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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013
21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013

24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

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 1st through **Monday, July 1st, 2013.**

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 175
- 3) Section Numbers: 175.640 Proposed Action: Amendment
- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- 5) Complete Description of Subjects and Issues Involved: This rulemaking requires the UST owner and operator to substitute a local alarm for fuel shutoff or flow restriction upon the detection of a release at USTs supplying emergency power generators. See the accompanying Notice of Emergency Amendment that appears in this issue of the *Illinois Register*.
- 6) Published Studies or Reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking could have a minimal impact on those small businesses, not for profit entities, and small municipalities that own and operate USTs serving emergency power generators and end up having to retrofit a release detection component in response to these amendments.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may submit comments no later than 45 days after the publication of this Notice to:

Fred Schneller, Manager
Division of Petroleum and Chemical Safety

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

217/557-3131
Facsimile: 217/524-9284

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment requires that all existing and new USTs serving emergency power generators substitute a local alarm for fuel shutoff or flow restriction in the event of a release. Therefore, this rulemaking could have a minimal impact on those small businesses, not for profit entities and small municipalities that own and operate USTs serving emergency power generators and end up having to retrofit a release detection component in response to these amendments.
 - B) Reporting, bookkeeping or other procedures required for compliance: UST installations and upgrades have various reporting and permitting requirements as described in Parts 174, 175 and 176 [41 Ill. Adm. Code 174, 175 and 176]. Typically, the contractor obtains the permit on behalf of the owner/operator and maintenance records are kept by the owner/operator at the facility.
 - C) Types of Professional skills necessary for compliance: Must ensure that all persons installing and doing work on USTs have been trained appropriately and licensed by OSFM.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because it was not anticipated.

The full text of this Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 5195:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1010.458	Amendment
1010.465	Amendment
- 4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)]
- 5) Complete Description of the Subjects and Issues Involved: The proposed rule decreases the number of requests for license plates required to participate in the Collegiate License Plates program, but requires that the requests be accompanied by the appropriate fee for the plates. It also updates requirements for any organization seeking to change the design of its license plate.
- 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>
1010.240	Amendment	37 Ill. Reg. 4213; April 5, 2013
1010.540	Amendment	37 Ill. Reg. 4213; April 5, 2013
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, www.sos.state.il.us/departments/index/home as part of the *Illinois Register*.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to:

Nathan Maddox
Office of the Secretary of State
Senior Legal Advisor
298 Howlett Building
Springfield, IL 62756
or
nmaddox@ilsos.net

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any college or university that currently participates or wishes to participate in the Collegiate License Plates program.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section	
1010.10	Owner – Application of Term
1010.20	Secretary and Department

SUBPART B: TITLES

Section	
1010.110	Salvage Certificate – Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120	Salvage Certificate – Assignments and Reassignments
1010.130	Exclusiveness of Lien on Certificate of Title
1010.140	Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150	Transferring Certificates of Title Upon the Owner's Death
1010.160	Repossession of Vehicles by Lienholders and Creditors
1010.170	Junking Notification
1010.180	Specially Constructed Vehicles – Defined
1010.185	Specially Constructed Vehicles – Required Documentation for Title and Registration
1010.190	Issuance of Title and Registration Without Standard Ownership Documents – Bond
1010.195	Procedures and Disclosures for Vehicles Previously Titled in Areas Flooded as a Result of a Natural Disaster

SUBPART C: REGISTRATION

Section	
1010.200	Homemade Trailers – Title and Registration
1010.210	Application for Registration
1010.220	Vehicles Subject to Registration – Exceptions

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NOTICE OF PROPOSED AMENDMENTS

- 1010.230 Refusing Registration or Certificate of Title
- 1010.240 Registration Plates To Be Furnished by the Secretary of State
- 1010.245 Electronic Registration and Titling (ERT) Program Provisions
- 1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND
CANCELLATION OF REGISTRATION

Section

- 1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
- 1010.310 Improper Use of Evidences of Registration
- 1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
- 1010.330 Operation of Vehicle Without Proper Illinois Registration
- 1010.350 Suspension or Revocation
- 1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section

- 1010.410 Temporary Registration – Individual Transactions
- 1010.420 Temporary Permit Pending Registration In Illinois
- 1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
- 1010.425 Non-Resident Drive-Away Permits
- 1010.426 Seven Day Permits
- 1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
- 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
- 1010.450 Special Plates
- 1010.451 Purple Heart License Plates
- 1010.452 Special Event License Plates
- 1010.453 Retired Armed Forces License Plates
- 1010.454 Gold Star License Plates
- 1010.455 Collectible License Plates
- 1010.456 Sample License Plates For Motion Picture and Television Studios
- 1010.457 Korean War Veteran License Plates
- 1010.458 Collegiate License Plates

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NOTICE OF PROPOSED AMENDMENTS

- 1010.460 Special Plates for Members of the United States Armed Forces Reserves
- 1010.465 Requests for General Issuance Specialty License Plates
- 1010.470 Dealer Plate Records
- 1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section

- 1010.510 Determination of Registration Fees
- 1010.520 When Fees Returnable
- 1010.530 Circuit Breaker Registration Discount
- 1010.540 Fees
- 1010.550 Determining Age of Vehicle

SUBPART G: MISCELLANEOUS

Section

- 1010.610 Unlawful Acts, Fines and Penalties
- 1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section

- 1010.705 Reciprocity
- 1010.710 Vehicle Proration
- 1010.715 Proration Fees
- 1010.720 Vehicle Apportionment
- 1010.725 Trip Leasing
- 1010.730 Intrastate Movements, Foreign Vehicles
- 1010.735 Interline Movements
- 1010.740 Trip and Short-term Permits
- 1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
- 1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
- 1010.755 Mileage Tax Plates
- 1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
- 1010.760 Transfer for "For-Hire" Loads
- 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
- 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
- 1010.775 Certificate of Safety

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NOTICE OF PROPOSED AMENDMENTS

1010.APPENDIX A	Uniform Vehicle Registration Proration and Reciprocity Agreement
1010.APPENDIX B	International Registration Plan
1010.APPENDIX C	Affirmation Supporting Salvage Certificate
1010.APPENDIX D	Specialty License Plates Request Form

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. 22059, effective January 1, 1999; amended at 25 Ill. Reg. 7731, effective June 6, 2001; emergency amendment at 25 Ill. Reg. 14201, effective October 22, 2001, for a maximum of 150 days; emergency expired March 20, 2002; amended at 26 Ill. Reg. 14282, effective September 16, 2002; amended at 27 Ill. Reg. 4790, effective February 27, 2003; amended at 29 Ill. Reg. 8915, effective June 10, 2005; amended at 31 Ill. Reg. 2668, effective January 29, 2007; amended at 32 Ill. Reg. 17253, effective October 15, 2008; amended at 32 Ill. Reg. 17590, effective October 16, 2008; amended

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NOTICE OF PROPOSED AMENDMENTS

at 34 Ill. Reg. 3673, effective March 5, 2010; amended at 34 Ill. Reg. 10202, effective June 29, 2010; amended at 35 Ill. Reg. 1652, effective January 13, 2011; amended at 35 Ill. Reg. 8240, effective May 16, 2011; amended at 36 Ill. Reg. 7674, effective May 2, 2012; amended at 36 Ill. Reg. 14745, effective September 24, 2012; amended at 36 Ill. Reg. 17094, effective November 20, 2012; emergency amendment at 36 Ill. Reg. 17580, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4340, effective March 22, 2013; amended at 37 Ill. Reg. _____, effective _____.

SUBPART E: SPECIAL PERMITS AND PLATES

Section 1010.458 Collegiate License Plates

- a) For purposes of this Section, the following definitions shall apply:

"College" or "University" – any accredited not-for-profit institution of higher learning, public or private, located in the State of Illinois, as specified in Section 10 of the Illinois Higher Education Student Assistance Act [110 ILCS 947/10].

"First Division vehicles" – motor vehicles which are designed for carrying of not more than ten (10) persons as defined in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146].

"Second Division vehicles" – motor vehicles which are designed for carrying more than ten (10) persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo, or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division as defined in Section 1-146 of the Illinois Vehicle Code [625 ILCS 5/1-146].

"State College and University Trust Fund" – a special fund created in the State Treasury. Monies collected are to be distributed to each public university or college in proportion to the number of plates sold in regard to that university or college. These monies are to be distributed to the college or university for the sole purpose of scholarship grant awards.

"University Grant Fund" – a special fund created in the State Treasury. Monies collected are to be appropriated to the Illinois Student Assistance Commission for grant awards.

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NOTICE OF PROPOSED AMENDMENTS

- b) Any college or university wishing to participate in the Collegiate license plate program shall submit a written request to the Secretary of State. The request must originate from the Chief Executive of that institution.
- c) The college or university must provide guarantee a minimum order quantity of 1500 requests for the ~~1700 sets of~~ license plates. All requests must be accompanied by the additional fee associated with the collegiate license plate.
- d) Plate design shall consist of a background color (white) with a limit or two (2) additional colors for depicting the school logo. All plate designs must be approved by the Secretary of State.
- 1) Any school's logo having a copyright attached must submit written permission from the copyright holder prior to final approval of the plate design.
 - 2) Upon final approval of the plate design, the Secretary of State shall have a minimum of 180 days to prepare and begin issuance of that college or university license plate.
- e) Any resident of the State of Illinois may purchase Collegiate license plates in accordance with Section 3-629 of the Illinois Vehicle Code [625 ILCS 5/3-629]. These special registration plates shall only be issued for first division vehicles and second division vehicles weighing eight thousand (8,000) pounds or less.
- f) An applicant wishing to obtain Collegiate plates shall complete an application as prescribed by the Secretary. In accordance with Section 3-629 of the Illinois Vehicle Code [625 ILCS 5/3-629], applicants shall also submit an original issuance fee of \$40 plus the statutory annual registration fee as specified in Section 3-806 of the Illinois Vehicle Code [625 ILCS 5/3-806]. An additional \$27 fee is applicable at each renewal.
- g) Of the \$40 fee, \$25 is deposited into the State College and University Trust Fund or the University Grant Fund whichever is appropriate, \$15 is deposited into the Secretary of State Special License Plate Fund as outlined in Section 2-119(1) of the Illinois Vehicle Code [625 ILCS 5/2-119(1)].
- h) In order to obtain Collegiate license plates:

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- 1) if the present Illinois plates expire within sixty (60) days, upon receipt of the preprinted renewal application, the applicant shall submit the renewal application, the original issuance fee of \$40 as cited in subsection (f) of this Section, and the registration fee as specified in Section 3-806 of the Illinois Vehicle Code [625 ILCS 5/3-806].
 - 2) if the present plates do not expire within sixty (60) days, the applicant shall submit the appropriate completed application with a copy of his/her current registration identification card. The applicant shall also pay a reclassification fee as provided in Section 5/3-802 of the Illinois Vehicle Code [625 ILCS 5/3-802] plus the additional \$40 fee as provided in subsection (f) of this Section.
- i) Applications are available from, and should be submitted to:
- Office of the Secretary of State
Non-Standard Plates Section
Michael J. Howlett Building
Springfield, IL 62756

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1010.465 Requests for General Issuance Specialty License Plates

- a) For purposes of this Section, the following definition shall apply:
- "General Issuance Specialty Plate" means registration plates that have been authorized by Illinois statute with the primary goal of raising funds for a specific organization or organizations. These plates are available to the general public and not awarded based on any specific qualifying criteria.
- b) The Secretary will begin production of a new general issuance license specialty plate category only after receiving 1,500 requests for that particular plate. If 1,500 requests are not received within 2 years after the effective date of the authorizing legislation, the license plate category will no longer be considered for production.
- c) All requests will be on a form designated by the Secretary and will be accompanied by the fundraising organization's portion of the additional fee

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

associated with that plate. All fees collected under this Section are non-refundable and will be deposited in the special fund as designated in the enabling legislation, regardless of whether the plate is produced. The form can be found in Appendix D and at the Secretary of State website, specifically http://www.cyberdriveillinois.com/publications/pdf_publications/vsd702.pdf.

- d) The design and color of the plates is wholly within the discretion of the Secretary, except the Illinois State Police, the Secretary of State Police and either the Illinois Sheriff's Association or the Illinois Association of Chiefs of Police must approve the design.
- e) Any fundraising organization seeking to change the design of the plate must meet the following requirements:
- 1) The organization's plate must have been produced and available to the general public for no less than 10 years; and
 - 2) The organization must agree to reimburse the Secretary for the following costs:
 - A) \$12 replating cost for each vehicle currently displaying the organization's license plate;
 - B) the contracted price paid by the Secretary for any unissued license plates; and
 - C) the contracted price paid by the Secretary for any unused license plate sheeting.
- f) Any license plate that is redesigned under the provisions of subsection (e) must meet the requirement set forth in subsection (d) prior to issuance by the Secretary.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Administrative Wage Garnishment
- 2) Code Citation: 23 Ill. Adm. Code 2722
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2722.10	New Section
2722.15	New Section
2722.20	New Section
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947/80(1-5)]
- 5) Effective Date of Rules: April 15, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 12, 2012; 36 Ill. Reg. 14978
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposed and final version: In subsection (f) of Section 2722.20 the proposed text "An employer who receives an AWG order must comply with the terms of the AWG order as set out in this Part" was deleted and the adopted text "The employer must withhold from the borrower's compensation the amount of withholding established in the order and remit that amount to ISAC not less than once a month and within 30 days after the deduction" was added.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rulemaking: This rulemaking establishes procedures for implementing amendments to 110 ILCS 947/80. The amended statute allows ISAC to issue administrative wage garnishment orders (AWG orders) to collect funds owed to the State as a result of a borrower's default on loans owned, held or issued by ISAC. Before ISAC may issue an AWG order, ISAC must by law provide a borrower notice of the demand and an opportunity to request a hearing concerning the amount or existence of the loan. A borrower may also object to the garnishment as imposing an extreme financial hardship on the borrower. In addition to having the opportunity to request a hearing, a borrower may also enter into a repayment agreement with ISAC to avoid issuance of the AWG order.
- 16) Information and questions regarding these Adopted Rules shall be directed to:

Lynn Hynes
Agency Rules Coordinator
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

847/948-8500, ext. 2305
Email: lynn.hynes@isac.illinois.gov

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2722
ADMINISTRATIVE WAGE GARNISHMENT

Section

2722.10	Summary and Purpose
2722.15	Definitions
2722.20	Administrative Wage Garnishment Procedures

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947/80(1-5)].

SOURCE: Adopted at 37 Ill. Reg. 5144, effective April 15, 2013.

Section 2722.10 Summary and Purpose

This Part establishes the rules that govern ISAC's administrative wage garnishment procedures, as permitted by the Illinois Higher Education Student Assistance Act.

Section 2722.15 Definitions

For purposes of this Section, the following terms have the meanings ascribed in this Section:

"Act" means the Higher Education Student Assistance Act [110 ILCS 947].

"AWG Order" – An administrative wage garnishment order issued by ISAC to a borrower's employer or employers to withhold the borrower's compensation and remit the withheld compensation to ISAC pursuant to Section 80(1-5) of the Act.

"Borrower" – Includes all original borrowers, cosigners, endorsers or co-makers on a loan or loans.

"Compensation" – Any salary, wages, commissions and bonuses due to the borrower.

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"Date of First Delinquency" – The day following the borrower's first failure to make a scheduled monthly payment in accordance with the terms of the promissory note governing a loan or loans to which this Section applies.

"Default" – The status of a borrower's loans as a result of the borrower's failure to make a total of three cumulative, regularly-scheduled payments after the date of first delinquency.

"Loan" or "Loans" – All loans owned, serviced or held by ISAC unless otherwise excluded. This Part shall not apply to any loans owned, serviced or held as a result of ISAC's participation in programs administered by the U.S. Department of Education under Title IV of the Higher Education Act of 1965, as amended (20 USC 1070).

Section 2722.20 Administrative Wage Garnishment Procedures

- a) If a borrower is in default on a loan to which this Part applies, ISAC shall be entitled to issue an AWG order for purposes of satisfying the borrower's debt on the defaulted loans. The AWG order shall be a lien upon the borrower's compensation.
- b) At least 30 days before issuing an AWG order, ISAC shall mail to the borrower's last known address a written notice of the nature and amount of the debt, the intention of ISAC to initiate proceedings to collect the debt through an AWG order, and an explanation of the borrower's rights. ISAC shall send the notice by first-class mail. The notice must inform the borrower that:
 - 1) ISAC will permit the borrower to inspect and copy agency records related to the debt;
 - 2) The borrower may request an opportunity to enter into a written repayment agreement to avoid the AWG order. ISAC shall grant the borrower's request only if the terms of the repayment agreement amortize the debt within the original period permitted for repayment of the loans; and
 - 3) Upon request, the borrower is entitled to a hearing described in subsection (c). All requests for a hearing shall be made in writing. The date of ISAC's

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receipt of the request in writing shall be used to determine the borrower's right to a hearing before issuance of the AWG order.

- c) After receiving a written request for a hearing, ISAC shall provide the borrower a hearing either in-person, by telephone or in writing at the borrower's election. At the hearing, the borrower may raise any legal or equitable defense, including objecting to the existence or the amount of the debt, the terms of the repayment schedule, or the imposition of the AWG order on the basis that it would result in extreme financial hardship to the borrower. The time of the hearing shall be established by ISAC. All in-person hearings shall be held at ISAC's legal offices in Chicago, Illinois. If the borrower requests an in-person hearing, the borrower is responsible for all transportation costs incurred in traveling to or from the hearing.
 - 1) If ISAC receives the borrower's request on or before the 30th day following the date that the notice described in subsection (b) was mailed, it will not issue an AWG order until the hearing is concluded. ISAC will provide a hearing to the borrower in sufficient time to permit a decision to be made within 60 days unless otherwise impractical.
 - 2) If ISAC receives the borrower's request after the 30th day following the date that the notice was mailed, it will provide a hearing to the borrower in sufficient time that a decision may be made within 60 days unless impractical. However, ISAC is not required to delay the issuance of the AWG order.
 - 3) Notice of the entry of the decision and final AWG order by ISAC shall be mailed by first-class mail promptly to the borrower at the borrower's last known address.
- d) A borrower who enters into a written repayment agreement shall not receive additional notice that ISAC may issue an AWG order if the borrower fails to comply with the written repayment agreement.
- e) Thirty-one days after ISAC has mailed the notice to the borrower, or any time thereafter, ISAC shall send an AWG order to the borrower's employers if:
 - 1) the borrower fails to exercise the right to prevent the AWG order by requesting a hearing or entering into a written repayment agreement within the 31 days;

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- 2) the borrower fails to comply with the terms of a written repayment agreement; or
 - 3) a hearing officer enters a final decision that an AWG order should be issued or had been previously issued properly.
- f) The employer must withhold from the borrower's compensation the amount of withholding established in the order and remit that amount to ISAC not less than once a month and within 30 days after the deduction.
 - g) ISAC may initiate litigation against any employer to compel compliance with an AWG order or to recover any amount that the employer fails to withhold from the borrower's compensation under the employer's normal pay and disbursement cycle.
 - h) ISAC may not issue an AWG order against a borrower who it knows has been involuntarily separated from employment until the borrower has been reemployed continuously for 12 months.
 - i) An AWG order sent to an employer under this Section must contain only the information necessary for the employer to comply with the order.
 - j) The provisions of Section 12-803 of the Code of Civil Procedure [735 ILCS 5/12-803] relating to minimum compensation subject to collection under wage deduction orders shall apply to AWG orders issued under this Section.
 - k) The AWG order issued by ISAC is a lien on the borrower's compensation. The lien shall continue as to subsequent earnings until the total amount due upon the defaulted loans, plus any accrued interest, collection costs, attorney's fees or other charges, is paid. The employer shall be released from ISAC's AWG order in the event of the borrower's permanent termination.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1650.1000	Amended
1650.1010	Amended
1650.1020	Amended
1650.1030	Amended
1650.1040	Amended
1650.1050	Amended
1650.1060	Amended
1650.1080	Amended
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]
- 5) Effective Date of Rulemaking: April 4, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Teachers' Retirement System's principal office and are available for public inspection.
- 9) Notice of Proposal Published in the *Illinois Register*: November 16, 2012; 36 Ill.Reg. 16180
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: Various punctuation changes recommended by JCAR were made in the final version, as well as those changes noted in the Second Notice Changes.
- 12) Have all the changes agreed upon by the agency and JCAR been as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The revisions will allow the System to offer electronic voting to members and annuitants in TRS trustee elections. Until now, voting has been conducted through manual paper balloting processes. Offering the option of electronic voting will reduce paper consumption, save printing and mailing expenses, and provide a convenience to the System's membership. Paper balloting will be maintained for any member who does not wish to vote electronically or has not provided TRS with a valid electronic mail address. Other revisions include providing access to nominating petitions on the TRS Website, eliminating redundancies with Pension Code 40 ILCS 5/16-165, changing mail method from priority to regular mail as a cost-saving measure, eliminating poll watcher requirement to represent at least 20% of the members/annuitants, simplifying procedures for public observation and challenges to the ballot-counting process, and editorial revisions to improve clarity.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Cynthia M. Fain. Gray, Assistant General Counsel
Teachers' Retirement System
2815 West Washington, P.O. Box 19253
Springfield, Illinois 62794-9253

217/753-0375

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

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements (Repealed)
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits – Application Procedure; Effective Date
1650.202 Disability Benefits – Definitions
1650.203 Disability Retirement Annuity – Definitions
1650.204 Gainful Employment – Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

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	Rates (Repealed)
1650.210	Claim Applications
1650.211	Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220	Reclassification of Disability Claim (Repealed)
1650.221	When Member Becomes Annuitant
1650.222	Death Out of Service
1650.230	Medical Examinations and Investigations of Claims (Repealed)
1650.240	Refunds; Canceled Service; Repayment
1650.250	Death Benefits
1650.260	Evidence of Age
1650.270	Reversionary Annuity – Evidence of Dependency
1650.271	Evidence of Parentage
1650.272	Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280	Evidence of Marriage
1650.290	Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section	
1650.301	Early Retirement Without Discount – Return to Teaching from a Break in Service
1650.310	Effective Date of Membership
1650.315	Verifying Service Credit
1650.320	Method of Calculating Service Credits
1650.325	Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330	Duplicate Service Credit
1650.335	Unreported Regular Service Credit and Earnings
1650.340	Service Credit for Leaves of Absence
1650.341	Service Credit for Involuntary Layoffs
1650.345	Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346	Service Credit for Periods Away From Teaching Due to Adoption
1650.350	Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.351	Employer Contribution for Excess Sick Leave
1650.355	Purchase of Optional Service – Required Minimum Payment
1650.356	Payroll Deduction Program (Repealed)
1650.357	Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360	Settlement Agreements and Judgments
1650.370	Calculation of Average Salary (Renumbered)

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- 1650.380 Definition of Actuarial Equivalent (Repealed)
- 1650.390 Independent Contractors
- 1650.391 Optional 2.2 Upgrade of Earned and Credited Service
- 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

- 1650.410 Return of Contributions for Duplicate or Excess Service
- 1650.415 Return of Optional Increase in Retirement Annuity Contributions
- 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
- 1650.417 Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
- 1650.420 Interest on Deficiencies (Repealed)
- 1650.430 Installment Payments (Repealed)
- 1650.440 Small Deficiencies, Credits or Death Benefit Payments (Repealed)
- 1650.450 Compensation Recognized As "Salary"
- 1650.451 Reporting of Conditional Payments
- 1650.460 Calculation of Average Salary
- 1650.470 Rollover Distributions
- 1650.480 Rollovers to the System
- 1650.481 Employer Contribution Required for Salary Increases in Excess of 6%
- 1650.482 Contracts and Collective Bargaining Agreements – Loss of Exemption from Employer Contributions
- 1650.483 Employer Contributions for Salary Increases in Excess of 6% and Excess Sick Leave Exemption from Contributions
- 1650.484 Members Not Covered by Collective Bargaining Agreements or Employment Contracts
- 1650.485 Employer Contributions for Salary Increases in Excess of 6% – Receipt of Bill

SUBPART F: ANNUITANTS AND BENEFICIARIES

Section

- 1650.505 Beneficiary (Repealed)
- 1650.510 Re-entry Into Service (Repealed)
- 1650.511 Separation from Service
- 1650.512 Verification of Compliance with Post-Retirement Employment Limitations
- 1650.520 Suspension of Benefits
- 1650.530 Power of Attorney

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1650.540	Conservators/Guardians
1650.550	Presumption of Death
1650.560	Benefits Payable on Death
1650.561	Valid Beneficiary Designations
1650.570	Survivors' Benefits
1650.571	Payment of Monthly Survivor Benefits to a Trust
1650.575	Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580	Evidence of Eligibility
1650.590	Comptroller Offset
1650.595	Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section	
1650.605	Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section	
1650.610	Staff Responsibility
1650.620	Right of Appeal
1650.630	Form of Written Request
1650.635	Presiding Hearing Officer – Duties and Responsibilities
1650.640	Prehearing Procedure
1650.641	Claims Hearing Committee Hearing Packet
1650.650	Hearing Procedure
1650.660	Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section	
1650.710	Amendments

SUBPART J: RULES OF ORDER

Section	
1650.810	Parliamentary Procedure

SUBPART K: PUBLIC RECORD REQUESTS

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Section

1650.910	Summary and Purpose (Repealed)
1650.920	Definitions (Repealed)
1650.930	Submission of Requests
1650.940	Form and Content of FOIA Requests (Repealed)
1650.950	Appeal of a Denial (Repealed)
1650.960	Executive Director's Response to Appeal (Repealed)
1650.970	Response to FOIA Requests (Repealed)
1650.980	Inspection of Records at System Office
1650.990	Copies of Public Records
1650.995	Materials Immediately Available

SUBPART L: BOARD ELECTION PROCEDURES

Section

1650.1000	Nomination of Candidates
1650.1001	Elections Date/Election Day – Defined
1650.1010	Petitions
1650.1020	Eligible Voters
1650.1030	Election Materials
1650.1040	Marking of Ballots
1650.1050	Return of Ballots
1650.1060	Observation of Ballot Counting
1650.1070	Certification of Ballot Counting
1650.1080	Challenges to Ballot Counting
1650.1090	Special Election to Fill Un-Expired Term of Elected Trustee

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

1650.1110	Definitions
1650.1111	Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112	Requirements for a Valid QILDRO Calculation Order
1650.1113	Required Forms
1650.1114	Filing a QILDRO or a Calculation Order with the System
1650.1115	Benefits Affected by a QILDRO
1650.1116	Effect of a Valid QILDRO
1650.1117	QILDROs Against Persons Who Became Members Prior to July 1, 1999

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1650.1118	Alternate Payee's Address
1650.1119	Electing Form of Payment
1650.1120	Automatic Annual Increases
1650.1121	Reciprocal Systems QILDRO Policy Statement (Repealed)
1650.1122	Providing Benefit Information for Divorce Purposes
1650.1123	Suspension and Expiration of a QILDRO
1650.1124	Income Tax Reporting
1650.1125	Lump-Sum Death Benefit Allocation to Alternate Payee

SUBPART N: PAYROLL DEDUCTION PROGRAM

Section	
1650.1200	Payroll Deduction Program Guidelines
1650.1201	Employer Responsibility Under the Payroll Deduction Program
1650.1202	Payroll Deduction Agreements – Suspensions and Terminations
1650.1203	Payroll Deduction Program – Full Time Employment Defined
1650.1204	Payroll Deduction Program – Disability Defined
1650.1205	Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

SUBPART O: RETIREMENT BENEFITS

Section	
1650.2900	Excess Benefit Arrangement

SUBPART P: COMPETITIVE SELECTION PROCEDURES
FOR INVESTMENT SERVICES

Section	
1650.3000	Summary and Purpose
1650.3005	Definitions
1650.3010	Public Markets Manager Database
1650.3015	Emerging Investment Managers
1650.3020	Public Market Searches
1650.3025	Small and Mid Cap Equity Searches
1650.3030	Private Market and Commingled Fund Searches
1650.3032	Co-Investment Opportunities
1650.3035	Private Market Real Estate Separate Account Searches
1650.3040	Consultant Searches

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1650.3045 Evaluation by Investment Committee

SUBPART Q: PLAN QUALIFICATION

1650.3100 Summary and Purpose
1650.3105 Exclusive Benefit Rule
1650.3110 USERRA (Uniformed Services Employment and Reemployment Rights Act (38 USC 4301-4335)) Compliance
1650.3115 Required Minimum Distributions
1650.3120 Federal Contribution and Benefit Limitations
1650.3125 Mortality Tables and Interest Rates

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective

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January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008; amended at 32 Ill. Reg. 13534, effective August 6, 2008; amended at 33 Ill. Reg. 4401, effective March 3, 2009; amended at 33 Ill. Reg. 15863, effective November 2, 2009; amended at 34 Ill. Reg. 4900, effective March 22, 2010; amended at 34 Ill. Reg. 7787, effective May 21, 2010; amended at 35 Ill. Reg. 2413, effective January 21, 2011; amended at 35 Ill. Reg. 2788, effective January 25, 2011; amended at 35 Ill. Reg. 3781, effective February 18, 2011; amended at 35 Ill. Reg. 19541, effective November 18, 2011; amended at 36 Ill. Reg. 7688, effective May 4, 2012; amended at 36 Ill. Reg. 18914, effective December 14, 2012; amended at 37 Ill. Reg. 5150, effective April 4, 2013.

SUBPART L: BOARD ELECTION PROCEDURES

Section 1650.1000 Nomination of Candidates

- a) Any candidate for a vacant teacher position on the System's Board of Trustees shall be nominated by a written petition signed by no fewer than 500 individuals who, as of the date of signing, were teachers as defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106].
- b) Any candidate for a vacant annuitant position on the System's Board of Trustees shall be nominated by a written petition signed by no fewer than 500 individuals who, as of the date of signing, were [annuitant teachers](#) as defined in Section 16-111.1 of the Illinois Pension Code [40 ILCS 5/16-111.1].
- c) Petitions may be circulated for signatures by any individual or entity for a period of time as follows:
 - 1) For a regular election, commencing the November 1 immediately preceding the election date and ending with the time for filing such petition with the Board's secretary as provided in subsection (b)(4) of Section 1650.1010;
 - 2) For a special election as provided in Section 1650.1090, commencing the

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date that the Board's secretary announces that a special election will be held and for a two-week period thereafter.

- d) An individual eligible to sign a petition nominating a candidate for a vacant teacher position on the Board may sign petitions for as many candidates as desired.
- e) An individual eligible to sign a petition nominating a candidate for a vacant annuitant position on the Board may sign petitions for as many candidates as desired.

(Source: Amended at 37 Ill. Reg. 5150, effective April 4, 2013)

Section 1650.1010 Petitions

- a) All petitions shall be in the form adopted by the System. Petition forms may be obtained from the System's Website (trs.illinois.gov) or in hard copy from the System, upon request ~~of any individual or entity~~.
- b) A valid petition nominating a candidate for a vacant teacher position or a vacant annuitant position on the System's Board of Trustees shall meet the following requirements:
 - 1) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate pursuant to subsection (a) or (b) of Section 1650.1000. A valid petition may consist of multiple pages and may contain blank signature lines; however, all valid signatures thereon must be original signatures.
 - 2) ~~Each signature of an eligible voter must be accompanied by the signing person's name (printed), street address, city, and state and may, at the signing person's option, be accompanied by the signing person's area code and telephone number to assist the Board's secretary in verifying voter eligibility;~~
 - 23) The petition shall bear the notarized signature of the individual who circulated the petition for signatures, verifying that the signatures contained thereon were signed in that individual's presence, are genuine, and that to the best of the circulating individual's knowledge, the persons

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who signed the petition were eligible to do so as provided in subsection (a) or (b) of Section 1650.1000.

- 34) Petitions shall be filed with the Board's secretary during the following time periods:
- A) For a regular election, not less than 90 nor more than 120 days prior to the election day.
 - B) For a special election as provided in Section 1650.1090, beginning with the Board's secretary's announcement that a special election will be held and no later than the petition-filing deadline announced by the Board's secretary.
- 4)5) Petitions filed after the prescribed petition-filing period are invalid and will be returned to the party submitting the petition for filing, and
- 5)6) Petitions filed before the prescribed petition-filing period will ~~not be accepted and will~~ be returned to the party submitting the petition for filing, ~~but may be refiled within. Nothing in this subsection (b)(6) precludes the timely re-filing of petitions filed before~~ the prescribed petition-filing period.
- c) The Board's secretary shall determine the validity of petitions for regular elections not less than 75 days prior to the election day, and for special elections not less than 20 days prior to the election day.
- d) Any individual may, upon reasonable notice to the System, examine the petitions that have been filed with the System with respect to the election to take place; provided, however, that in order to protect the signing teachers' and annuitants' privacy and confidentiality, the examination shall only take place subject to the following limitations:
- 1) Petitions may only be examined at the System's offices after the validity of the petitions has been verified by the Board's secretary as provided in subsection (c) of this Section;
 - 2) Petitions may not be removed from the System's offices, copied, or duplicated by any means; and

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- 3) Petitions, including any information ~~in the petition~~ thereon, shall not be subject to production or disclosure under the provisions of the Illinois Freedom of Information Act (FOIA) [5 ILCS 140].

(Source: Amended at 37 Ill. Reg. 5150, effective April 4, 2013)

Section 1650.1020 Eligible Voters

- a) An individual is eligible to vote for a vacant teacher position on the Board of Trustees of the System if he or she was a "teacher", as defined in Section 16-106 of the Illinois Pension Code [40 ILCS 5/16-106], determined as of the following dates:

- 1) For a regular election, March 1 of the year in which the election is held.
- 2) For a special election as provided in Section 1650.1090, the date the Board's secretary determines the validity of petitions.

- b) An individual is eligible to vote for a vacant annuitant position on the Board of Trustees of the System if he or she was an "annuitant", as defined in Section 16-111.1 of the Illinois Pension Code [40 ILCS 5/16-111.1], determined as of the following dates:

- 1) For a regular election, March 1 of the year in which the election is held.
- 2) For a special election as provided in Section 1650.1090, the date the Board's secretary determines the validity of petitions.

- c) A person who is eligible to vote for a vacant teacher position pursuant to subsection (a) of this Section is not eligible to vote for a vacant annuitant position.

- d) A person who is eligible to vote for a vacant annuitant position pursuant to subsection (b) of this Section is not eligible to vote for a vacant teacher position.

(Source: Amended at 37 Ill. Reg. 5150, effective April 4, 2013)

Section 1650.1030 Election Materials

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- a) An eligible voter who has provided the System with a valid electronic mail address will receive election materials via electronic mail at least 20 days prior to the election day. The System's electronic ballot and voting processes shall conform in all material aspects with the manual balloting provisions provided in Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165].
- b) An eligible voter who does not wish to vote electronically may request that manual election materials be sent to him or her via U.S. mail in accordance with the manual balloting provisions provided in Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165]. At least 20 days prior to the election day, the System shall mail to the eligible voter's latest address known to the System the following election materials:
- c) An eligible voter who has not provided the System with a valid electronic mail address will receive manual election materials via U.S. mail as provided in Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165].
- 1) A preprinted, perforated ballot/signature card listing, in alphabetical order, either the teacher candidates or the annuitant candidates, depending on the basis for the individual's eligible voter status as provided in Section 1650.1020(a) or (b);
 - 2) A preprinted, return envelope addressed to the System's Board; and
 - 3) A preprinted envelope marked "For Ballot Only."
- db) An eligible voter who has not received any or all of the election materials must contact the System at least 10 days specified in subsection (a) of this Section prior to the election day, to the eligible voter may request that the System send election materials to him or her. 1) After verifying Upon such request, the System shall verify that the requesting individual is an eligible voter as provided in Section 1650.1020, the System and upon such verification shall send the eligible voter a written certification of nonreceipt in the form prescribed by the System and the election materials via first-class U.S. mail, or if the election is less than one week away, via priority U.S. mail.
- 2) The eligible voter shall complete the certification attesting to nonreceipt of election materials and attach it to the signature card.

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- ~~ee~~) If previously mailed election materials are returned to the System undelivered at least ~~10 days~~~~one week~~ prior to the election day and a forwarding address has been provided, the System shall mail election materials to the forwarding address via ~~first-class~~ U.S. mail.

(Source: Amended at 37 Ill. Reg. 5150, effective April 4, 2013)

Section 1650.1040 Marking of Ballots

A valid ballot must conform to the following requirements:

- a) All choices of candidates must be clearly indicated as prescribed by the instructions accompanying the ballot and, for written ballots, by a cross mark consisting of two lines which intersect inside the square immediately before the name of the selected candidate. If two lines do not intersect inside the square, the mark is invalid and will not be counted.;
- b) Each eligible voter is entitled to only one vote for any particular candidate.;
- c) ~~When~~With respect to a ballot where there are two trustees to be elected, each eligible voter may vote for only one candidate for each position to be elected. If more than two candidates are selected, the ballot is invalid and will not be counted. If only one candidate is selected, the selection will count as only one vote.;
- ~~and~~
- d) ~~Manual~~Handwritten entries of candidates not listed on the ballot are invalid and will not be counted.

(Source: Amended at 37 Ill. Reg. 5150, effective April 4, 2013)

Section 1650.1050 Return of Ballots

- a) ~~For written ballots, upon~~Upon receipt of the election materials specified above in Section 1650.1030, the eligible voter shall:
- 1) Mark his or her ballot in accordance with Section 1650.1040;
 - 2) Write his or her signature, address, and social security number on the signature card;

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- 3) Detach the completed ballot and signature card along the perforated lines;
 - 4) Place the completed ballot into the envelope marked "For Ballot Only";
 - 5) Place the completed signature card and the ballot envelope into the return envelope; and
 - 6) Attach postage, seal and mail via U.S. mail or express delivery service the return envelope, so as to ensure that it will reach the System at or prior to 10:00 a.m. on the election day.
- b) Ballots must be received at the System at or prior to 10:00 a.m. on the election day. Ballots received after 10:00 a.m. on the election day are invalid and will not be counted.
- c) All eligible voters must return their ballots to the System individually, ~~either~~ via [electronic mail](#), U.S. mail or express delivery service. Ballots returned to the System in bulk, via hand delivery, or delivery other than as specified in this subsection, are invalid and will not be counted.
- d) Ballots not returned in the "For Ballot Only" envelope are invalid and will not be counted.
- e) Ballots [that do not conform to all instructions accompanying the ballot returned with an unsigned signature card, or without a signature card](#), are invalid and will not be counted.
- ~~f) Ballots returned in any envelope other than the return envelope provided by the System are invalid and will not be counted.~~

(Source: Amended at 37 Ill. Reg. 5150, effective April 4, 2013)

Section 1650.1060 Observation of Ballot Counting

[Any person may observe the ballot counting process beginning at 10:00 am on the election day only from the areas specifically designated by the election coordinator. Upon arrival, the observer shall identify himself or herself to the election coordinator who will provide a badge that must be worn while on the premises. The observer will be escorted by the election](#)

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coordinator to the areas where observation is to take place. An observer who attempts to challenge or disrupt the ballot counting process will be escorted from the premises.

- a) ~~Each candidate, or any organization or association representing at least 20% of teachers or annuitants of the System, may designate a poll watcher to observe the ballot counting which shall take place on the election day, pursuant to Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165]; provided, however, that each such candidate, organization or association is entitled to no more than two poll watchers. Each such poll watcher shall comply with the following rules:~~
- ~~1) The poll watcher may arrive no earlier than 7:45 a.m. on the election day;~~
 - ~~2) Upon arrival, the poll watcher shall identify him or herself and the candidate, organization or association which he or she represents. Only individuals whom the System can verify are properly authorized to represent the candidate, organization or association which they purport to represent will be allowed to observe as poll watchers;~~
 - ~~3) While on the polling premises, the poll watcher shall at all times wear the tag provided identifying him or her as a poll watcher;~~
 - ~~4) The poll watcher is only authorized to be present in the area or areas designated by the election coordinator;~~
 - ~~5) The poll watcher shall not move from one authorized location to another or otherwise move about the premises without an escort provided by the election coordinator;~~
 - ~~6) The poll watcher's function is limited to visual observation and taking notes, if desired. No challenges or disruptions of any kind to the ballot counting process shall be permitted during the observation of the ballot counting process;~~
 - ~~7) The poll watcher shall not speak with any person identified as a canvasser, judge, or data entry personnel in connection with the ballot counting process;~~
 - ~~8) The poll watcher may stand behind ballot counting tables and data entry workstations at a reasonable distance; provided, however, that no physical~~

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~~contact with ballots, signature cards, counting tables, data entry equipment, canvassers, judges, or data entry personnel shall be allowed;~~

- ~~9) The poll watcher must leave the premises when all of the ballots have been counted; and~~
 - ~~10) Any poll watcher who does not adhere to the rules set forth in this subsection (a) shall forfeit any continued right to observe the ballot counting process and will be asked to leave the premises immediately. If the disruptive conduct continues, the poll watcher will be escorted from the premises.~~
- b) Any member of the public may observe the ballot counting process only from the area specifically designated by the election coordinator for public observers. Each public observer shall comply with the following rules:
- ~~1) The observer may arrive no earlier than 8:30 a.m. on the election day;~~
 - ~~2) Upon arrival, the observer shall identify him or herself;~~
 - ~~3) While on the polling premises, the observer shall at all times wear the tag provided identifying him or her as a public observer;~~
 - ~~4) The observer is only authorized to be present in the area specifically designated by the election coordinator for public observers;~~
 - ~~5) The observer shall not move about the premises;~~
 - ~~6) The observer's function is limited to visual observation and taking notes, if desired. No challenges or disruptions of any kind to the ballot counting process shall be permitted during the observation of the ballot counting process;~~
 - ~~7) The observer shall not speak with any person identified as a canvasser, judge, or data entry personnel in connection with the ballot counting process;~~
 - ~~8) No physical contact with ballots, signature cards, counting tables, data entry equipment, canvassers, judges, or data entry personnel shall be~~

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allowed;

- 9) ~~The observer must leave the premises when all of the ballots have been counted; and~~
- 10) ~~Any observer who does not adhere to the rules set forth in this subsection (b) shall forfeit any continued right to observe the ballot counting process and will be asked to leave the premises immediately. If the disruptive conduct continues, the observer will be escorted from the premises.~~

(Source: Amended at 37 Ill. Reg. 5150, effective April 4, 2013)

Section 1650.1080 Challenges to Ballot Counting

- a) ~~Any person who observed challenge to the ballot counting, as provided in Section 1650.1060, shall be made in the following manner: 1) Only those candidates, organizations or associations which had a poll watcher present during the ballot counting in accordance with Section 1650.1060(a), or a public observer present during the ballot counting in accordance with Section 1650.1060(b), shall have standing to challenge the ballot counting. 2) may The challenger shall submit to the System, within seven days after the election day, Board a written statement identifying the specific aspect or aspects of the ballot counting process that which are being challenged.~~
- 3) ~~All challenges as provided in this Section shall be submitted no later than 7 days after the election day. Any challenge submitted more than 7 days after the election day shall not be considered.~~
- b) ~~The written statement timely submitted in accordance with subsection (a) of this Section shall be presented and considered by the Board at the next regularly scheduled meeting of the Board. To consider a written statement submitted in regard to a special election, the Board may schedule a special meeting for that purpose. The challenger shall have no right to appear at the Board meeting. The Board shall, in its sole discretion, determine what steps, if any, need to be taken in response to the challenge, including, but not limited to, modifying the election results declared by the Board in accordance with Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165].~~
- e) ~~In the event that election results have already been declared by the Board in~~

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~~accordance with Section 16-165 of the Illinois Pension Code [40 ILCS 5/16-165], such election results shall remain valid pending determination of any challenge as provided by this Section.~~

- bd) The ~~System Board~~ shall consider the challenge and notify~~send written notice of its determination to~~ the challenger and all candidates of the results within 30 days ~~after the election day~~7 days after making the determination.

(Source: Amended at 37 Ill. Reg. 5150, effective April 4, 2013)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.481 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 97-689
- 5) Effective Date: April 8, 2013
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule expires, as authorized by the SMART Act, on June 30, 2013.
- 7) Date Filed with the Index Department: April 8, 2013
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Public Act 97-0689, Save Medicaid Access and Resources Together (SMART) Act, gives any agency in charge with implementing a provision or initiative in SMART, the ability to adopt rules through emergency rulemaking in order to provide for the expeditious and timely implementation of SMART. The adoption of this emergency rulemaking is deemed to be necessary for the public interest, safety, and welfare. Pursuant to Public Act 97-0689, the 150-day limitation of the effective period of emergency rules does not apply, and the effective period of rules necessary to implement SMART may continue through June 30, 2013. This emergency rule is necessary to implement the provisions and initiatives of SMART, 305 ILCS 5/5-5f(c).
- 10) Complete Description of the Subjects and Issues Involved: These emergency rules clarify the definition of wholesale price, in accordance with SMART, as the actual acquisition cost including all discounts.
- 11) Are there any other 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

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140.523	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.539	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.570	Amendment	36 Ill. Reg. 7757; May 25, 2012
140.400	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.438	Amendment	36 Ill. Reg. 8594; June 15, 2012
140.5	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.642	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.643	Amendment	36 Ill. Reg. 9650; July 6, 2012
140.491	Amendment	36 Ill. Reg. 15425; December 28, 2012
140.462	Amendment	37 Ill. Reg. 18; January 4, 2013
140.2	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.3	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.5	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.11	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.12	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.13	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.14	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.15	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.16	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.18	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.19	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.20	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.30	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.32	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.44	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.45	New	37 Ill. Reg. 1390; February 8, 2013
140.80	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.405	New	37 Ill. Reg. 1390; February 8, 2013
140.413	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.414	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.417	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.420	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.425	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.428	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.440	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.441	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.442	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.443	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.445	Amendment	37 Ill. Reg. 1390; February 8, 2013

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140.449	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.457	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.458	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.469	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.470	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.471	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.472	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.473	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.474	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.477	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.498	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.523	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.Table D	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.Table F	Amendment	37 Ill. Reg. 1390; February 8, 2013
140.402	Amendment	37 Ill. Reg. 5058; April 12, 2013

- 12) Statement of Statewide Policy Objectives: The emergency amendment neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

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

217/782-1233
HFS.Rules@illinois.gov.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to 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 Program
- 140.18 Effect of Termination or Revocation on Persons Associated with Vendor

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

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)

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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)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

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- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
(Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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- 140.400 Payment to Practitioners
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 SeniorCare Pharmaceutical Benefit (Repealed)
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items –
Dentists (Repealed)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry
(Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services
- 140.436 Limitations on Advanced Practice Nurse Services
- 140.438 Diagnostic Imaging Services
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140.442	Prior Approval of Prescriptions
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140.461	Clinic Participation, Data and Certification Requirements
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140.464	Hospital-Based and Encounter Rate Clinic Payments
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics (Repealed)
140.467	Independent Clinics
140.469	Hospice
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140.476	Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478	Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.479	Limitations, Medical Supplies

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- 140.480 Equipment Rental Limitations
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- 140.490 Medical Transportation
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- 140.494 Record Requirements for Medical Transportation Services
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- 140.498 Fingerprint-Based Criminal Background Checks

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- 140.500 Long Term Care Services
- 140.502 Cessation of Payment at Federal Direction
- 140.503 Cessation of Payment for Improper Level of Care
- 140.504 Cessation of Payment Because of Termination of Facility
- 140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
- 140.506 Provider Voluntary Withdrawal
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- 140.512 Utilization Control
- 140.513 Notification of Change in Resident Status
- 140.514 Certifications and Recertifications of Care (Repealed)
- 140.515 Management of Recipient Funds – Personal Allowance Funds
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140.521	Room and Board Accounts
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140.525	Quality Incentive Program (QUIP) Payment Levels
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140.527	Quality Incentive Survey (Repealed)
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AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

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; preemptory 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; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985;

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amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3,

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1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended

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at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg.

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18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days;

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emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April

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19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the maximum 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency

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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; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids**EMERGENCY**

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- a) Notwithstanding the provisions set forth in this Section, beginning July 1, 2002, the reimbursement rates paid for medical equipment, supplies, prosthetic devices and hearing aids shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section.
- b) Payment for Medical Equipment. Medical equipment is durable, reusable equipment such as wheelchairs, hospital beds, canes, walkers, etc. Payment for medical equipment is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate established by the Department for each item of medical equipment is to be based on pricing for widely accepted quality items. The Department shall review and update the maximum allowable rate at least annually. Widely accepted quality items are items which are not below average quality for like medical equipment and which are available statewide. The maximum allowable rate established for each item or service shall be the least of:
- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
 - 2) The wholesale price, defined as actual acquisition cost including all discounts, derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
 - 3) The Medicare allowable rate for covered Medicare items or services.
- c) Medical supplies are medical items which are not durable or reusable such as surgical dressings, disposable syringes, catheters, urinary bags, etc. Payment for medical supplies is made for covered items at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate for each item of medical supplies shall be based on pricing for widely accepted quality items as defined in subsection (b) of this Section. The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:
- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or

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- 2) The wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
 - 3) The Medicare allowable rate for covered Medicare items or services.
- d) Payment for Prosthetic and Orthotic Devices. Prosthetic and orthotic devices include corrective or supportive devices prescribed to artificially replace a missing portion of the body, or to prevent or correct physical deformity or malfunction, or to support a weak or deformed portion of the body. Payment for prosthetic and orthotic devices is made for covered items or services at the lesser of the provider's charge or the maximum allowable rate established by the Department. The maximum allowable rate for each item of prosthetic and orthotic devices shall be based on pricing for widely accepted quality items as defined in subsection (b) of this Section. The Department shall review and update the maximum allowable rate at least annually. The maximum allowable rate established for each item shall be the least of:
- 1) The average suggested retail price derived from available medical supply catalogs and/or providers' price lists; or
 - 2) The wholesale price derived from available medical supply catalogs and/or providers' price lists for each item plus 50 percent; or
 - 3) The Medicare allowable rate for covered Medicare items or services.
- e) Payment for hearing aids shall be made at the lesser of the provider's charge or the maximum allowable rate established by the Department. The hearing aid shall be priced by the Department at the vendor's actual acquisition cost, without exceeding the Department's upper limits of reimbursement for the item. Acquisition cost is defined as the actual amount the supplying provider pays for the hearing aid(s). Any discounts, rebates or bonuses shall be subtracted when calculating the acquisition cost. The amount of any rebates or bonuses shall be prorated on all purchases for which the rebate or bonus was earned. The prorated share shall be subtracted when calculating the acquisition cost of the item. Verification of the vendor's acquisition cost must be attached to the request for reimbursement. In addition to payment for the acquisition costs, the Department will pay a dispensing fee. Payment for a dispensing fee shall include reimbursement for fitting, follow-up visits, shipping and retail markup. The

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Department shall review and update the maximum allowable rate at least annually.

- 1) To establish the maximum limit for the acquisition cost of the hearing aid, the Department shall review wholesale prices from available supply catalogs and provider price lists for the most widely accepted brands and types of technology.
- 2) To establish the maximum allowable rate for the dispensing fee, the Department shall use an average of available rates charged by audiologists for three hearing aid follow-up visits, not to exceed the Department's maximum allowable rate for a physician visit of low complexity for an established patient, plus the average of available shipping fees charged by the wholesaler for hearing aid shipping and an amount for the retail mark-up, determined by taking 50 percent of the average wholesale price of the hearing aids reviewed.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013)

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- 1) Heading of the Part: Technical Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 175
- 3) Section Number: 175.640 Emergency Action: Amendment
- 4) Statutory Authority: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2]
- 5) Effective Date of Emergency Rulemaking: April 4, 2013
- 6) If this emergency rulemaking will expire before the end of the 150-day period, please specify the date on which it will expire: This emergency amendment will not expire before the end of the 150-day period unless the identical proposed rulemaking is adopted during that period.
- 7) Date filed with the Index Department: April 4, 2013
- 8) A copy of the emergency rulemaking, including any matter incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois and are available for public inspection at that location.
- 9) Reason for Emergency: OSFM's current UST rules require interstitial monitoring sensors and automatic line leak detectors to trigger immediate shutoff or restriction of the fuel supply upon the detection of a release. The current rules make no exception for USTs supplying emergency power generators to avoid the loss of essential services in an emergency. This amendment requires the UST owner and operator to substitute a local alarm for fuel shutoff or flow restriction upon the detection of a release at USTs supplying emergency power generators.
- 10) Complete Description of Subjects and Issues Involved: OSFM's current UST rules require interstitial monitoring sensors and automatic line leak detectors to trigger immediate shutoff or restriction of the fuel supply upon the detection of a release. The current rules make no exception for USTs supplying emergency power generators to avoid the loss of essential services in an emergency. This amendment requires the UST owner and operator to substitute a local alarm for fuel shutoff or flow restriction upon the detection of a release at USTs supplying emergency power generators.

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- 11) Are there any other proposed rulemakings pending on this Part: No
- 12) Statement of Statewide Policy Objectives: This rulemaking could have a minimal impact on those small businesses, not for profit entities and small municipalities that own and operate USTs serving emergency power generators and end up having to retrofit a release detection component in response to this rulemaking.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Fred Schneller, Manager
Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

217/557-3131
Facsimile: 217/524-9284

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

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NOTICE OF EMERGENCY AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 175
TECHNICAL REQUIREMENTS FOR UNDERGROUND STORAGE TANKS AND THE
STORAGE, TRANSPORTATION, SALE AND USE OF PETROLEUM
AND OTHER REGULATED SUBSTANCES

SUBPART A: DEFINITIONS

Section
175.100 Definitions

SUBPART B: MOTOR FUEL DISPENSING FACILITY REQUIREMENTS

Section
175.200 General Requirements for Motor Fuel Dispensing Facilities
175.210 Attended Self-Service Motor Fuel Dispensing Facilities and Islands
175.220 Unattended Self-Service Motor Fuel Dispensing Facilities and Islands
175.230 Fleet Vehicle Motor Fuel Dispensing Facilities
175.240 Full Service Motor Fuel Dispensing Facilities and Islands
175.250 Marine Motor Fuel Dispensing Facilities
175.260 Miscellaneous General Operating Requirements

SUBPART C: PERMITS, FEES AND SCHEDULING

Section
175.300 Permitted UST Activity
175.310 Site Plans
175.320 Scheduling of UST Activity
175.330 Payment of 1988 Annual UST Fee

SUBPART D: DESIGN, INSTALLATION AND CONSTRUCTION REQUIREMENTS

Section
175.400 Design and Construction of USTs
175.405 Spill Containment and Overfill Prevention Equipment
175.410 Containment Sumps
175.415 UST Compatibility with Product Stored

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175.420	Piping
175.425	UST Wiring Procedures
175.430	Clearance Required for USTs
175.435	Pressure Testing of Tanks or Lines
175.440	Venting of Tanks
175.445	Fill Pipes
175.450	Pumps, Dispensers and Other Product Transfer Equipment
175.455	USTs Inside or Under Buildings
175.460	Marinas
175.465	Additional Requirements for Installation and Upgrade of USTs

SUBPART E: CORROSION PROTECTION

Section

175.500	Interior Lining and Lining Inspection of USTs
175.510	Corrosion Protection

SUBPART F: RELEASE DETECTION

Section

175.600	Owner/Operator Spill and Overfill Release Control Responsibilities
175.610	General Release Detection Requirements for All USTs
175.620	Release Detection Requirements for Hazardous Substance USTs
175.630	Methods of and Requirements for Release Detection for Tanks
175.640	Methods of and Requirements for Release Detection for Piping
175.650	Release Detection and Cathodic Protection Recordkeeping

EMERGENCYSUBPART G: REPAIRS TO UNDERGROUND STORAGE TANKS
AND DEFECTIVE EQUIPMENT

Section

175.700	Repairs Allowed
175.710	Emergency Repairs
175.720	Defective or Non-Compliant Equipment and Emergency Action by OSFM

SUBPART H: REMOVAL, ABANDONMENT AND CHANGE-IN-SERVICE

Section

175.800	Removal or Change-in-Service Records
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175.810	Temporary Closure
175.820	Change-in-Service of USTs
175.830	Removal of USTs
175.840	Abandonment-in-Place
175.APPENDIX A	UST Activity that Cannot Proceed Without an OSFM Inspector on Site
175.APPENDIX B	The Type of OSFM Permit Required for Specific Permitted UST Activities
175.APPENDIX C	Derivation Table

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Adopted at 34 Ill. Reg. 13358, effective September 2, 2010; emergency amendment at 37 Ill. Reg. 5195, effective April 4, 2013, for a maximum of 150 days.

SUBPART F: RELEASE DETECTION

Section 175.640 Methods of and Requirements for Release Detection for Piping
EMERGENCY

Owners and operators of petroleum USTs shall provide release detection for all piping containing regulated substances. The release detection must meet the requirements specified in this Section.

- a) Pressurized piping systems shall comply with the following requirements:
 - 1) Both new and existing pressurized piping installations shall be equipped with automatic line leak detectors.
 - 2) Every pressurized piping line installed after February 1, 2008 shall be equipped with interstitial monitoring sensors at all piping sumps, dispenser sumps, and piping junction sumps. As of September 1, 2010, these sensors must immediately shut off the submersible pump supplying that line upon detection of a release, except for USTs serving emergency power generators. Sensors for USTs serving emergency power generators shall trigger a local alarm upon the detection of a release. The automatic shutoff shall be deactivated in any UST serving emergency power generators when that function has been previously installed. Pursuant to Section 175.630(g), all testing of interstitial monitoring sensors shall be

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~~tested~~conducted annually, and the sensors inspected for operability at least once per month and a record of the inspection results generated.

- 3) All new and existing sump sensors must be installed so as to detect liquid below the lowest contained entry point.
- 4) Mechanical and electronic line leak detectors that alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of 3 gallons per hour at 10 pounds per square inch line pressure within one hour, except for USTs serving emergency power generators. All line leak detectors must have a functionality test performed annually. Self-diagnosing line leak detectors are not alone sufficient to meet the requirement for an annual functionality test. Automatic line leak detectors for USTs serving emergency power generators shall trigger a local alarm upon the detection of a release. Any automatic flow restriction or shutoff shall be deactivated in pressurized piping serving emergency generators when that function has been previously installed.
- 5) In addition to utilizing automatic line leak detectors, pressurized piping systems shall utilize either line tightness testing pursuant to this subsection (a)(5) or monthly monitoring pursuant to subsection (c) ~~of this Section~~. Line tightness testing requirements may be met by one of the following methods:
 - A) Pressurized lines must have an annual precision test that is capable of detecting a 0.1 gallon per hour leak rate at 1.5 times the operating pressure for 30 minutes. Use of an inert gas to pressurize piping is also acceptable. Use of air to pressurize piping that contains product is prohibited.
 - B) The use of electronic line leak detection that is able to detect a 0.1 gallon per hour leak at 1.5 times the operating pressure in an annual test of the line, with the records of the 2 most recent annual tests kept on site or available within 30 minutes or before OSFM completes its inspection, whichever is later.

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- C) A method meeting the requirements of the NWGLDE publication "List of Leak Detection Evaluations for Storage Tank Systems", as referenced in 41 Ill. Adm. Code 174.210, or, if unavailable, as approved by OSFM.
- b) Suction lines and systems must comply with the following requirements:
- 1) American Suction
 - A) ~~As for all permit applications received as~~ of September 1, 2010, every American suction piping line shall be equipped with interstitial monitoring sensors at all piping sumps, dispenser sumps and piping junction sumps that will immediately shut off the supply of product at the dispenser upon the detection of a release, except for USTs serving emergency power generators. Sensors for USTs serving emergency power generators shall trigger a local alarm upon the detection of a release. The automatic shutoff shall be deactivated in any UST serving emergency power generators where such function has been previously installed. All Testing of interstitial monitoring sensors shall be ~~tested~~conducted annually pursuant to the requirements of Section 175.630(g). All interstitial monitoring sensors shall be inspected for operability at least once per month and a record of the inspection results generated.
 - B) All American suction lines shall be tested annually using positive pressure of at least 7 psi for 30 minutes, or, using a monthly monitoring method as approved by OSFM.
 - 2) European suction lines do not require line leak detection or a precision line test if they are designed and constructed to meet the following:
 - A) The below grade piping operates at less than atmospheric pressure;
 - B) The below grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
 - C) Only one check valve is included in each suction line;

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- D) The check valve is located directly below and as close as practical to the suction pump; and
 - E) A method is provided that allows compliance with subsections (b)(2)(B), (C) and (D) to be readily determined as of the time of OSFM inspection.
- 3) Suction systems that do not meet the requirements of subsections (b)(2)(A) through (E) shall be classified as American suction and subject to the requirements for American suction in subsection (b)(1). European suction piping meeting the requirements of subsections (b)(2)(A) through (E) remains subject to requirements for under-dispenser containment pursuant to Section 175.410.
- c) Any of the methods in Section 175.630(e) through (g) and (i) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances, as approved by OSFM. SIR is not acceptable as a form of line leak detection. Precision testing is not a stand-alone method for line leak detection.
 - d) Existing interstitial monitoring systems and sensors shall be maintained and, beginning September 8, 2008, may not be removed irrespective of whether the leak detection is secondary or redundant to other forms of leak detection. If the interstitial monitoring is not functional or not operating properly it shall promptly be repaired or replaced and any necessary measures to prevent false positive and false negative readings shall be implemented.
 - e) One copy of an independent third-party evaluation and its protocol for each piping release detection method shall be submitted to OSFM as part of the permit application process. Any deviation from the third-party evaluation shall be submitted to OSFM for approval with the permit application, including but not limited to an evaluation by a licensed professional engineer finding that the release detection system as installed meets the performance requirements of 40 CFR 280 and this Part and the performance claims established by the independent third-party evaluation and its protocol. See also Section 175.415 regarding compatibility with product stored.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 5195, effective April 4, 2013, for a maximum of 150 days)

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 April 2, 2013 through April 8, 2013. The Department of State Police rulemaking on 20 Ill. Adm. Code 1265 is scheduled for review by the Committee at its April 16, 2013 meeting. The remaining rulemakings are scheduled for review at the Committee's May 14, 2013 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>
5/12/13	<u>Department of State Police, Electronic Transmission of Fingerprints (20 Ill. Adm. Code 1265)</u>	4/20/13 36 Ill. Reg. 5966	4/16/13
5/15/13	<u>State Universities Retirement System, Universities Retirement (80 Ill. Adm. Code 1600)</u>	1/25/13 37 Ill. Reg. 763	5/14/13
5/16/13	<u>Department of State Police, Imaging Products (20 Ill. Adm. Code 1298)</u>	2/8/13 37 Ill. Reg. 1585	5/14/13

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2013 FIRST QUARTER INCOME TAX SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the 1st Quarter of 2013. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110.) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120.)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment
Apportionment – Sales Factor
Subtraction Modifications – Pensions

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2013 FIRST QUARTER INCOME TAX SUNSHINE INDEX

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794

Telephone: 217/782-7055

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2013 FIRST QUARTER INCOME TAX SUNSHINE INDEX

ALTERNATIVE APPORTIONMENT

IT 13-0001-GIL 03/21/2013 Request to use alternative apportionment method for income passed through from a partnership cannot be granted based on information contained in the petition.

IT 13-0002-GIL 03/21/2013 Request to use alternative apportionment method for income passed through from a partnership cannot be granted based on information contained in the petition.

APPORTIONMENT – SALES FACTOR

IT 13-0001-PLR 03/01/2013 Receipts from sale of assets comprising a business segment are excluded from the sales factor as being from an occasional sale.

SUBTRACTION MODIFICATIONS – PENSIONS

IT 13-0003-GIL 03/26/2013 Pensions received from overseas employment by foreign corporations most likely do not qualify for subtraction from adjusted gross income.

IT 13-0004-GIL 03/26/2013 Pensions received from overseas employment by foreign corporations most likely do not qualify for subtraction from adjusted gross income.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 37, Issue 16 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

41 - 175	5131
92 - 1010	5133

ADOPTED RULES

23 - 2722	4/15/2013	5144
80 - 1650	4/4/2013	5150

EMERGENCY RULES

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