection of the administrative fee from the first or subsequent warrant issued under that qualifying contract will place an undue hardship on the accounting practices of that vendor, the vendor may petition the State Comptroller, in writing, to be billed separately for the \$15 administrative fee.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Procedures for Review of Petitions for Mercury Product Exemptions
- 2) Code Citation: 35 Ill. Adm. Code 182
- 3) Section Number: 182.104                      Adopted Action: Amended
- 4) Statutory Authority: Implementing and authorized by Section 22.23b of the Environmental Protection Act [415 ILCS 5/22.23b] and Section 27 of the Mercury-added Product Prohibition Act [410 ILCS 46/27]
- 5) Effective Date of Amendments: July 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield, Illinois 62794-9276 and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 30, 2011, 35 Ill. Reg. 15507
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking will update the definition of "mercury switch" in Section 182.104. This definition directly quotes the definition of "mercury switch" in the Environmental Protection Act. Public Act 097-0459 amends the

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

statutory definition, effective July 1, 2012. The Illinois EPA now updates the definition of "mercury switch" in its rules to be consistent with the amended statutory definition.

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

Joanne Olson  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19726  
Springfield, Illinois 62794-9276

217-782-55-44

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 182  
PROCEDURES FOR REVIEW OF PETITIONS  
FOR MERCURY PRODUCT EXEMPTIONS

SUBPART A: INTRODUCTION

Section	
182.102	Purpose
182.104	Definitions
182.106	Severability

SUBPART B: PETITIONS FOR EXEMPTIONS

Section	
182.202	Petitions
182.204	Requirements for Petitions
182.206	Preliminary Review of Petitions

SUBPART C: AGENCY DECISION MAKING

Section	
182.302	Public Notice and Comments
182.304	Consultation with Other States
182.306	Criteria for Reviewing Petitions
182.308	Final Agency Action

SUBPART D: RENEWALS OF EXEMPTIONS

Section	
182.402	Petitions for Renewal of Exemptions
182.404	Requirements for Petitions for Renewal
182.406	Preliminary Review, Public Notice and Comments, and Consultation with Other States
182.408	Criteria for Reviewing Petitions for Renewal

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT

182.410 Final Agency Action

**AUTHORITY:** Implementing and authorized by Section 22.23b of the Environmental Protection Act [415 ILCS 5/22.23b] and Section 27 of the Mercury-added Product Prohibition Act [410 ILCS 46/27].

**SOURCE:** Adopted at 30 Ill. Reg. 784, effective January 5, 2006; amended at 32 Ill. Reg. 10908, effective July 1, 2008; amended at 36 Ill. Reg. 9771, effective July 1, 2012.

## SUBPART A: INTRODUCTION

**Section 182.104 Definitions**

Unless otherwise specified, all terms shall have the meanings set forth in the Illinois Environmental Protection Act [415 ILCS 5] or the Mercury-added Product Prohibition Act [410 ILCS 46], as applicable. Additionally, for purposes of this Part, the following definitions apply:

"Agency" means the Illinois Environmental Protection Agency.

"Manufacturer" means any person that:

produces a product subject to the provisions of Section 22.23b of the Environmental Protection Act or Section 27 of the Mercury-added Product Prohibition Act; or

serves as an importer or domestic distributor of a product produced outside of the United States that is subject to the provisions of Section 22.23b of the Environmental Protection Act or Section 27 of the Mercury-added Product Prohibition Act.

In the case of a multi-component product, "manufacturer" means the last manufacturer to produce or assemble the product, unless the product is produced or assembled outside of the United States, in which case, "manufacturer" means the importer or domestic distributor of the product.

*"Mercury-added product" means a product to which mercury is added intentionally during formulation or manufacture, or a product containing one or more components to which mercury is intentionally added during formulation or manufacture. [410 ILCS 46/10]*

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT

*"Mercury relay" means a product or device, containing mercury added during its manufacture, that opens or closes electrical contacts to effect the operation of other devices in the same or another electrical circuit. "Mercury relay" includes, but is not limited to, mercury displacement relays, mercury wetted reed relays, and mercury contact relays. (Section 3.283 of the Environmental Protection Act)*

*"Mercury switch" means a product or device, containing mercury added during its manufacture, that opens or closes an electrical circuit or gas valve, or makes, breaks, or changes the connection in an electrical circuit, including, but not limited to, mercury float switches actuated by rising or falling liquid levels, mercury tilt switches actuated by a change in the switch position, mercury pressure switches actuated by a change in pressure, mercury temperature switches actuated by a change in temperature, and mercury flame sensors. (Section 3.284 of the Environmental Protection Act)*

(Source: Amended at 36 Ill. Reg. 9771, effective July 1, 2012)

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Environmental Laboratory Certification Fee Rules
- 2) Code Citation: 35 Ill. Adm. Code 185
- 3) Section Number: 185.201                      Adopted Action:  
Amended
- 4) Statutory Authority: Implementing and authorized by Section 17.8 of the Environmental Protection Act [415 ILCS 5/17.8]
- 5) Effective Date of Amendments: July 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield, Illinois 62794-9276 and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: December 30, 2011; 35 Ill. Reg. 20983
- 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 changes were made.
- 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: Section 17.8 of the Environmental Protection Act requires the Agency, with the concurrence of the Environmental Laboratory Certification Committee, to determine the assessment schedules for participation in the environmental laboratory certification program. The Agency must base the assessment schedules on the actual and anticipated costs for certification under State and federal programs, and the

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT

associated costs of the Agency and Committee. Section 185.201 of Title 35 of the Illinois Administrative Code codifies the assessment schedule. This amendment updates the amount of the assessments listed in Section 185.201 as determined by the Agency and concurred with by the Committee.

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

Joanne Olson  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19726  
Springfield, Illinois 62794-9276

217-782-55-44

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

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 185  
ENVIRONMENTAL LABORATORY CERTIFICATION FEE RULES

## SUBPART A: GENERAL

Section	Purpose
185.101	Purpose
185.102	Applicability
185.103	Definitions
185.104	Relation to Other Fee Systems and Out-of-State Certification and Reciprocity Agreements
185.105	Severability

SUBPART B: PROCEDURES FOR DETERMINATION  
AND PAYMENT OF ASSESSMENTS

Section	Purpose
185.201	Amount of the Assessments
185.202	Manner of Payment
185.203	Prohibition Against Refund
185.204	Audit and Access to Records

## SUBPART C: PROCEDURES FOR PROCESSING APPLICATIONS

Section	Purpose
185.301	Applications Containing the Entire Assessment
185.302	Applications Not Containing the Entire Assessment

AUTHORITY: Implementing and authorized by Section 17.8 of the Environmental Protection Act [415 ILCS 5/17.8].

SOURCE: Adopted at 20 Ill. Reg. 13359, effective September 24, 1996; amended at 36 Ill. Reg. 9776, effective July 1, 2012.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT

SUBPART B: PROCEDURES FOR DETERMINATION  
AND PAYMENT OF ASSESSMENTS**Section 185.201 Amount of the Assessments**

The Agency, with the concurrence of the Environmental Laboratory Certification Committee, has established the following administrative assessment and certification assessment schedules in accordance with the procedures of Section 17.8(c) and (d-5) of the Act. This schedule shall remain in effect until an alternative schedule is established in accordance with those subsections.

- a) Administrative Assessment Schedule. Each~~Beginning January 1, 1996 and each year thereafter, each~~ laboratory requesting any of the certifications in subsection (b) of this Section shall pay an annual administrative assessment of \$2,400 per year, provided that the administrative assessment shall be \$3,900 if the laboratory was not certified at any time during the 6 months immediately preceding its application for certification~~\$350 at the time the laboratory submits its request for certification, or on the renewal date of certification and on the anniversary date of the initial certification in accordance with the certification assessment of subsection (b).~~
- b) Annual Certification Assessment. In addition to the annual administrative assessment in subsection (a)~~Beginning January 1, 1996 and each year thereafter, each~~ laboratory that requests certification shall pay the annual certification assessment for each certification requested~~at the time the laboratory submits an application and on the anniversary date of the initial certification~~ based upon the following schedule:
- 1) For certification to conduct public water supply analyses:
    - A) ~~\$1,000~~\$350 per year for inorganic parameters; and
    - B) ~~\$1,000~~\$350 per year for organic parameters.
  - 2) For certification to conduct water pollution analyses:
    - A) ~~\$1,000~~700 per year for inorganic parameters; and
    - B) ~~\$1,000~~700 per year for organic parameters.

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENT

3) For certification to conduct analyses of solid or liquid samples for hazardous or other waste parameters:

A) ~~\$1,000,900~~ per year for inorganic parameters; and

B) ~~\$1,000,900~~ per year for organic parameters.

c) The annual administrative assessment and the annual certification assessments shall be paid at the time the laboratory submits its application for certification or for renewal of certification.

(Source: Amended at 36 Ill. Reg. 9776, effective July 1, 2012)

## CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Chief Procurement Officer for General Services Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1
- 3) The Notice of Proposed Amendments being corrected appeared at: 36 Ill. Reg. 9025; June 22, 2012
- 4) The information being corrected is as follows: The Chief Procurement Office inadvertently did not list the pending sections within our answer to Question #10 of the Proposed Rulemaking:

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1.1	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.3	New	36 Ill. Reg. 1820; February 10, 2012
1.5	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.8	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.10	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.15	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.25	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.30	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.525	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.530	New	36 Ill. Reg. 1820; February 10, 2012
1.1005	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.1010	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.1040	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.1050	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.1060	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.1070	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.1075	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.1080	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.1501	Renumbered, Amended	36 Ill. Reg. 1820; February 10, 2012
1.1510	Renumbered, New	36 Ill. Reg. 1820; February 10, 2012
1.1515	New	36 Ill. Reg. 1820; February 10, 2012
1.1525	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.1550	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.1560	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.1570	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.1580	Amendment	36 Ill. Reg. 1820; February 10, 2012

## CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

## NOTICE OF CORRECTION TO NOTICE ONLY

1.1585	New	36 Ill. Reg. 1820; February 10, 2012
1.1590	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.1595	New	36 Ill. Reg. 1820; February 10, 2012
1.2005	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2010	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2012	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2013	New	36 Ill. Reg. 1820; February 10, 2012
1.2015	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2020	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2025	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2030	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2035	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2036	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2037	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2038	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2039	New	36 Ill. Reg. 1820; February 10, 2012
1.2040	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2043	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2044	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2045	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2046	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2047	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2050	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2055	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2060	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2065	New	36 Ill. Reg. 1820; February 10, 2012
1.2080	New	36 Ill. Reg. 1820; February 10, 2012
1.2084	New	36 Ill. Reg. 1820; February 10, 2012
1.2086	New	36 Ill. Reg. 1820; February 10, 2012
1.2560	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2570	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.2575	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.2800	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.3005	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4005	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4010	New	36 Ill. Reg. 1820; February 10, 2012
1.4015	New	36 Ill. Reg. 1820; February 10, 2012
1.4020	New	36 Ill. Reg. 1820; February 10, 2012
1.4025	New	36 Ill. Reg. 1820; February 10, 2012

## CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

## NOTICE OF CORRECTION TO NOTICE ONLY

1.4030	New	36 Ill. Reg. 1820; February 10, 2012
1.4035	New	36 Ill. Reg. 1820; February 10, 2012
1.4040	New	36 Ill. Reg. 1820; February 10, 2012
1.4042	New	36 Ill. Reg. 1820; February 10, 2012
1.4044	New	36 Ill. Reg. 1820; February 10, 2012
1.4505	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4510	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4515	New	36 Ill. Reg. 1820; February 10, 2012
1.4520	New	36 Ill. Reg. 1820; February 10, 2012
1.4525	New	36 Ill. Reg. 1820; February 10, 2012
1.4526	New	36 Ill. Reg. 1820; February 10, 2012
1.4530	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4535	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4540	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4545	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4550	New	36 Ill. Reg. 1820; February 10, 2012
1.4555	New	36 Ill. Reg. 1820; February 10, 2012
1.4557	New	36 Ill. Reg. 1820; February 10, 2012
1.4570	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4575	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.4578	New	36 Ill. Reg. 1820; February 10, 2012
1.4579	New	36 Ill. Reg. 1820; February 10, 2012
1.5002	New	36 Ill. Reg. 1820; February 10, 2012
1.5005	New	36 Ill. Reg. 1820; February 10, 2012
1.5010	New	36 Ill. Reg. 1820; February 10, 2012
1.5011	New	36 Ill. Reg. 1820; February 10, 2012
1.5012	New	36 Ill. Reg. 1820; February 10, 2012
1.5013	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.5014	New	36 Ill. Reg. 1820; February 10, 2012
1.5015	New	36 Ill. Reg. 1820; February 10, 2012
1.5020	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.5021	New	36 Ill. Reg. 1820; February 10, 2012
1.5023	New	36 Ill. Reg. 1820; February 10, 2012
1.5030	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.5035	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.5036	New	36 Ill. Reg. 1820; February 10, 2012
1.5037	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.5038	New	36 Ill. Reg. 1820; February 10, 2012
1.5039	New	36 Ill. Reg. 1820; February 10, 2012

## CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

## NOTICE OF CORRECTION TO NOTICE ONLY

1.5055	New	36 Ill. Reg. 1820; February 10, 2012
1.5060	New	36 Ill. Reg. 1820; February 10, 2012
1.5065	New	36 Ill. Reg. 1820; February 10, 2012
1.5310	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.5400	New	36 Ill. Reg. 1820; February 10, 2012
1.5420	New	36 Ill. Reg. 1820; February 10, 2012
1.5440	New	36 Ill. Reg. 1820; February 10, 2012
1.5460	New	36 Ill. Reg. 1820; February 10, 2012
1.5510	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.5520	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.5530	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.5540	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.5550	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.5560	New	36 Ill. Reg. 1820; February 10, 2012
1.5620	New	36 Ill. Reg. 1820; February 10, 2012
1.5700	New	36 Ill. Reg. 1820; February 10, 2012
1.5710	New	36 Ill. Reg. 1820; February 10, 2012
1.5720	New	36 Ill. Reg. 1820; February 10, 2012
1.5730	New	36 Ill. Reg. 1820; February 10, 2012
1.5740	New	36 Ill. Reg. 1820; February 10, 2012
1.6010	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.6500	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.6510	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.6520	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.6530	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.6535	Repeal	36 Ill. Reg. 1820; February 10, 2012
1.7000	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.7010	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.7015	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.7020	Amendment	36 Ill. Reg. 1820; February 10, 2012
1.7025	Repeal	36 Ill. Reg. 1820; February 10, 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 June 19, 2012 through June 25, 2012 and have been scheduled for review by the Committee at its July 10, 2012 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/19/12	<u>Department of Financial and Professional Regulation</u> , Professional Boxing and Martial Arts Contests (Repealer) (68 Ill. Adm. Code 1371)	3/30/12 36 Ill. Reg. 4571	7/10/12
8/2/12	<u>Attorney General</u> , Illinois Estate and Generation-Skipping Transfer Tax Return (86 Ill. Adm. Code 2000)	3/30/12 36 Ill. Reg. 4462	7/10/12
8/2/12	<u>Department of Children and Family Services</u> , Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)	4/13/12 36 Ill. Reg. 5678	7/10/12
8/2/12	<u>Department of Children and Family Services</u> , Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)	4/13/12 36 Ill. Reg. 5663	7/10/12
8/2/12	<u>Department of Children and Family Services</u> , Licensing Enforcement (89 Ill. Adm. Code 383)	3/9/12 36 Ill. Reg. 3579	7/10/12
8/2/12	<u>Department of Children and Family Services</u> , Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)	11/4/11 35 Ill. Reg. 17491	7/10/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

8/2/12	<u>Department of Children and Family Services,</u> Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)	11/4/11 35 Ill. Reg. 17511	7/10/12
8/2/12	<u>Department of Children and Family Services,</u> Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)	11/4/11 35 Ill. Reg. 17541	7/10/12
8/5/12	<u>Department of Healthcare and Family Services,</u> Covering All Kids Health Insurance Program (89 Ill. Adm. Code 123)	8/26/11 35 Ill. Reg. 14244	7/10/12
8/5/12	<u>Department of Healthcare and Family Services,</u> Medical Assistance Programs (89 Ill. Adm. Code 120)	11/4/11 35 Ill. Reg. 19635	7/10/12
8/5/12	<u>State Board of Education,</u> Private Business and Vocational Schools (Repealer) (23 Ill. Adm. Code 451)	4/6/12 36 Ill. Reg. 5319	7/10/12
8/5/12	<u>State Board of Education,</u> Dismissal of Tenured Teachers under Article 24 and Dismissal of Tenured Teachers and Principals under Article 34 of the School Code (23 Ill. Adm. Code 51)	2/17/12 36 Ill. Reg. 2502	7/10/12
8/5/12	<u>State Board of Education,</u> Special Education (23 Ill. Adm. Code 226)	3/23/12 36 Ill. Reg. 4363	7/10/12
8/5/12	<u>State Board of Education,</u> Certification (23 Ill. Adm. Code 25)	4/6/12 36 Ill. Reg. 5135	7/10/12
85/12	<u>State Board of Education,</u> Secular Textbook Loan (Repealer) (23 Ill. Adm. Code 350)	4/6/12 36 Ill. Reg. 5311	7/10/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

8/5/12	<u>State Board of Education</u> , Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 Ill. Adm. Code 100)	4/6/12 36 Ill. Reg. 5309	7/10/12
8/5/12	<u>State Board of Education</u> , Special Education (23 Ill. Adm. Code 226)	2/10/12 36 Ill. Reg. 2042	7/10/12

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JULY 2012 REGULATORY AGENDA

a) Part: Pay Plan and 80 Ill. Adm. Code 3101) Rulemaking: Proposed and Peremptory AmendmentsA) Description:

Projected amendments to the Department of Central Management Services' Pay Plan include revisions to the following sections:

In Section 310.45, the revision is to clarify the comparison of classifications.

In Section 310.47, the revisions are to in-hiring rates based on bargaining unit agreements or trainee programs.

In Sections 310.50 and 310.500, revisions are to clarify or to add definitions.

In Section 310.270 and if in a public act, the revision is to the Arbitrator rate.

In Section 310.280, the revisions are to designated rates, the addition of new positions assigned designated rates and deletion of positions no longer assigned designated rates.

In Section 310.Appendix A, the revisions are to negotiated rate tables based on bargaining unit agreements that are signed before mid-December 2012.

In Section 310.410, the revisions are to include MS-salary range assignments to newly established classifications or to existing classifications when bargaining unit negotiations are complete.

A new section is added on how to locate pay assignments within the Pay Plan and revisions in other sections include a reference to the new section.

In various sections, the revisions are to include provisions contained within bargaining unit agreements.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JULY 2012 REGULATORY AGENDA

In various sections, the revisions are to classifications established, revised or abolished with the approval of the Civil Service Commission.

In various sections, the revisions are to the format of the Pay Plan to reduce duplicate information and provide easier access to information contained within the Pay Plan.

B) 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 1-5 of the 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].

C) Scheduled meeting/hearing dates:

Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.

D) Date agency anticipates First Notice:

When the budget and budget implementation bills become public acts and if the Office of the Comptroller confirms that the funds appropriated allow the Office of the Comptroller to change the rate of pay for the members of the Workers' Compensation Commission and the effective date, amendments will be filed to assign to the Arbitrator title an annual legislated rate of \$4,000 less than the Workers' Compensation Commission member's rate based on the Workers' Compensation Act [820 ILCS 305/14].

Amendments to Section 310.280, Designated Rate, will be filed as the Governor approves revisions throughout the year.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JULY 2012 REGULATORY AGENDA

Peremptory amendments based on new memoranda of understanding or other bargaining unit agreements will be filed as negotiations are completed.

Peremptory amendments based on new, revised or abolished classifications represented by the bargaining units, and proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units, will be filed as the classification actions are approved by the Civil Service Commission.

Proposed amendments for the other revisions will be filed as the policies are prepared by the CMS Director after consultation with operating agency heads and the Director of the Governor's Office of Management and Budget, and approved by the Governor.

E) Effect on small businesses, small municipalities or not for profit corporations:

These amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.

E) Agency contact person for information:

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

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

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2012 REGULATORY AGENDA

G) Related rulemakings and other pertinent information:

Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

## STATE BOARD OF EDUCATION

## JULY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)

1) Rulemaking:

A) Description: The changes will address P.A. 97-607, effective August 26, 2011, which moves educator certification to a licensure system, as well as other public acts enacted in the most recent legislative session. Changes specific to school report cards (P.A. 97-671, effective January 24, 2012) and home and hospital instruction (P.A. 97-123, effective July 14, 2011) also will be addressed. Requirements for bilingual education, elementary and middle school endorsements will be modified.

B) Statutory Authority: 105 ILCS 5/2-3.6, Art. 21 and Art. 21B

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: August 31, 2012

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

F) Agency contact person for information:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777  
Telephone: (217) 782-5270  
Email: [shelton@isbe.net](mailto:shelton@isbe.net)  
Fax: (217) 524-3911

G) Related rulemakings and other pertinent information:

- b) Part(s) (Heading and Code Citation): Certification (23 Ill. Adm. Code 25)

1) Rulemaking:

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## JULY 2012 REGULATORY AGENDA

- A) Description: The changes will address P.A. 97-607, effective August 26, 2011, which moves educator certification to a licensure system, as well as other public acts enacted in the most recent legislative session. Additionally, qualifications for educational interpreters will be addressed. Sections of the rules dealing with sanctions and penalties against licenses will be modified and clarified. These changes are due in part to P.A. 97-8, June 13, 2011, which authorizes the State Superintendent to consider poor performance evaluations as a factor in suspending or revoking a license or requiring professional development.
- B) Statutory Authority: 105 ILCS 5/Art. 21 and Art. 21B
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: August 31, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777  
Telephone: (217) 782-5270  
Email: [shelton@isbe.net](mailto:shelton@isbe.net)  
Fax: (217) 524-3911

- G) Related rulemakings and other pertinent information:
- c) Part(s) (Heading and Code Citation): Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30)
- 1) Rulemaking:
- A) Description: Part 30 will be modified in response to P.A. 97-607, effective August 26, 2011, to require passage of the content-area test in

## STATE BOARD OF EDUCATION

## JULY 2012 REGULATORY AGENDA

advance of a candidate's starting the internship portion of the program. Other technical changes due to recent legislation also will be made.

- B) Statutory Authority: 105 ILCS 5/21B-60
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: November 30, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777  
Telephone: (217) 782-5270  
Email: [shelton@isbe.net](mailto:shelton@isbe.net)  
Fax: (217) 524-3911

- G) Related rulemakings and other pertinent information:

d) Part(s) (Heading and Code Citation): Incentive Grants for Agricultural Science Teacher Education (23 Ill. Adm. Code 75)

1) Rulemaking:

- A) Description: A technical change will be made to acknowledge that it is the Illinois State Board of Education, rather than an education to employment entity, to which grantees shall send program reports.
- B) Statutory Authority: 105 ILCS 5/2-3.80
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 5, 2012

## STATE BOARD OF EDUCATION

## JULY 2012 REGULATORY AGENDA

E) Effect on small businesses, small municipalities, or not-for-profit corporations:

F) Agency contact person for information:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777  
Telephone: (217) 782-5270  
Email: [shelton@isbe.net](mailto:shelton@isbe.net)  
Fax: (217) 524-3911

G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Calculation of Excess Cost Under Section 18-3 of the School Code (23 Ill. Adm. Code 140)

1) Rulemaking:

A) Description: Several nonsubstantive corrections will be made in the rules.

B) Statutory Authority: 105 ILCS 5/18-3

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: October 5, 2012

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

F) Agency contact person for information:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493

## STATE BOARD OF EDUCATION

## JULY 2012 REGULATORY AGENDA

Springfield, Illinois 62777  
Telephone: (217) 782-5270  
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Fax: (217) 524-3911

- G) Related rulemakings and other pertinent information:
- f) Part(s) (Heading and Code Citation): Special Education (23 Ill. Adm. Code 226)
- 1) Rulemaking:
- A) Description: The position of speech-language paraprofessional will be removed from the list of noncertified personnel eligible for reimbursement under Article 14 of the School Code [105 ILCS 5/Art. 14]. Additionally, clarification will be provided as to the requirements for school districts and special education cooperatives to employ special education directors, assistant directors and supervisors; the qualifications of each position; and the circumstances under which reimbursement for the positions will be made pursuant to Article 14.
- B) Statutory Authority: 105 ILCS 5/Art. 14
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: November 30, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations:
- F) Agency contact person for information:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777  
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## STATE BOARD OF EDUCATION

## JULY 2012 REGULATORY AGENDA

G) Related rulemakings and other pertinent information:g) Part(s) (Heading and Code Citation): Driver Education (23 Ill. Adm. Code 252)1) Rulemaking:

A) Description: Several modifications will be proposed, addressing the length of time considered to be “reasonable” for completing a driver education program, requirements for offering the course during the school day, the availability of the course in each high school of the district, and other changes necessitated by recent legislation.

B) Statutory Authority: 105 ILCS 5/27-24 through 27-24.8

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: November 30, 2012

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

F) Agency contact person for information:

Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777  
Telephone: (217) 782-5270  
Email: [shelton@isbe.net](mailto:shelton@isbe.net)  
Fax: (217) 524-3911

G) Related rulemakings and other pertinent information:h) Part(s) (Heading and Code Citation): Student Records (23 Ill. Adm. Code 375)1) Rulemaking:

## STATE BOARD OF EDUCATION

## JULY 2012 REGULATORY AGENDA

- A) Description: The definition of an academic transcript will be changed to no longer require the inclusion of scores students receive on college entrance examinations.
- B) Statutory Authority: 105 ILCS 5/2-3.13a
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: October 5, 2012
- E) Effect on small businesses, small municipalities, or not-for-profit corporations:
- F) Agency contact person for information:
- Shelley Helton  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield, Illinois 62777  
Telephone: (217) 782-5270  
Email: [shelton@isbe.net](mailto:shelton@isbe.net)  
Fax: (217) 524-3911
- G) Related rulemakings and other pertinent information:

## DEPARTMENT OF TRANSPORTATION

## JULY 2012 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Chief Procurement Officer for the Department of Transportation – Contract Procurement, 44 Ill. Adm. Code 6
- 1) Rulemaking:
- A) Description: This Part will soon be amended to, among other things, allow electronic signatures for electronically submitted bids in accordance with Section 25-101(c) of the Electronic Commerce Security Act [5 ILCS 175/25-101(c)] and 14 Ill. Adm. Code 105.300. Additionally, Section 6.125, Small Business Set-Asides, will be revised for consistency with Section 45-45 of the Code which authorizes the Chief Procurement Officer (CPO) to set aside procurements for small businesses. 49 CFR 26.39 (federal Disadvantage Business Enterprises (DBE) regulations) allows the Department to use a race neutral small business set-aside program. Additionally, Section 6.125(a) will be revised for consistency with US DOT’s guidance document which does not allow the federal-aid small business set-aside program to be limited to Illinois firms. At Section 6.125(b), revisions will be made consistent with section 45-45(b) of the Code which authorizes the CPO to establish a detailed definition of a “small business”. US DOT guidance defines a “small business concern”. In Section 6.125(b), a provision is being added to prescribe that the contract proposal will clarify which definition – “small business” or “small business concern” will govern the contract. Finally, changes will be made to Subpart I: Suspension of Contractors or Subcontractors.
- B) Statutory Authority: 30 ILCS 500 and 5 ILCS 175/25-101(c)
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Summer 2012
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses doing business with or seeking to do business with the Department will be affected.
- F) Agency contact person for information:  
Christine Caronna-Beard, Rules Manager

## DEPARTMENT OF TRANSPORTATION

## JULY 2012 REGULATORY AGENDA

Illinois Department of Transportation  
Office of Chief Counsel, Room 317  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217/524-3838

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Minimum Safety Standards for Construction of Multifunction School Activity Buses; 92 Ill. Adm. Code 435 and Inspection Procedures for Multifunction School Activity Buses, 92 Ill. Adm. Code 436

1) Rulemaking:

A) Description: The Department will amend these two Parts to correct errors made when the Parts were originally adopted. For example, the Department is adding private schools to the applicability of these Parts. School vehicles owned and operated by private schools are regulated the same as vehicles owned and operated by public schools. Private schools were inadvertently omitted from the last rulemaking. Additionally, references to the crossing control arm being wired to and operating in conjunction with the stop signal arm panel are being replaced with language that connects the wiring and operation of the crossing control arm with the opening and closing of the service entrance door. MFSABs are prohibited from being equipped with a stop signal arm panel; therefore, the crossing control arm on an MFSAB should be wired to and operated in conjunction with the service entrance door.

B) Statutory Authority: Implementing Article VIII of Chapter 12 of the Illinois Vehicle Code [625 ILCS 5/Ch.12, Art. VIII] and the Illinois Vehicle Inspection Law [625 ILCS 5/Ch. 13] and Section 14-3(m) of the Criminal Code of 1961 [720 ILCS 5/14-3(m) and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-812]

C) Scheduled meeting/hearing date: None scheduled

## DEPARTMENT OF TRANSPORTATION

## JULY 2012 REGULATORY AGENDA

- D) Date agency anticipates First Notice: Summer 2012
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking affects school districts or small businesses that own, operate, manufacture or sell multifunction school activity buses registered for use in Illinois.
- F) Agency contact person for information:  
Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 317  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217/524-3838
- G) Related rulemakings and other pertinent information: None

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
JULY AGENDA

## SCHEDULED MEETING:

MICHAEL A. BILANDIC BUILDING  
ROOM 600C  
CHICAGO, ILLINOIS  
JULY 10, 2012  
11:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

**RULEMAKINGS CURRENTLY BEFORE JCAR**

NOTICE: *It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706  
Email: [jcar@ilga.gov](mailto:jcar@ilga.gov)  
Phone: 217/785-2254*

**PROPOSED RULEMAKINGS**Agriculture

1. Livestock Auction Markets (8 Ill. Adm. Code 40)
  - First Notice Published: 36 Ill. Reg. 5888 – 4/20/12
  - Expiration of Second Notice: 8/9/12
2. Bovine Brucellosis (8 Ill. Adm. Code 75)
  - First Notice Published: 36 Ill. Reg. 05894 – 4/20/12
  - Expiration of Second Notice: 8/9/12

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
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3. Swine Brucellosis (8 Ill. Adm. Code 100)
  - First Notice Published: 36 Ill. Reg. 05904 – 4/20/12
  - Expiration of Second Notice: 8/2/12
4. Swine Disease Control and Eradication Act (8 Ill. Adm. Code 105)
  - First Notice Published: 36 Ill. Reg. 05907 – 4/20/12
  - Expiration of Second Notice: 8/9/12
5. Animal Disease Laboratories Act (8 Ill. Adm. Code 110)
  - First Notice Published: 36 Ill. Reg. 05924 – 4/20/12
  - Expiration of Second Notice: 8/9/12

Attorney General

6. Illinois Estate and Generation-Skipping Transfer Tax Return (86 Ill. Adm. Code 2000)
  - First Notice Published: 36 Ill. Reg. 4462 – 3/30/12
  - Expiration of Second Notice: 8/2/12

Board of Higher Education

7. Private Business and Vocational Schools (23 Ill. Adm. Code 1095)
  - First Notice Published: 36 Ill. Reg. 6077 – 4/27/12
  - Expiration of Second Notice: 7/25/12

Central Management Services

8. Extensions of Jurisdiction (80 Ill. Adm. Code 305)
  - First Notice Published: 36 Ill. Reg. 5652 – 4/13/12
  - Expiration of Second Notice: 7/12/12

Children and Family Services

9. Licensing Enforcement (89 Ill. Adm. Code 383)
  - First Notice Published: 36 Ill. Reg. 3579 – 3/9/12
  - Expiration of Second Notice: 8/2/12
10. Licensing Standards for Group Homes (89 Ill. Adm. Code 403)
  - First Notice Published: 35 Ill. Reg. 15502 – 9/30/11
  - Expiration of Second Notice: 7/19/12

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
JULY AGENDA

11. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)
  - First Notice Published: 35 Ill. Reg. 17491 – 11/4/11
  - Expiration of Second Notice: 8/2/12
12. Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)
  - First Notice Published: 35 Ill. Reg. 17511 – 11/4/11
  - Expiration of Second Notice: 8/2/12
13. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)
  - First Notice Published: 35 Ill. Reg. 17541 – 11/4/11
  - Expiration of Second Notice: 8/2/12
14. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)
  - First Notice Published: 36 Ill. Reg. 5663 – 4/13/12
  - Expiration of Second Notice: 8/2/12
15. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)
  - First Notice Published: 36 Ill. Reg. 5678 – 4/13/12
  - Expiration of Second Notice: 8/2/12

Commerce Commission

16. Standards of Service for Local Exchange Telecommunications Carriers (83 Ill. Adm. Code 730)
  - First Notice Published: 35 Ill. Reg. 15695 – 10/7/11
  - Expiration of Second Notice: 8/4/12
17. Standards of Service and Customer Credits For Electing Providers (83 Ill. Adm. Code 737)
  - First Notice Published: 35 Ill. Reg. 15727 – 10/7/11
  - Expiration of Second Notice: 8/10/12

Education

18. Certification (23 Ill. Adm. Code 25)
  - First Notice Published: 36 Ill. Reg. 5135 – 4/6/12
  - Expiration of Second Notice: 8/5/12
19. Dismissal of Tenured Teachers under Article 24 and Dismissal of Tenured Teachers and Principals under Article 34 of the School Code (23 Ill. Adm. Code 51)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
JULY AGENDA

- First Notice Published: 36 Ill. Reg. 2502 – 2/17/12
- Expiration of Second Notice: 8/5/12

20. Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 Ill. Adm. Code 100)
  - First Notice Published: 36 Ill. Reg. 5309 – 4/6/12
  - Expiration of Second Notice: 8/5/12
21. Special Education (23 Ill. Adm. Code 226)
  - First Notice Published: 36 Ill. Reg. 2042 – 2/10/12
  - Expiration of Second Notice: 8/5/12
22. Special Education (23 Ill. Adm. Code 226)
  - First Notice Published: 36 Ill. Reg. 4363 – 3/23/12
  - Expiration of Second Notice: 8/5/12
23. Secular Textbook Loan (Repealer) (23 Ill. Adm. Code 350)
  - First Notice Published: 36 Ill. Reg. 5311 – 4/6/12
  - Expiration of Second Notice: 8/5/12
24. Private Business and Vocational Schools (Repealer) (23 Ill. Adm. Code 451)
  - First Notice Published: 36 Ill. Reg. 5319 – 4/6/12
  - Expiration of Second Notice: 8/5/12

Employment Security

25. Recovery of Benefits (56 Ill. Adm. Code 2835)
  - First Notice Published: 36 Ill. Reg. 5072 – 4/6/12
  - Expiration of Second Notice: 7/25/12

Financial and Professional Regulation

26. Boxing and Full-contact Martial Arts Act (68 Ill. Adm. Code 1370)
  - First Notice Published: 36 Ill. Reg. 4467 – 3/30/12
  - Expiration of Second Notice: 7/19/12
27. Professional Boxing and Martial Arts Contests (Repealer) (68 Ill. Adm. Code 1371)
  - First Notice Published: 36 Ill. Reg. 4571 – 3/30/12
  - Expiration of Second Notice: 7/19/12

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
JULY AGENDA

Gaming Board

28. Video Gaming (General) (11 Ill. Adm. Code 1800)  
-First Notice Published: 36 Ill. Reg. 5935 – 4/20/12  
-Expiration of Second Notice: 8/1/12
29. Video Gaming (General) (11 Ill. Adm. Code 1800)  
-First Notice Published: 36 Ill. Reg. 6197 – 4/27/12  
-Expiration of Second Notice: 8/1/12
30. Riverboat Gambling (86 Ill. Adm. Code 3000)  
-First Notice Published: 36 Ill. Reg. 5694 – 4/13/12  
-Expiration of Second Notice: 8/1/12

Healthcare and Family Services

31. Medical Assistance Programs (89 Ill. Adm. Code 120)  
-First Notice Published: 35 Ill. Reg. 19635 – 12/9/11  
-Expiration of Second Notice: 8/5/12
32. Covering All Kids Health Insurance Program (89 Ill. Adm. Code 123)  
-First Notice Published: 35 Ill. Reg. 14244 – 8/26/11  
-Expiration of Second Notice: 8/5/12

Human Services

33. Referral for VR Services (89 Ill. Adm. Code 552)  
-First Notice Published: 36 Ill. Reg. 5074 – 4/6/12  
-Expiration of Second Notice: 8/10/12

Law Enforcement Training and Standards Board

34. Intern Training Program (20 Ill. Adm. Code 1725)  
-First Notice Published: 36 Ill. Reg. 5077 – 4/6/12  
-Expiration of Second Notice: 7/19/12

Natural Resources

35. White-Tailed Deer Hunting By Use of Firearms (17 Ill. Adm. Code 650)

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
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- First Notice Published: 36 Ill. Reg. 4283 – 3/23/12
- Expiration of Second Notice: 7/19/12

36. White-Tailed Deer Hunting By Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)
  - First Notice Published: 36 Ill. Reg. 4300 – 3/23/12
  - Expiration of Second Notice: 7/19/12
37. White-Tailed Deer Hunting By Use of Bow and Arrow (17 Ill. Adm. Code 670)
  - First Notice Published: 36 Ill. Reg. 4314 – 3/23/12
  - Expiration of Second Notice: 7/19/12
38. White-Tailed Deer Hunting By Use of Bow and Arrow (17 Ill. Adm. Code 670)
  - First Notice Published: 36 Ill. Reg. 4682 – 3/30/12
  - Expiration of Second Notice: 7/19/12

Pollution Control Board

39. Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)
  - First Notice Published: 36 Ill. Reg. 5095 – 4/6/12
  - Expiration of Second Notice: 7/22/12
40. Clean Construction or Demolition Debris Fill Operations (35 Ill. Adm. Code 1100)
  - First Notice Published: 36 Ill. Reg. 2801 – 2/24/12
  - Expiration of Second Notice: 7/22/12

Public Health

41. Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)
  - First Notice Published: 36 Ill. Reg. 1442 – 2/3/12
  - Expiration of Second Notice: 7/18/12

Racing Board

42. Claiming Races (11 Ill. Adm. Code 510)
  - First Notice Published: 36 Ill. Reg. 5950– 4/20/12
  - Expiration of Second Notice: 7/22/12
43. Medication (11 Ill. Adm. Code 603)
  - First Notice Published: 36 Ill. Reg. 5954– 4/20/12
  - Expiration of Second Notice: 7/21/12

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
JULY AGENDA

44. Weights, Penalties, and Allowances; Scale of Weights for Age (11 Ill. Adm. Code 1412)  
-First Notice Published: 36 Ill. Reg. 5956– 4/20/12  
-Expiration of Second Notice: 7/21/12
45. Regulations for Meetings (Thoroughbred) (11 Ill. Adm. Code 1424)  
-First Notice Published: 36 Ill. Reg. 5961– 4/20/12  
-Expiration of Second Notice: 7/21/12

Secretary of State

46. The Illinois State Lottery Talking Book and Braille Service (TBBS) (Repealer) (23 Ill. Adm. Code 3025)  
-First Notice Published: 36 Ill. Reg. 5761 – 4/13/12  
-Expiration of Second Notice: 7/18/12
47. The Illinois Library System Act (23 Ill. Adm. Code 3030)  
-First Notice Published: 36 Ill. Reg. 4688 – 3/30/12  
-Expiration of Second Notice: 7/18/12
48. Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)  
-First Notice Published: 36 Ill. Reg. 5770 – 4/13/12  
-Expiration of Second Notice: 7/18/12

Student Assistance Commission

49. Illinois Future Teacher Corps (IFTC) Program (23 Ill. Adm. Code 2764)  
-First Notice Published: 36 Ill. Reg. 6509 – 4/27/12  
-Expiration of Second Notice: 8/10/12

Treasurer

50. Uniform Disposition of Unclaimed Property Act (74 Ill. Adm. Code 760)  
-First Notice Published: 36 Ill. Reg. 6008 – 4/20/12  
-Expiration of Second Notice: 7/26/12

Transportation

51. Motor Carrier Safety Regulations: General (92 Ill. Adm. Code 390)  
-First Notice Published: 36 Ill. Reg. 5971– 4/20/12

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
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-Expiration of Second Notice: 7/20/12

52. Qualification of Drivers (92 Ill. Adm. Code 391)  
-First Notice Published: 36 Ill. Reg. 5996– 4/20/12  
-Expiration of Second Notice: 7/20/12
53. Driving of Commercial Motor Vehicles (92 Ill. Adm. Code 392)  
-First Notice Published: 36 Ill. Reg. 6003– 4/20/12  
-Expiration of Second Notice: 7/20/12
54. Oversize and Overweight Permit Movements on State Highways (92 Ill. Adm. Code 554)  
-First Notice Published: 36 Ill. Reg. 5378– 4/6/12  
-Expiration of Second Notice: 7/19/12

Veterans' Affairs

55. Payment of Maintenance Charges and Income Management at the Illinois Veterans Homes (95 Ill. Adm. Code 108)  
-First Notice Published: 36 Ill. Reg. 5450 – 4/6/12  
-Expiration of Second Notice: 7/19/12

**EMERGENCY RULEMAKING**

Labor

56. Carnival and Amusement Ride Safety Act (56 Ill. Adm. Code 6000)  
-Notice Published: 36 Ill. Reg. 8979 – 6/15/12

**EXEMPT RULEMAKINGS**

Pollution Control Board

57. Hazardous Waste Management System: General (35 Ill. Adm. Code 720)  
-Proposed Date: 36 Ill. Reg. 1219 – 2/3/12  
-Adopted Date: 6/15/12
58. Standards Applicable to Generators of Hazardous Waste (35 Ill. Adm. Code 722)  
-Proposed Date: 36 Ill. Reg. 1252 – 2/3/12  
-Adopted Date: 6/15/12

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
JULY AGENDA

59. Land Disposal Restrictions (35 Ill. Adm. Code 728)  
-Proposed Date: 36 Ill. Reg. 1269 – 2/3/12  
-Adopted Date: 6/15/12

**INTERNAL RULEMAKING**

Agriculture

60. Organizational Chart, Description, Rulemaking Procedures, and Programs (8 Ill. Adm. Code 700)  
-Notice Published: 36 Ill. Reg. 9062 – 6/22/12

**PEREMPTORY RULEMAKING**

Agriculture

61. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)  
-Notice Published: 36 Ill. Reg. 9264 – 6/22/12

**AGENCY RESPONSES**

Central Management Services

62. Merit and Fitness (80 Ill. Adm. Code 302)  
-Proposed Published: 36 Ill. Reg. 3990 – 3/16/11  
-Objection & Prohibition Date: 6/13/12  
-Agency Response: Agreement

Environmental Protection Agency

63. Environmental Laboratory Certification Fee Rules (35 Ill. Adm. Code 185)  
-Proposed Published: 35 Ill. Reg. 20983 – 12/30/11  
-Recommendation Date: 4/17/12  
-Agency Response: Agreement

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
JULY AGENDA

Public Health

64. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)  
-Proposed Published: 35 Ill. Reg. 9927 – 6/24/11  
-Objection & Prohibition Date: 3/6/12  
-Agency Response: Agreement

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

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