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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 2014

Issue#	Rules Due Date	Date of Issue
1	December 23, 2013	January 3, 2014
2	December 30, 2013	January 10, 2013
3	January 6, 2014	January 17, 2014
4	January 13, 2014	January 24, 2014
5	January 21, 2014	January 31, 2014
6	January 27, 2014	February 7, 2014
7	February 3, 2014	February 14, 2014
8	February 10, 2014	February 21, 2014
9	February 18, 2014	February 28, 2014
10	February 24, 2014	March 7, 2014
11	March 3, 2014	March 14, 2014
12	March 10, 2014	March 21, 2014
13	March 17, 2014	March 28, 2014
14	March 24, 2014	April 4, 2014
15	March 31, 2014	April 11, 2014
16	April 7, 2014	April 18, 2014
17	April 14, 2014	April 25, 2014
18	April 21, 2014	May 2, 2014

19	April 28, 2014	May 9, 2014
20	May 5, 2014	May 16, 2014
21	May 12, 2014	May 23, 2014
22	May 19, 2014	May 30, 2014
23	May 27, 2014	June 6, 2014
24	June 2, 2014	June 13, 2014
25	June 9, 2014	June 20, 2014
26	June 16, 2014	June 27, 2014
27	June 23, 2014	July 7, 2014
28	June 30, 2014	July 11, 2014
29	July 7, 2014	July 18, 2014
30	July 14, 2014	July 25, 2014
31	July 21, 2014	August 1, 2014
32	July 28, 2014	August 8, 2014
33	August 4, 2014	August 15, 2014
34	August 11, 2014	August 22, 2014
35	August 18, 2014	August 29, 2014
36	August 25, 2014	September 5, 2014
37	September 2, 2014	September 12, 2014
38	September 8, 2014	September 19, 2014
39	September 15, 2014	September 26, 2014
40	September 22, 2014	October 3, 2014
41	September 29, 2014	October 10, 2014
42	October 6, 2014	October 17, 2014
43	October 14, 2014	October 24, 2014
44	October 20, 2014	October 31, 2014
45	October 27, 2014	November 7, 2014
46	November 3, 2014	November 14, 2014
47	November 10, 2014	November 21, 2014
48	November 17, 2014	December 1, 2014
49	November 24, 2014	December 5, 2014
50	December 1, 2014	December 12, 2014
51	December 8, 2014	December 19, 2014
52	December 15, 2014	December 26, 2014

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Accrediting Persons in the Practice of Medical Radiation Technology
- 2) Code Citation: 32 Ill. Adm. Code 401
- 3) Section Number: 401.130 Proposed Action:
Amend
- 4) Statutory Authority: Implementing and authorized by Sections 6 and 7 of the Radiation Protection Act of 1990 [420 ILCS 40/6 and 7]
- 5) A Complete Description of the Subjects and Issues Involved: On October 1, 2013, the Agency was notified by the American Registry of Radiologic Technologist that it was increasing the cost of the examination for Limited Scope in Practice for Radiography. Since the Agency acts as a pass-through for the payment of the examination, the Agency is proposing this amendment to reflect the increase in cost. In addition, the Agency is updating old language in the rule.
- 6) Published studies or reports, and sources of underlying data, that were used to compose this rulemaking: No
- 7) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

Traci Burton, Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704

217/785-9860 (voice)
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The Agency did not include this on a regulatory agenda yet, as it had not anticipated proposing the rule until late summer 2014.

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 401

ACCREDITING PERSONS IN THE PRACTICE OF
MEDICAL RADIATION TECHNOLOGY

Section

401.10	Policy and Scope
401.20	Definitions
401.30	Exemptions
401.40	Application for Accreditation
401.50	Categories of Accreditation
401.60	Examination Requirements (Repealed)
401.70	Examination Requirements
401.80	Approved Program (Repealed)
401.90	Student-in-Training in Limited Diagnostic Radiography
401.100	Initial Issuance of Accreditation
401.110	Duration of Accreditation (Repealed)
401.120	Suspension, Revocation and Denial of Accreditation
401.130	Fees
401.140	Requirements for Renewal of Accreditation
401.150	Reciprocity (Repealed)
401.160	Additional Requirements for Radiographers Performing Mammography (Repealed)
401.170	Civil Penalties
401.APPENDIX A	Limited Diagnostic Radiography Procedures by Type of Limited Accreditation
401.APPENDIX B	Example Topics Directly Related to Radiologic Sciences (Repealed)
401.APPENDIX C	Minimum Training Requirements for Radiographers Performing Mammography (Repealed)
401.APPENDIX D	Example Letter of Agreement for Radiologist Assistant
401.APPENDIX E	Example Letter of Agreement for Nuclear Medicine Advanced Associate

AUTHORITY: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986; amended at 10 Ill. Reg. 21086, effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 18, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at 13 Ill. Reg. 15005, effective September 11, 1989; amended at 14 Ill. Reg. 15341, effective September 4, 1990; amended at 15 Ill. Reg. 7054, effective April 29, 1991; amended at 16 Ill. Reg. 9115, effective June 2, 1992; amended at 20 Ill. Reg. 12595, effective September 6, 1996; amended at 21 Ill. Reg. 13587, effective September 25, 1997; amended at 23 Ill. Reg. 324, effective January 1, 1999; amended at 24 Ill. Reg. 18239, effective December 1, 2000; amended at 27 Ill. Reg. 3471, effective February 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 31 Ill. Reg. 11622, effective July 26, 2007; amended at 37 Ill. Reg. 14008, effective August 22, 2013; amended at 38 Ill. Reg. _____, effective _____.

Section 401.130 Fees

- a) The fees for initial or renewal of accreditation in all categories – Active, Conditional, Temporary or Limited Status shall be \$120 per application. ~~and shall be non-refundable.~~
- b) The examination fee for Limited Diagnostic Radiography Accreditation shall be ~~\$10080~~ for the categories of Chest, Extremities, Spine, Skull and Sinuses, or any combination thereof. Effective January 1, ~~2015~~~~2008~~, the examination fee shall be ~~\$125400~~.
- c) The fee for registration as a limited Student-in-Training shall be ~~\$10080~~, which includes the required examination fee. ~~Effective January 1, 2008, this fee shall be \$100.~~
- d) The appropriate fees are to accompany the application when filing with the Agency. ~~All fees under this Section are non-refundable.~~ An application is filed on the date that it is received and stamped by the Agency.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
120.10	Amend
120.12	Amend
120.32	Amend
120.64	Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Article 7 of PA 98-104
- 5) Complete Description of the Subjects and Issues Involved: Article 7 of PA 98-104 establishes eligibility for the newly eligible adults and former foster care children under the Affordable Care Act (ACA) and financial eligibility methodology mandated by the ACA for newly eligible adults and certain existing Medicaid eligible groups. This rulemaking makes clarifications to the eligibility criteria for these groups, including the criteria for long term care.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.324	Amend	37 Ill. Reg. 12302; August 2, 2013
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

The full text of the Proposed Amendments is are identical to the text of the Emergency Amendments that appear in this issue of the *Illinois Register* on page 7650:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
112.55	New
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is being proposed to comply with Section 408(a) of the Social Security Act (42 USC 608(a)). These provisions prohibit the access of TANF benefits via any Electronic Benefits Transfer (EBT) transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

This rulemaking establishes that for the first instance of prohibited access, the Department will issue a verbal warning. For each subsequent instance of prohibited access, cash assistance benefits will be reduced by one half for one month.

A companion amendment is also being proposed to 89 Ill. Adm. Code 117.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

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112.2	Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.3	Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
112.5	Incorporation by Reference
112.6	The Family Violence Option

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112.9	Client Cooperation
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112.54	Assignment of Medical Support Rights
<u>112.55</u>	<u>Electronic Benefits Transfer (EBT) Restrictions</u>
112.60	Basis of Eligibility
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112.62	Incapacity of a Parent (Repealed)
112.63	Continued Absence of a Parent (Repealed)
112.64	Unemployment of the Parent (Repealed)
112.65	Responsibility and Services Plan
112.66	Alcohol and Substance Abuse Treatment
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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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- 112.70 Employment and Work Activity Requirements
- 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
- 112.72 Participation/Cooperation Requirements
- 112.73 Adolescent Parent Program (Repealed)
- 112.74 Responsibility and Services Plan
- 112.75 Teen Parent Personal Responsibility Plan (Repealed)
- 112.76 TANF Orientation
- 112.77 Reconciliation and Fair Hearings
- 112.78 TANF Employment and Work Activities
- 112.79 Sanctions
- 112.80 Good Cause for Failure to Comply with TANF Participation Requirements
- 112.81 Responsible Relative Eligibility for JOBS (Repealed)
- 112.82 Supportive Services
- 112.83 Teen Parent Services
- 112.84 Employment Retention and Advancement Project
- 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

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- 112.87 Project Advance Experimental and Control Groups (Repealed)
- 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
- 112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
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- 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
- 112.93 Individuals Exempt From Project Advance (Repealed)
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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

112.98 Exchange Program (Repealed)

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112.105	Budgeting Unearned Income
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112.137	Termination of Employment
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DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

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- 112.251 Payment Levels
- 112.252 Payment Levels in Group I Counties
- 112.253 Payment Levels in Group II Counties
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- 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

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- 112.300 Persons Who May Be Included in the Assistance Unit
- 112.301 Presumptive Eligibility
- 112.302 Reporting Requirements for Clients with Earnings
- 112.303 Budgeting
- 112.304 Budgeting Schedule
- 112.305 Strikers
- 112.306 Foster Care Program
- 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96
- 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
- 112.309 Institutional Status
- 112.310 Child Care for Representative Payees
- 112.315 Young Parents Program (Renumbered)
- 112.320 Redetermination of Eligibility
- 112.330 Extension of Medical Assistance Due to Increased Income from Employment
- 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
- 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
- 112.340 New Start Payments to Individuals Released from Department of Corrections

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

Facilities (Repealed)

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112.350	Child Care (Repealed)
112.352	Child Care Eligibility (Repealed)
112.354	Qualified Provider (Repealed)
112.356	Notification of Available Services (Repealed)
112.358	Participant Rights and Responsibilities (Repealed)
112.362	Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364	Rates of Payment for Child Care (Repealed)
112.366	Method of Providing Child Care (Repealed)
112.370	Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400	Transitional Child Care Eligibility (Repealed)
112.404	Duration of Eligibility for Transitional Child Care (Repealed)
112.406	Loss of Eligibility for Transitional Child Care (Repealed)
112.408	Qualified Child Care Providers (Repealed)
112.410	Notification of Available Services (Repealed)
112.412	Participant Rights and Responsibilities (Repealed)
112.414	Child Care Overpayments and Recoveries (Repealed)
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112.418	Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective

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December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency

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amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609,

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effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days;

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amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; preemptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014; amended at 38 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.55 Electronic Benefits Transfer (EBT) Restrictions

- a) Benefits are not to be accessed via Electronic Benefits Transfer (EBT) (see section 408(a)(12)(B)(iii) of the Social Security Act (42 USC 608(a)(12)(B)(iii))

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at any prohibited location, which includes liquor stores (see section 408(a)(12)(B)(i) of the Social Security Act), gambling casinos (see section 408(a)(12)(B)(ii) of the Social Security Act), or retail establishments that provide adult entertainment involving disrobing or nudity.

- b) For the first instance of prohibited access, the Department will issue a verbal warning.
- c) For each subsequent instance of prohibited access, cash assistance benefits will be reduced by one-half for one month.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Number: 117.11 Proposed Action: Amend
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13]
- 5) A Complete Description of the Subjects and Issues involved: This rulemaking is being proposed to comply with Section 408(a) of the Social Security Act (42 USC 608(a)). These provisions prohibit the access of TANF benefits via any Electronic Benefits Transfer (EBT) transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

This rulemaking establishes that for the first instance of prohibited access, the Department will issue a verbal warning. For each subsequent instance of prohibited access, cash assistance benefits will be reduced by one half for one month.

A companion amendment is also being proposed to 89 Ill. Adm. Code 112.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules

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within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762

217/785-9772

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

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 117
RELATED PROGRAM PROVISIONS

Section

117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Cooperation
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance – Aid to the Aged, Blind or Disabled and General Assistance (Repealed)
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care – TANF and AABD
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match
117.91	New Hire Match
117.92	Electronic Finger Imaging

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

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective

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May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for maximum of 150 days; amended at 24 Ill. Reg. 13422, effective August 18, 2000; amended at 24 Ill. Reg. 16305, effective October 17, 2000; amended at 27 Ill. Reg. 14028, effective August 7, 2003; amended at 30 Ill. Reg. 11549, effective June 20, 2006; amended at 32 Ill. Reg. 9614, effective June 23, 2008; emergency amendment at 36 Ill. Reg. 10503, effective July 1, 2012 until June 30, 2013; amended at 37 Ill. Reg. 1884, effective February 4, 2013; amended at 38 Ill. Reg. _____, effective _____.

Section 117.11 Issuance of Cash Assistance Benefits

- a) Cash assistance benefits shall be issued to the payee via an electronic benefits payment file established by the Department through Electronic Benefits Transfer (EBT) ([see section 408\(a\)\(12\)\(B\)\(iii\) of the Social Security Act \(42 USC 608\(a\)\(12\)\(B\)\(iii\)\)](#)). The payee may access the cash benefits at any participating Point-of-Sale (POS) terminal or Automated Teller Machine (ATM) except:-
- 1) liquor stores (see [section 408\(a\)\(12\)\(B\)\(i\) of the Social Security Act](#));

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- 2) gambling casinos (see section 408(a)(12)(B)(ii) of the Social Security Act); or
- 3) retail establishments that provide adult entertainment involving disrobing or nudity.

- b) If the client has a checking or savings account, the client may elect to have cash assistance benefits delivered via direct deposit to the financial institution where the client's account resides.
- c) In circumstances where none of the above delivery options are available, a warrant for the cash assistance benefits will be delivered to the client's residence or other secure address, as selected by the client.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Variable Contracts
- 2) Code Citation: 50 Ill. Adm. Code 1451
- 3) Section Number: 1451.20 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Article XIV 1/2 of the Illinois Insurance Code [215 ILCS 5/Art. XIV½] and authorized by Sections 401 and 245.24 of the Illinois Insurance Code [215 ILCS 5/401 and 245.24]
- 5) A Complete Description of the Subjects and Issues Involved: The existing definition of Variable Contract is restrictive. The amendments to the definition will allow a new product to be offered in Illinois.
- 6) Published studies or reports, and sources of underlying data, that were used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

James Rundblom, Deputy General Counsel or Susan Anders, Rules Coordinator

Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

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217/785-8559

217/558-0957

217/524-9033 fax

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER t: SEPARATE ACCOUNTSPART 1451
VARIABLE CONTRACTS

Section

1451.10	Authority
1451.20	Definitions
1451.30	Qualification of Insurance Companies to Issue Variable Contracts
1451.40	Separate Accounts
1451.50	Filing of Contracts
1451.60	Contracts Providing for Variable Benefits
1451.70	Required Reports
1451.80	Foreign or Alien Companies
1451.90	Licensing of Producers for Variable Contracts
1451.100	Disclosure

1451.APPENDIX A Variable Annuities Only

AUTHORITY: Implementing Article XIV½ of the Illinois Insurance Code [215 ILCS 5/Art. XIV½] and authorized by Sections 401 and 245.24 of the Illinois Insurance Code [215 ILCS 5/401 and 245.24].

SOURCE: Filed February 18, 1972, effective March 1, 1972; codified at 7 Ill. Reg. 4217; amended at 25 Ill. Reg. 4208, effective March 5, 2001; amended at 38 Ill. Reg. _____, effective _____.

Section 1451.20 Definitions

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

"Company" ~~means shall mean~~ a stock or mutual legal reserve life insurance company or a fraternal benefit company that operates on a legal reserve basis. It does not include an assessment legal reserve company, or any other company as that term is defined in ~~subsection (e) of~~ Section 2(e) of the ~~Illinois Insurance Code~~ [215 ILCS 5/2(e)].

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"1983 Table "a"" means the mortality table developed by the Society of Actuaries Committee to Recommend a New Mortality Basis for Individual Annuity Valuation and adopted as a recognized mortality table for annuities in June 1982 by the National Association of Insurance Commissioners.

"Producer" ~~means shall mean~~ any person who is licensed as a life insurance producer under the Illinois Insurance Code. The term producer also includes any person who represents a fraternal benefit company, operating on a legal reserve basis, and who solicits, negotiates or effects, for or on behalf of the fraternal benefitany such company, policies or contracts for insurance covering risks in this State.

"Securities Examination" ~~means shall mean~~ proof of passing either ~~of~~ the NASD Series 6 or Series 7 Qualification ExaminationExaminations or any superseding NASD examination that grants a person authority to sell variable contracts.

"Variable Contract" ~~mean shall mean~~ any policy or contract that is registered under the Securities Act of 1933, as amended (15 USC 77a et seq.) (Securities Act) and thatwhich provides for life insurance or annuity benefits that vary according to the investment experience of any separate account or accounts maintained by the insurer as to ~~thatsuch~~ policy or contract, as provided for in Section 245.21 of the ~~Illinois Insurance Code [215 ILCS 5/245.21]; or any policy or contract that is registered under the Securities Act, and that provides for benefits that vary according to the performance of an index, when the funds are not guaranteed as to principal or a stated rate of interest and in which the supporting assets are held and reported in a noninsulated separate account in which changes in asset values substantially match changes in contractual benefits from inception of the contract.~~

"Variable Contract Producer" ~~means shall mean~~ a producer who ~~sells shall sell~~ or ~~offers offer~~ to sell any variable contract.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Revocation Procedures for Conservation Offenses
- 2) Code Citation: 17 Ill. Adm. Code 2530
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2530.10	Amend
2530.20	Amend
2530.35	Renumber/New
2530.40	Amend
2530.50	Amend
2530.60	Amend
2530.220	Amend
2530.230	Amend
2530.240	Amend
2530.245	Amend
2530.250	Amend
2530.255	Amend
2530.260	Amend
2530.270	Amend
2530.275	New
2530.280	Amend
2530.300	Amend
2530.310	Amend
2530.320	Amend
2530.330	Renumber
2530.340	Renumber
2530.350	Repeal
2530.360	Amend
2530.370	Amend
2530.380	Amend
2530.390	Amend
2530.410	Amend
2530.420	Amend
2530.470	Amend
2530.482	Amend
2530.484	Amend
2530.486	Amend
2530.490	Repeal
2530.500	Amend

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2530.600	Amend
2530.610	New
2530.800	New
2530.810	New
2530.820	New
2530.830	New
2530.840	New

- 4) Statutory Authority: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625, 805-545 and 805-550 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625, 805/805-545 and 805-550]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended in conjunction with PA 97-1136. Changes are being made to clarify procedures and ensure consistency and fairness in revocation and suspensions of licenses and privileges governed by the Department. Procedures on eviction from Department lands [20 ILCS 805/805-518] has also be added.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, place and manner in which interested persons may comment on this proposed

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rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July, 2013

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2530
REVOCATION PROCEDURES
FOR CONSERVATION OFFENSES

SUBPART A: GENERAL RULES

Section	
2530.10	Applicability
2530.20	Definitions
2530.30	Filing
<u>2530.35</u>	<u>Parties</u>
2530.40	Documents
2530.50	Computation of Time
2530.60	Appearances

SUBPART B: SUMMARY REVOCATION/SUSPENSION
BASED ON ACCUMULATION OF POINTS

Section	
2530.110	Applicability (Recodified)
2530.130	Rules Proposed by Member of Public (Recodified)
2530.140	Authorization of Hearing (Recodified)
2530.150	Notice of Hearing (Recodified)
2530.160	Hearing Officer (Recodified)
2530.180	Written Submission (Recodified)
2530.190	Record (Recodified)
2530.200	Revision of Proposed Rules (Recodified)
2530.210	Filing and Publication of Final Rules (Recodified)
2530.220	Applicability
2530.230	Point System
2530.240	Points
2530.245	Single Incident Rule
2530.250	Groups
2530.255	Types of Offenses
2530.260	Computation of Suspension Period

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- 2530.270 [Summary Revocation/Suspension](#) Procedures
- [2530.275](#) [Notice of Revocation/Suspension](#)
- 2530.280 [Request for Hearing to Appeal Summary Revocation/Suspension](#) [and Hearing](#)

SUBPART C: DEPARTMENT INITIATED COMPLAINT

Section

- 2530.~~300~~340 ~~Notice and Complaint (Department Initiated~~ [Revocation/Suspension Based Upon Course of Conduct Proceeding](#))
- 2530.310 Applicability
- 2530.320 General Procedures [of Hearings](#)
- 2530.330 Parties [\(Renumbered\)](#)
- 2530.340 Notice and Complaint (Department Initiated Proceeding) [\(Renumbered\)](#)

SUBPART D: HEARINGS OF CONTESTED CASES

- 2530.350 Service (Department Initiated Proceeding) [\(Repealed\)](#)
- 2530.360 [Time and Location](#) ~~Notice~~ of Hearing
- 2530.370 Prehearing Conferences
- 2530.380 Authority of Hearing Officer
- 2530.390 Order of Administrative Hearings
- 2530.400 Official Notice
- 2530.410 Default
- 2530.420 Evidence
- 2530.430 Motions and Answers
- 2530.470 [Administrative](#) Record
- 2530.480 Briefs and Oral Arguments
- 2530.482 [Decision, Order and](#) Disposition
- 2530.484 Compelling Appearance at Hearing
- 2530.486 Recording of Hearing
- 2530.488 Hearing on Timber Buyers – Second and Subsequent Suspensions
- 2530.490 Decision and Order [\(Repealed\)](#)

SUBPART E: INTERSTATE WILDLIFE VIOLATOR COMPACT

Section

- 2530.500 [Interstate Wildlife Violator](#) Compact Membership

SUBPART F: REINSTATEMENT OF PRIVILEGES

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Section
2530.600 Reinstatement Procedures
2530.610 Reinstatement Fees

SUBPART G: STATUTORILY MANDATED SUSPENSIONS

Section
2530.700 Suspension of Operating Privileges

SUBPART H: EVICTION FROM DEPARTMENT LANDS

Section
2530.800 Immediate Eviction and Removal from Department Lands for up to 90 Days
2530.810 Request for Hearing to Appeal Immediate Eviction and Removal
2530.820 Eviction and Removal from Department Lands for Longer than 90 Days
2530.830 Department Request for Eviction and Removal Longer than 90 Days
2530.840 Procedures for Eviction/Removal Hearings

AUTHORITY: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Sections 5-625, 805-545 and 805-550 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625, 805/805-545 and 805-550].

SOURCE: Filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10664; amended at 6 Ill. Reg. 10687, effective August 25, 1982; Subpart B recodified to 2 Ill. Adm. Code 825: Subpart B at 8 Ill. Reg. 4133, effective March 19, 1984; amended at 10 Ill. Reg. 20201, effective November 25, 1986; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 25 Ill. Reg. 3659, effective February 26, 2001; amended at 25 Ill. Reg. 14126, effective October 22, 2001; amended at 28 Ill. Reg. 9990, effective July 6, 2004; amended at 31 Ill. Reg. 9215, effective June 18, 2007; amended at 32 Ill. Reg. 17481, effective October 24, 2008; amended at 35 Ill. Reg. 13268, effective July 26, 2011; recodified at 38 Ill. Reg. 6747; amended at 38 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL RULES

Section 2530.10 Applicability

The rules in this Part govern the practice and procedures related to formal hearings and other actions conducted under the jurisdiction of the Department of Natural Resources that do not have defined hearing procedures including: for revocation of licenses and suspension of privileges for conservation offenses.

- a) Summary revocation of licenses and/or suspension of privileges based upon accumulation of points from determinations of guilt by a court of law;
- b) Revocation of licenses and/or suspension of privileges sought by the Department based upon course of conduct with at least one determination of guilty by a court of law;
- c) The immediate eviction and removal from Department lands for up to 90 days; and
- d) The eviction and removal from Department lands for longer than 90 days sought by the Department based upon the course of conduct.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.20 Definitions

In this Part the following terms shall have the meanings ascribed specified below:

"Arrest" means the issuance of a State or federal citation or a notice to appear, or the filing of a complaint by a State or federal prosecutor.

"Contested case" means an adjudicatory proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, in which the individual legal rights, duties or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing. [5 ILCS 100/1-30]

"Department" means the Illinois Department of Natural Resources. [520 ILCS 5/1.2d]

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"Determination of guilt by a court of law" means a case disposition, including supervision or conditional discharge, by a circuit court of the State of Illinois or a United States District Court in an Illinois District for an offense that is a violation of any of the provisions of the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Timber Buyers Licensing Act [225 ILCS 735], the Ginseng Harvesting Act [525 ILCS 20], the Endangered Species Protection Act [520 ILCS 10] or any violation of similar federal statutes or rules.

"Director" means the director of the Illinois Department of Natural Resources. [520 ILCS 5/1.2e]

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Department and each continuation. [5 ILCS 100/1-15]

"License" includes the whole or part of any Department permit, stamp, license, certificate, approval, registration, or similar form or permission required by law. [5 ILCS 100/1-35]

"Licensing" includes the Department procedures respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license. [5 ILCS 100/1-40]

"Office of Law Enforcement" means the Department of Natural Resources' Office of Law Enforcement.

"Party" means such person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party. [5 ILCS 100/1-55]

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency. [5 ILCS 100/1-60]

"Single incident" means a set of acts or events occurring at the same location, date and time giving rise to violations of State or federal laws.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section ~~2530.35~~ ~~2530.330~~ Parties

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- a) The Department, when initiating a revocation/suspension proceeding, shall be designated the Complainant. Any adverse party shall be designated as the Respondent.
- b) In the case of a summary license revocation/suspension appeal or an eviction and removal appeal, ~~pursuant to Section 2530.280~~, the party appealing shall be designated as the Petitioner and the Department designated as the Respondent.
- c) Misnomer of a party is not ground for dismissal, but the name of any party may be corrected at any time.

(Source: Section 2530.35 renumbered from Section 2530.330 and amended at 38 Ill. Reg. _____, effective _____)

Section 2530.40 Documents

- a) Documents shall clearly show the title of the proceeding in connection with which they are filed, and shall designate the nature of the relief sought.
- b) Except as otherwise provided, two copies of all documents, including complaints, motions, ~~petitions for proposed rules~~, and petitions for review shall be filed with the Department.
- c) Each document filed shall be signed by the party or by his or her authorized representative.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.50 Computation of Time

- a) Computation of time relating to filings, motions, other pleadings and orders ~~any period of time prescribed by this Part~~ shall begin ~~with~~ the first business day following the day on which the act, event or development initiating such period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. ~~If~~ Where the period of time is five days or less, Saturdays, Sundays, and legal holidays shall be excluded in the computation of time.

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- b) Notice requirements shall be construed to mean notice dispatched by means reasonably calculated to be received by the prescribed date.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.60 Appearances

- a) Any person may appear in a contested case as follows:
- 1) A natural person may appear in his or her own behalf or by an attorney at law licensed and registered to practice in the State of Illinois, or both.
 - 2) A business, nonprofit or government organization shall appear by an attorney licensed and registered to practice in the State of Illinois.
- b) Attorneys not licensed and registered to practice in the State of Illinois may appear on motion.
- c) An attorney appearing in a representative capacity shall file a written notice of appearance with the Department, together with proof of service on all parties or their respective attorneys at least 5 days prior to any hearing.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

**SUBPART B: SUMMARY REVOCATION/SUSPENSION
BASED ON ACCUMULATION OF POINTS****Section 2530.220 Applicability**

This Subpart governs the practices and procedures related to revocation of licenses and suspension of privileges under the jurisdiction of the Department of Natural Resources when thesueh revocation and/or suspension is based upon one or more determinations of guilt by a court of law and accumulation of points as described in this Subpart.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.230 Point System

- a) Any person found guilty by a circuit court of the State of Illinois (including

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supervision or conditional discharge) or a United States District Court in an Illinois District of an offense that is a violation of any of the provisions of the Fish and Aquatic Life Code ~~[515 ILCS 5]~~, the Wildlife Code ~~[520 ILCS 5]~~, the Timber Buyers Licensing Act ~~[225 ILCS 735]~~, the Ginseng Harvesting Act ~~[525 ILCS 20]~~, the Endangered Species Act ~~[520 ILCS 10]~~, or any similar violation of federal statutes or rules, or any violation under Section 48-3(b) of the Criminal Code of 2012 [720 ILCS 5/48-3(b)] shall be assessed points as set out in Section 2530.240.

- b) Licenses, permits and stamps shall be revoked, and privileges shall be suspended, based upon the accumulated points. The assessed accumulated points remain until:
- 1) In cases involving Type I offenses (see Section 2530.255), 18 months has elapsed since the date of arrest for offense;
 - 2) In cases involving Type II offenses, 36 months has elapsed since the date of arrest for offense;
 - 3) An order of the Circuit Court or the Director terminates the suspension and the applicable reinstatement fee has been paid and processed by the Department; or
 - 4) An order of the Circuit Court has expunged the underlying record of the offense, the Office of Law Enforcement has received notice of the expungement, and the applicable reinstatement fee has been paid.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.240 Points

- a) Unless otherwise specified in subsection (b), points shall be assessed by classification of offense as follows:
- 1) For a petty offense – 3 points
 - 2) For a Class C Misdemeanor – 6 points
 - 3) For a Class B Misdemeanor – 9 points

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- 4) For a Class A Misdemeanor – 12 points
 - 5) For a Class 4 Felony – 24 points
 - 6) For a Class 3 Felony or Higher – 60 points
- b) Points for the following violations shall be assessed as follows:
- 1) For any violation committed during a period of suspension – 60 points
 - 2) For offenses under the Timber Buyers Licensing Act:
 - A) For any person previously suspended once under Group C (Timber Buyers Licensing Act), a minimum of 60 points and up to a maximum of 120 points shall be assessed for a second suspension. The actual number of points and length of suspension shall be determined at a hearing or by the Hearing Officer in the event of a default, as defined in Section 2530.410~~to be assessed shall be determined in accordance with Section 2530.488.~~
 - B3) For any person previously suspended twice under Group C (Timber Buyers Licensing Act), a minimum of 120 points and up to a maximum of 900 points shall be assessed for a third or subsequent suspension. The actual number of points and length of suspension shall be determined at a hearing or by the Hearing Officer in the event of a default, as defined in Section 2530.410~~to be assessed shall be determined in accordance with Section 2530.488.~~
 - 34) Federal offenses shall be assessed points based upon the classification of offense for the corresponding Illinois violation, rather than the federal classification of the offense.
 - 45) For any person found guilty of Section 2.33(cc) of the Wildlife Code ~~{520~~ ILCS 5/2.33(cc)} – 13 points.
 - 56) For any person found guilty of Section 2.38 of the Wildlife Code ~~{520~~ ILCS 5/2.38} – 13 points.

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- 67) For any person found guilty of Section 20-120(h) of the Fish and Aquatic Life Code ~~[515-ILCS 5/20-120(h)]~~ – 13 points.
- 78) For any person found guilty of Section 20-125(d) of the Fish and Aquatic Life Code ~~[515-ILCS 5/20-125(d)]~~ – 13 points.
- 8) For any person found guilty of Section 48-3(b)(9) or (b)(10) of the Criminal Code of 2012 – 13 points.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.245 Single Incident Rule

- a) In the event that multiple findings of guilt are entered against an individual arising out of a single incident ~~or act~~ (same date and location of violation), full points shall be assessed only for the finding of guilt with the highest point level with additional points assessed for the remaining findings of guilt as follows:
- 1) For a petty offense – 1 point
 - 2) For a Class C misdemeanor – 2 points
 - 3) For a Class B misdemeanor – 3 points
- b) The single incident rule shall not be applied, however, in any cases ~~in which~~ where the highest level violation is a Class A misdemeanor or higher (12 points or greater) or in cases ~~in which~~ where violations occurred while the individual was suspended.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.250 Groups

- a) Group A = Wildlife Code, Endangered Species Protection Act – Wildlife, ~~and~~ Federal Offenses – Wildlife, ~~and~~ Section 48-3(b) of the Criminal Code of 2012 – Wildlife
- b) Group B = Fish and Aquatic Life Code, Endangered Species Protection Act –

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Aquatic Life, ~~and~~ Federal Offenses – Aquatic Life, and Section 48-3(b) of the Criminal Code of 2012 – Aquatic Life

- c) Group C = Timber Buyers Licensing Act
- d) Group D = Ginseng Harvesting Act, Endangered Species Protection Act – Plants, Federal Offenses – Plants

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.255 Types of Offenses

- a) Type I Offenses = Those offenses related to commercial/business activities covered under Timber Buyer, Taxidermist, Aquaculture, Aquatic Life Dealer, Minnow Dealer, Mussel Dealer, Commercial Roe Dealer, Commercial Fisherman, Commercial Mussel, Commercial Roe Harvester, Game and Game Bird Breeder, Wild Game Food Dealer, Furbearing Animal Breeder, Fur Tanner, Class A Nuisance Wildlife Control Operator, ~~or~~ Migratory Waterfowl Hunting Area or Charter Fishing licenses and permits.
- b) Type II Offenses = All other offenses related to activities covered under licenses and permits and offenses of hunter or fisherman interference under the Criminal Code. (Example: hunting, trapping, sport fishing, etc.)

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.260 Computation of Suspension Period

All offenses shall be classified by type and by group for computation of points.

- a) For Type I offenses, any person who, within an 18 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all commercial/business licenses, permits and stamps relevant to that group revoked, and the person's privilege to engage in those activities shall be suspended for a period of time that equals one month for each point accumulated. All accumulated points shall remain in effect for 18 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect,

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commencing on the date the earliest suspension expires.

- 1) ~~EXAMPLE~~**Example**: An individual operates as a commercial game bird breeder and a migratory waterfowl hunting area, and is found guilty of violations relating to his/her commercial game bird breeding operation, resulting in points sufficient to result in revocation/suspension. A revocation shall be imposed upon both the individual's game bird breeding license and his/her migratory waterfowl hunting area permit. **In addition, and** the person's privilege to obtain any Type I license under the Wildlife Code is suspended for the appropriate period of time.
 - 2) ~~EXAMPLE~~**Example**: Found guilty of no taxidermy license, possession of untagged specimens and failure to keep proper records (a Class B ~~misdemeanor~~**Misdemeanor** and 2 Petty Offenses) as a result of a single incident. No revocation/suspension imposed, 11 points assessed (9+1+1).
 - 3) ~~EXAMPLE~~**Example**: Found guilty of same violations as in subsection (a)(~~21~~) (a Class B ~~misdemeanor~~**Misdemeanor** and 2 Petty Offenses), but on different dates. Revocation/suspension shall be imposed, as full 15 points apply (9+3+3).
 - 4) ~~EXAMPLE~~**Example**: Found guilty of buying timber without a license and failure to pay harvest fees (both Class A ~~misdemeanors~~**Misdemeanors**, 12 points each). Revocation/suspension imposed, regardless of whether findings are the result of a single incident or separate occurrences, 24 points applied.
- b) For Type II offenses: Any person who, within a 36 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that type and group revoked, and the person's privilege to engage in the activity covered by the type and group shall be suspended for a period of time that equals one month for each point accumulated. Lifetime licenses issued pursuant to ~~Section 515 ILCS 5-20-45(f)~~ **of the Fish and Aquatic Life Code** shall only be revoked for felony violations or for violations committed during a period of suspension. The privileges of lifetime license holders shall be suspended, however, in accordance with the provisions of this Section. All accumulated points shall remain in effect for 36 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension

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imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires.

- 1) ~~EXAMPLE~~Example: Found guilty of hunting by use of lights from a vehicle (Class A ~~misdemeanor~~Misdemeanor) and taking an over limit of quail (petty offense) – hunting license, trapping license, migratory waterfowl stamp and habitat stamp revoked – Type II privileges authorized under Group A suspended for 15 months from date of notice.
- 2) ~~EXAMPLE~~Example: Found guilty of a Class B ~~misdemeanor~~Misdemeanor under the Wildlife Code and a Class B Misdemeanor under the Fish Code – no revocation or suspension as there is no 13 point accumulation in any one group.
- 3) ~~EXAMPLE~~Example: Person in subsection (b)(1) completes 15 month suspension; two months later (less than 36 months from first violation) the person again hunts by use of lights from a vehicle, for which person is found guilty – appropriate licenses and stamps revoked and person suspended for 27 months (15+12).
- 4) ~~EXAMPLE~~Example: Found guilty of two Class B ~~misdemeanors~~Misdemeanors (normally 9 points each) under the Wildlife Code for violations arising out of a single incident – due to Single Incident Rule, reduced points are assessed (9+3) and no suspension is imposed.
- 5) ~~EXAMPLE~~Example: Person in subsection (b)(1) is found guilty of a violation under the Wildlife Code that occurred during the time that the person's privileges were suspended – 60 additional points assessed and a second suspension is imposed, to run consecutively after the first suspension (75 months total).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.270 Summary Revocation/Suspension Procedures

- a) All Illinois Circuit Court~~ircuit~~ clerks shall report ~~the disposition of Natural Resources cases~~ to the Office of Law Enforcement, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271, the

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disposition of cases involving a violation of any of the provisions of the Fish and Aquatic Life Code, the Wildlife Code, the Timber Buyers Licensing Act, the Ginseng Harvesting Act, the Endangered Species Protection Act and Section 48-3(b) of the Criminal Code of 2012.

- b) Points shall be assessed to the individual by the Office of Law Enforcement~~Department~~ once reports of disposition are received from the circuit clerk. The Department shall not be responsible or liable for the delay or failure of a circuit clerk in the reporting of dispositions. Any delay or failure of a circuit clerk in the reporting of dispositions does not affect the Department's ability to revoke or suspend privileges pursuant to this Part.
- c) Whenever sufficient points have been accumulated for suspension as set out in Section 2530.260, the suspension shall be imposed by the Department on a quarterly basis as follows:
- 1) For any dispositions received during the first quarter of the calendar year (January-March), suspensions shall begin on April 30.
 - 2) For any dispositions received during the second quarter of the calendar year (April-June), suspensions shall begin on July 30.
 - 3) For dispositions received during the third quarter of the calendar year (July-September), suspensions shall begin on October 30.
 - 4) For dispositions received during the fourth quarter of the calendar year (October-December), suspensions shall begin on January 30.
- d) ~~Any person suspended under subsection (c) shall be notified by mail that any licenses, stamps or permits held by that person pursuant to the statutes or administrative rules of the type and group in which the points were accumulated are immediately revoked, and the notice shall further inform the person how many points have been assessed and for how long his/her privileges have been suspended.~~
- e) ~~For Type I (commercial/business type) suspensions, the notice shall also include instructions that no new business may be taken in, effective immediately with the suspension, and that existing business must cease within 30 days after the effective date of the suspension. Proof that all existing business has ceased may~~

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~~be in the form of written correspondence to all current clients notifying them of the suspension and their alternatives.~~

- f) ~~Notices shall be mailed to the last known address of the person through the U.S. mail, and an affidavit of mailing shall be proof that the notice was received 4 days after being mailed. Revocation and suspension shall be effective 4 days after notice is deposited in a U.S. mailbox.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.275 Notice of Revocation/Suspension

- a) Any person who has accumulated sufficient points to have a license revoked and/or privileges suspended shall be notified by mail that any licenses, stamps or permits held by that person pursuant to the statutes or administrative rules of the type and group in which the points were accumulated are immediately revoked. The notice shall further inform the person how many points have been assessed and for how long their privileges are suspended.
- b) At any time after imposition of revocation/suspension, the Office of Law Enforcement may withdraw the revocation/suspension if the Office of Law Enforcement finds the revocation/suspension was issued in error.
- c) For Type I (commercial/business type) suspensions, the notice shall also include instructions that no new business may be taken in, effective immediately with the suspension, and that existing business must cease within 30 days after the effective date of the suspension. Proof that all existing business has ceased may be in the form of written correspondence to all current clients notifying them of the suspension and their alternatives.
- d) Notices shall be mailed to the last known address of the person through U.S. mail, and an affidavit of mailing shall be proof that the notice was received 4 days after being mailed. The effective date of the suspension will be the date indicated in the Notice of Suspension letter. Revocation and suspension shall be effective 4 days after notice is deposited in the U.S. mailbox.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 2530.280 Request for Hearing to Appeal Summary Revocation/Suspension

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Hearing

- a) Any person who is mailed notice of suspension and revocation shall have the right to appeal by filing two copies of a Petition for Hearing. Both copies of the Petition for Hearing shall be mailed to or filed with the Office of Legal Counsel, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. ~~Petitions~~Such petition must be received by the Department ~~of Natural Resources~~ no later than 34 days after notice was mailed for the petition to be considered. ~~No action will be taken on an untimely petition and the revocation or suspension will be considered final.~~
- b) If the petition is not timely received by the Office of Legal Counsel at the Department of Natural Resources, the summary revocation/suspension will be considered final without further notice.
- c) The petition shall be styled "In re the suspension of ____, PETITION FOR HEARING". The petition shall contain sufficient facts in justification of a hearing and be signed by the petitioner (person whose privileges were suspended).
- e) ~~Any petition not denied within 30 days after receipt by the Department shall be deemed granted and a hearing shall be set pursuant to the provisions of Subpart C: Hearings of Contested Cases.~~
- d) The petition shall also state if the petitioner paid a civil penalty through the Circuit Court for an illegal take as a result of the related (conservation) violations of the Fish and Aquatic Life Code, the Wildlife Code or the Endangered Species Protection Act.
- e) The party filing the petition shall be designated the Petitioner. The Department shall be designated the Respondent.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: DEPARTMENT INITIATED COMPLAINT

Section ~~2530.300~~2530.340 ~~Notice and Complaint~~(Department Initiated Revocation/Suspension Based Upon Course of Conduct~~Proceeding)~~

- a) Proceedings for revocation/suspension based upon course of conduct with at least

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one determination of guilt by a court of law ~~under this Subpart C, other than those imposed under Subpart B,~~ shall be commenced by the service of a notice and a complaint upon the respondent.

- b) The complaint shall contain the following:
- 1) A reference to the provision of the law or rules of which the respondent was found guilty ~~(including supervision and conditional discharge)~~ by a court of law, including a description sufficient to advise respondent of the basis for revocation/suspension;
 - 2) A description of any/all the violations committed by respondent in a guilty finding-violation sufficient to advise respondents of the basis for revocation/suspension;
 - 3) A concise statement of the relief that the complainant seeks; and
 - 4) A statement that the relief stated in the complaint shall be granted if the respondent does not answer, respond or attend a hearing as set out in this Part.
- c) A copy of the notice and complaint shall either be served personally on the respondent or his or her authorized agent or shall be served by registered or certified mail with return receipt signed by the respondent or his or her authorized agent. Proof of service of the complaint shall be made by affidavit of the person making personal service or by properly executed registered or certified mail receipt.

(Source: Section 2530.300 renumbered from Section 2530.340 and amended at 38 Ill. Reg. _____, effective _____)

Section 2530.310 Applicability

This Subpart governs practices hearings and ~~related~~ procedures under the jurisdiction of ~~suspended in suspension or revocation of a license issued by~~ the Department for the following: ~~both license revocation appeals pursuant to Subpart B and Department-initiated revocation/suspension proceedings.~~

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- a) Summary revocation of licenses and/or suspension of privileges based upon accumulation of points from determinations of guilty by a court of law;
- b) Revocation of licenses and/or suspension of privileges sought by the Department based upon course of conduct, with at least one determination of guilt by a court of law;
- c) Immediate eviction and removal from Department lands for up to 90 days; and
- d) Eviction and removal from Department lands for longer than 90 days sought by the Department based upon the course of conduct.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.320 General Procedures of Hearings

- a) Upon timely receipt of a Petition or Complaint for Hearing, the~~The~~ Director of the Department of Natural Resources or his or her designee shall designate a Hearing Officer. The Hearing Officer shall be a licensed~~does not have to be an~~ attorney. Staff members of Law Enforcement, witnesses and the Director shall not serve as Hearing Officers. The appointed Hearing Officer shall not have direct involvement in the case or have an interest in the decision to be reached. Mere familiarity with the facts shall not disqualify a Hearing Officer.
- b) The Hearing Officer shall set a date, time and place for hearing within 90 days after receipt of a timely request for hearing.~~In the case of a license revocation pursuant to Subpart B, no hearing shall be granted unless, within 34 days after mailing of Notice of Revocation and Suspension by the Department, a petition requesting hearing, citing the justification for such hearing, has been filed with the Office of Legal Counsel, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271.~~
- c) The hearing shall be held in the offices of the Department in Springfield, Illinois or in such other place as the Hearing Officer shall, for stated cause, designate. The Hearing Officer shall give notice at least 15 days prior to the date of the hearing to the parties, in accordance with this Part.
- d) Failure to comply with this Part may not be used as a defense to a proceeding under this Part, but any person adversely affected by a failure of compliance may

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have the hearing postponed if prejudice is shown, upon motion to the Hearing Officer.

- e) Any pleadings, motions or orders shall be served by First Class United States mail or by electronic mail, and copies shall be sent to all parties and the Hearing Officer, with proof of service. Proof of service of any paper other than the petition shall be by certificate of service.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.330 Parties (Renumbered)

(Source: Section 2530.330 renumbered to Section 2530.35 at 38 Ill. Reg. _____, effective _____)

Section 2530.340 Notice and Complaint (Department Initiated Proceeding) (Renumbered)

(Source: Section 2530.340 renumbered to Section 2530.300 at 38 Ill. Reg. _____, effective _____)

SUBPART D: HEARINGS OF CONTESTED CASES

Section 2530.350 Service (Department Initiated Proceeding) (Repealed)

- a) ~~A copy of the notice and complaint shall either be served personally on the respondent or his authorized agent, or shall be served by registered or certified mail with return receipt signed by the respondent or his authorized agent. Proof of service of the complaint shall be made by affidavit of the person making personal service, or by properly executed registered or certified mail receipt.~~
- b) ~~Any pleadings, motions or discovery notices, after issuance of the complaint, shall be served personally or by First Class United States Mail, and copies thereof shall be filed with the Hearing Officer with proof of service. Proof of service of any paper other than the complaint shall be by certificate of attorney, affidavit or acknowledgment.~~
- e) ~~Notice of license revocation and suspension of privileges shall be mailed to the last known address of the person through the U.S. mail. An affidavit of mailing shall be proof that the notice was received 4 days after being mailed.~~

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(Source: Repealed at 38 Ill. Reg. _____, effective _____)

Section 2530.360 Time and Location Notice of Hearing

a) Within 60 days after the service of the Department's Complaint or within 60 days after receipt of a Petition for Hearing, the Hearing Officer shall set a date and time for a pre-hearing conference and a date, time and place for hearing.

ba) Time and Location of Hearing

- 1) ~~The Hearing Officer shall set a date, time and place for hearing that shall be not later than 90 days after receipt of a timely request for hearing.~~
- 2) The hearing shall be held in the offices of the Department in Springfield, Illinois or in such other place as the Hearing Officer shall for stated cause designate. He shall give notice at least 15 days prior to the date of the hearing to the parties, in accordance with this Part.

cb) Failure to comply with the provisions of this Part may not be used as a defense to a proceeding under this Part, but any person adversely affected by ~~asueh~~ failure of compliance may have the hearing postponed if prejudice is shown, upon motion to the Hearing Officer.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.370 Prehearing Conferences

a) Upon motion of a party and/or upon written notice by the Hearing Officer ~~in any proceeding, the~~ parties or their attorneys may be directed to appear at a specific time and place for a pre-hearing conference, ~~before the prior to or during the course of~~ hearing, for the purpose of formulating issues and considering:

- 1a) the simplification of issues;
- 2b) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
- 3e) the possibility of making admissions of certain averments of facts or stipulations concerning the use of either or both parties of matters of

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public record to avoid unnecessary introduction of proof;

- ~~4d)~~ the limitation of the number of witnesses;
- ~~5e)~~ the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; ~~and~~
- ~~6)~~ in hearings or in defaults involving accumulation of points assessed due to violations of the Timber Buyers Licensing Act, mitigation and aggravation factors, if applicable, in determining the appropriate number of points and length of suspension of the Petitioner; and
- ~~7)~~ such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- b) At the pre-hearing conference, the Hearing Officer shall set a date for hearing within 60 days unless agree to otherwise or for good cause.
- c) Action taken at the pre-hearing conference shall be recorded in an order prepared by the Hearing Officer.
- ~~f) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.~~
- ~~g) Action taken at the conference shall be recorded in a memorandum prepared and certified by the Hearing Officer.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.380 Authority of Hearing Officer

The Hearing Officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. He shall have all powers necessary to these ends, including but not limited to the power to:

- a) Rule upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;
- b) Regulate the course of the hearings and the conduct of the parties and their

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counsel in those hearingstherein;

- c) Interrogate witnesses;
- d) Hold pre-hearing conferences for settlement, simplification of the issues, or any other proper purpose;
- e) Determine the timing and form of motions and responses by the parties;
- f) Rule on the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
- g) Rule on motions, issues on admissions or stipulations;
- h) Rule on the limitation of the number of witnesses and limitation of issues and evidence;
- i) Issue or deny the issuance of subpoenas requested by the parties;
- j) Consider factors in mitigation and aggravation in determining the appropriate length of suspension sentencing;
- k) Rule on such other matters as may aid in the simplification of the evidence and disposition of the proceeding; and
- l) Rule on the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits and other discovery. No discovery described by Supreme Court Rule 201 will be permitted prior to a hearing, except by permission of the Hearing Officer.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.390 Order of Administrative Hearings

The following shall be the order of all administrative hearings, subject to modification by the Hearing Officer for good cause;

- a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint/petition;

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- b) Presentation of opening statements;
- c) Presentation of Complainant's/Petitioner's case in chief;
- ~~d) Respondent's case in chief;~~
- ~~de) Presentation of~~ Complainant's/Petitioner's ~~case in~~ rebuttal case;
- ~~ef) Statements from interested citizens, if authorized by the Hearing Officer;~~
- ~~fg) Presentation of~~~~Respondent's~~ closing argument, which may include legal argument;
- ~~h) Complainant's/Petitioner's closing argument, which may include legal argument;~~
- ~~gi) Presentation and argument of all motions prior to final order.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.410 Default

Failure of a party to appear on the date set for pre-hearing or hearing, ~~or failure to proceed~~ as ordered by the Hearing Officer~~Department~~ shall constitute a default.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.420 Evidence

- a) The Hearing Officer will receive evidence that is admissible under the law of the rules of evidence of Illinois pertaining to civil actions. In addition, the Hearing Officer may receive material, relevant evidence that would be relied upon by reasonably prudent persons in the conduct of serious affairs that is reasonably reliable and reasonably necessary to resolution of the issue for which it is offered.
- b) The Hearing Officer shall exclude from consideration immaterial, irrelevant, and repetitious evidence.
- c) When the admissibility of disputed evidence depends upon an arguable

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interpretation of substantive law, the Hearing Officer shall admit ~~that such~~ evidence.

- d) The Hearing Officer may order the record of any relevant prior proceeding before the Department or part thereof incorporated into the record of the present proceeding.
- e) Relevant scientific or technical articles, treatises or materials may be introduced into evidence subject to refutation or disputation through any introduction of comparable documentary evidence or expert testimony.
- f) Department Initiated Complaints ~~Aggravation and Mitigation~~
 - ↳ A party may introduce evidence as grounds that would demonstrate factors in mitigation or factors in aggravation of the relief sought in the complaint/~~petition~~.
 - 2) ~~The Hearing Officer shall take the following matters into consideration, if applicable, in contested cases in which the relief the Department, as the Complainant, seeks is suspension or revocation of a license or permit issued by the Department:~~
 - A) ~~the Respondent's history of past conservation offenses;~~
 - B) ~~any findings of guilt against the Respondent for offenses under other Acts that were related to those conservation offenses for which suspension or revocation is sought;~~
 - C) ~~whether the Respondent's course of conduct constituted a threat to the biological balance of any species protected by the Act under which suspension or revocation is sought;~~
 - D) ~~whether the Respondent's course of conduct constituted a threat to the safety of the Respondent, Department Officials, or others;~~
 - E) ~~any evidence of the Respondent's ignorance of a material fact that led to his/her unlawful conduct;~~
 - F) ~~the degree of cooperation exhibited by the Respondent with Department Officials;~~

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- ~~G) the degree to which the Respondent profited economically as a result of his/her unlawful conduct;~~
- ~~H) whether the Respondent has ever committed an illegal or unlawful taking or harvesting or has damaged State property in violation of the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Endangered Species Protection Act [520 ILCS 10], the Timber Buyers Licensing Act [225 ILCS 735] or the Ginseng Harvest Act [525 ILCS 20] and whether the Respondent compensated the State for the illegal or unlawful taking, harvesting or damage in accordance with the appropriate Act; and~~
- ~~I) any other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.~~

~~g3)~~ The Hearing Officer shall take only the following matters into consideration in hearings for cases of suspension/revocation based on accumulation of points imposed under Subpart B:

- ~~1A)~~ was the Petitioner found guilty of the offenses outlined in the Notice of Suspension;
- ~~2B)~~ were points for those offenses properly assessed; and
- ~~3C)~~ was suspension/revocation properly imposed.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.470 Administrative Record

- a) The transcript of the hearing approved by the Hearing Officer and all exhibits offered in connection with the hearing shall constitute the administrative record, and it shall be so certified by the Hearing Officer.
- b) The administrative record in a contested case shall include:
 - 1) all pleadings (including all notices and responses thereto), motions and rulings;

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- 2) evidence ~~admitted or preserved~~received;
 - 3) a statement of matters officially noticed;
 - 4) offers of proof, objections and rulings thereon;
 - 5) proposed findings and exceptions;
 - 6) any decision, opinion or report by the Hearing Officer, including findings of fact and conclusions of law; and
 - 7) ~~the Department's final order all staff memoranda or data submitted to the Hearing Officer or members of the agency in connection with their consideration of the case.~~
- c) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.482 Decision, Order and Disposition

- a) Decision and Order
 - 1) Findings of facts shall be based exclusively on the evidence and on matters officially noticed.
 - 2) The Department shall prepare a written order and opinion for all final determinations. The order shall include findings of fact and conclusions of law and shall be signed by the Director after considering the Hearing Officer's recommendations.
 - 3) Findings shall include specific references to principal supporting items of evidence in the record.
 - 4) Findings of fact and conclusions of law must be separately stated.
 - 5) The Department's final order may include any or all of the following:

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- A) A direction to cease and desist from violations of the Department's rules and orders;
- B) Suspension of licenses, permits or privileges;
- C) Revocation of a license or permit; or
- D) Other determinations that may be appropriate.
- 6) The Department shall notify all parties or their agents by mail of any final order.
- 7) The Department's order shall be the final administrative decision of the Department, noting that it is appealable to the Circuit Court, pursuant to the Administrative Review Law [735 ILCS 5/Art. III].
- b) Unless precluded by law, the Department may dispose of a case by stipulation, agreed order, settlement, consent order or default. The Department may impose a suspension of privileges for up to 60 months, or longer if a suspension is pursuant to the Timber Buyers Licensing Act or if denial of access privileges under Section 805-518 of the Civil Administrative Code is imposed.
- c) The suspension of privileges shall remain in effect until payment of appropriate reinstatement fees, as found in Section 2530.610, and processing of those fees by the Office of Law Enforcement.
- d) Failure of a party to appear on the date set for a pre-hearing or hearing, or failure to proceed as ordered by the Hearing Officer, shall constitute a default. If a party fails to appear, the Hearing Officer shall make a finding and prepare an order for the Director. No further action will be taken on the matter and the suspension/revocation will be imposed as stated in the Complaint or Notice of Suspension.

~~Unless precluded by law, the Department may dispose of a contested case by stipulation, agreed settlement, consent order, or default.~~

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.484 Compelling Appearance at Hearing

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The appearance at the Hearing of a party or a person who at the time of the hearing is an officer, director or employee of a party may be required by serving the party with a notice designating the person who is required to appear, if the Hearing Officer rules that the appearance of ~~that~~~~such~~ a person is necessary to assist in the resolution of the issue raised in the proceeding. A party may subpoena any witness, no earlier than receipt of the notice of hearing and no later than 14 days before the hearing, by requesting that the Hearing Officer issue a subpoena to compel the attendance of the witness. If the party or person is a non-resident of the State, the Hearing Officer shall provide by order ~~the~~~~such~~ terms and conditions in connection with ~~that party's or person's~~~~his~~ appearance at the hearing as are just, including payment of ~~the party's or person's~~~~his~~ reasonable expenses. The notice also may require production at the hearing of documents or tangible things. The party requesting the appearance of any person shall pay that person's reasonable expenses unless the person whose appearance is requested is an employee of a party to the Hearing.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.486 Recording of Hearing

The Hearing shall be recorded ~~stenographically or by~~ ~~a~~~~such~~ ~~other~~ means ~~that~~~~as~~ ~~to~~ adequately ~~ensure~~~~ensure~~ the preservation of ~~the~~~~such~~ ~~testimony~~ ~~or~~ ~~oral~~ proceedings, as described in Section 2530.470, and shall be transcribed on request of any party. However, the party requesting ~~such~~ a transcription shall be responsible for all costs associated with the transcription.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.490 Decision and Order (Repealed)

- ~~a) The Department shall prepare a written order and opinion for all final determinations. The order shall include findings of fact and conclusions of law and shall be signed by the Director after considering the Hearing Officer's recommendations and the factors listed in Section 2530.420(f)(2) or (f)(3).~~
- ~~b) Findings shall include specific references to principal supporting items of evidence in the record.~~
- ~~c) Findings of fact and conclusions of law must be separately stated.~~
- ~~d) The Department's final order may include any or all of the following:~~

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- 1) ~~A direction to cease and desist from violations of the Department's rules and orders;~~
- 2) ~~Suspension of licenses or permits;~~
- 3) ~~Revocation of a license or permit. A person who has had a license revoked or privileges suspended shall not be issued any license or permit by the Department for a period not to exceed the maximum allowed by law. Such a person shall not legally possess a license or permit or engage in the activity such a license or permit would allow should that person obtain a license or permit during that period;~~
- 4) ~~Such other determinations that may be appropriate.~~
- e) ~~The Department shall notify all parties or their agents either personally or by mail of any final order.~~
- f) ~~The Department's order shall be the final administrative decision of the Department.~~

(Source: Repealed at 38 Ill. Reg. _____, effective _____)

SUBPART E: INTERSTATE WILDLIFE VIOLATOR COMPACT

Section 2530.500 Interstate Wildlife Violator Compact Membership

As authorized by Section 805-545 of the Civil Administrative Code of Illinois ~~[20 ILCS 805/805-545]~~, the Department shall be a member of the Interstate Wildlife Violator Compact.

- a) The Interstate Wildlife Violator Compact is an agreement that recognizes suspension of hunting, fishing and trapping licenses in member states. The Compact provides that information on convictions in the other states in participating states shall be forwarded to the home state of the violator. The home state shall treat convictions in the other states as if they had occurred in that state for the purposes of license suspension actions. The Compact not only assures equal treatment of residents and non-residents of participating states, but also enhances the law enforcement services and deterrent value of time spent patrolling by uniformed officers. This means that illegal activities in one state can

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affect a person's hunting or fishing privileges in all participating states. Any person whose license privileges or rights are suspended in a member state may also be suspended in Illinois. If a person's hunting, fishing or trapping rights are suspended in Illinois, they may also be suspended in members states as well. This cooperative interstate effort will enhance the Department's ability to protect and manage Illinois' wildlife resources.

- b) The following states are current members of the Interstate Wildlife Violation Compact:

Alabama, Alaska, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming. This list does not preclude enforcement of suspensions imposed in states not included in this list that later join as a Compact member.

- c) Illinois residents who are cited for aquatic life or wildlife violations in another state that is a member of the Compact, and who do not comply with the citing state's requirements for court appearance, shall receive notice of:
- 1) revocation of all licenses and permits held under the Fish and Aquatic Life Code and the Wildlife Code issued by the Department; and
 - 2) suspension of all aquatic life and wildlife privileges.
- db) Persons receiving ~~such~~ notice of revocation/suspension for non-compliance shall have the right to a hearing pursuant to Subpart DE.
- ee) Any suspension imposed for non-compliance of another Compact state's hunting or fishing laws or regulations (e.g., failure to appear in Court or failure to pay a fine) shall be in effect in the State of Illinois until ~~such time that~~ the Department is notified by the other state that compliance has been reached. Upon receipt of ~~such~~ notice of compliance, the suspension shall be terminated in Illinois and privileges reinstated by the Department. Illinois regulations for reinstatement of privileges (see Subpart F) still apply.
- fd) Pursuant to Section 20-105 of the Fish and Aquatic Life Code ~~[515 ILCS 5/20-~~

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~~105(e)~~ and Section 3.36 of the Wildlife Code ~~[520 ILCS 5/3.36(f)]~~, suspension of privileges by any Compact member state shall automatically result in suspension for the same period in Illinois.

- g) Within 15 days after receipt of the appropriate reinstatement fee, if applicable, and after the Office of Law Enforcement receives an order from a Circuit Court or Department Director that a suspension is terminated and/or will end on a certain date, the Office of Law Enforcement shall notify the Interstate Wildlife Violator Compact that the suspension has been terminated.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART F: REINSTATEMENT OF PRIVILEGES

Section 2530.600 Reinstatement Procedures

- a) Any person whose privileges have been suspended ~~pursuant to Subpart B of this Part (Summary Revocation/Suspension)~~ may have ~~his or her~~his/her privileges reinstated in one of the following manners:
- 1a) through successful completion of the period of suspension;
 - 2b) as a final determination of a hearing conducted as a result of the person's timely appeal of ~~a summary~~his/her suspension ~~imposed pursuant to Subpart B of this Part or immediate eviction pursuant to Subpart H of this Part~~; or
 - 3e) through a written order issued by the Department in accordance with Subpart ~~DC~~ of this Part, ~~as outlined in this subsection~~:
- ~~1) Any person who returns to court to change his/her plea on charges after a period of suspension has been imposed must file, within 34 days after the court action, a petition with the Department accompanied by a \$50 filing fee to request that his/her privileges be reinstated. The Department shall set a hearing date pursuant to the provisions of Subpart C: Hearings of Contested Cases. The burden of proof to justify reinstatement shall be upon the applicant. During the hearing, consideration shall be given to the factors listed in Section 2530.420(f).~~

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- 2) ~~The mere fact that certain charges were reopened and modified to a lesser class of offense, or reopened and dismissed, shall not be grounds for modification of point totals or automatic reinstatement of privileges.~~
- b3) Once a person's privileges have been reinstated, the Department shall process that information within a reasonable time frame, but in no event shall the processing take longer than ~~a period of 1510~~ working days.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 2530.610 Reinstatement Fees

- a) The following fees shall be applied to proceedings under this Part:

<u>Type of Suspension</u>	<u>First Suspension</u>	<u>Subsequent Suspensions</u>
<u>Eviction from State property (except 90 day Notice of Eviction suspension)</u>	<u>\$50</u>	<u>\$100</u>
<u>Administrative (Officer request, etc.)</u>	<u>\$50</u>	<u>\$100</u>
<u>Non-Compliance (Interstate Wildlife Violator Compact)</u>	<u>\$50</u>	<u>\$100</u>
<u>Non-Commercial Point Suspension</u>	<u>\$50</u>	<u>\$100</u>
<u>Commercial Point Suspension</u>	<u>\$100</u>	<u>\$200</u>
<u>Reckless Operation of Snowmobile or Watercraft/ Failure to Yield to an Emergency Watercraft/Failure to Report a Watercraft Accident</u>	<u>\$100</u>	<u>\$200</u>
<u>Watercraft/Snowmobile OUI and Refusal</u>	<u>\$250</u>	<u>\$500</u>

- b) Reinstatement fees shall be made by cashier's check, bank check or money order and submitted to:

IDNR Office of Law Enforcement
One Natural Resources Way

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Springfield IL 62702

- c) All suspensions of privileges remain in effect until the appropriate reinstatement fee is received and processed by the Office of Law Enforcement. The Office of Law Enforcement has 15 business days after receipt of payment to process the reinstatement fee.

(Source: Added at 38 Ill. Reg. _____, effective _____)

SUBPART H: EVICTION FROM DEPARTMENT LANDSSection 2530.800 Immediate Eviction and Removal from Department Lands for up to 90 Days

- a) As authorized by Section 805-518 of the Civil Administrative Code, the Department shall have the authority to remove or ban any individual engaged in illegal activities or disorderly conduct from any lands owned, leased or managed by the Department and lands dedicated as Nature Preserves or buffer areas under the Natural Areas Preservation Act, and deny future entry to those lands by way of revocation and/or suspension of access privileges.
- b) This immediate eviction and removal shall be served on a Notice of Eviction form. The Notice of Eviction form shall contain, at a minimum, the following information:
- 1) Name, address and date of birth of person being served;
 - 2) The site or area in which the person is evicted and removed;
 - 3) The nature of the offense, including chapter and section number of the relevant statute;
 - 4) The date Notice of Eviction is served;
 - 5) The starting and ending dates of the eviction and removal;
 - 6) Consequences for returning during the period of eviction;
 - 7) Procedures for appealing the eviction; and

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- 8) Other information deemed necessary by the Department.
- c) Persons who re-enter land from which they have been evicted and removed may be subject to arrest for criminal trespass of State-supported land in violation of Section 21-5 of the Criminal Code of 2012 or other applicable violations of the law.
- d) Persons wishing to appeal an immediate eviction and removal shall do so in writing within 30 days after the date the Notice of Eviction is served.
- e) Any person who is issued a Notice of Eviction shall have the right to appeal by filing a Petition for Hearing.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 2530.810 Request for Hearing to Appeal Immediate Eviction and Removal

- a) Any person who issued a Notice of Eviction and Removal shall have the right to appeal by filing two copies of a Petition for Hearing.
- 1) Both copies of the Petition for Hearing shall be mailed to or filed with:
- Office of Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
- 2) The petitions must be received by the Department no later than 30 days after the Notice of Eviction and Removal is served for the petition to be considered.
- b) If no petition is received within 30 days by the Office of Legal Counsel, the eviction and removal will be considered final without further notice.
- c) The petition shall be styled "In Re the eviction of _____ (name) _____, PETITION FOR HEARING". The petition shall contain sufficient facts in justification of a hearing and be signed by the Petitioner (person who was evicted).

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- d) The party filing the petition shall be designated the Petitioner. The Department shall be designated the Respondent.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 2530.820 Eviction and Removal from Department Lands for Longer than 90 Days

- a) This Section governs the practices and procedures related to the eviction and removal from Department lands for a period of time in excess of 90 days. As authorized by Section 805-518 of the Civil Administrative Code, the Department shall have the authority to remove or ban any individual engaged in illegal activities or disorderly conduct from any lands owned, leased or managed by the Department, and lands dedicated as Nature Preserves or buffer areas under the Natural Areas Preservation Act, and deny future entry to the same by way of revocation and/or suspension of access privileges.
- b) In addition to, or in lieu of, the 90 day Notice of Eviction, the Department may request a hearing to evict and remove from Department lands violators of camping regulations as described in 17 Ill. Adm. Code 110.180 (Public Use of State Parks and Other Properties of the Department of Natural Resources) and 130.15 (Gaming on Department of Natural Resources Properties). Violators shall only be subject to an eviction for a maximum of 365 days, as described in 17 Ill. Adm. Code 130.150(b).
- c) In addition to, or in lieu of, the 90 day Notice of Eviction, the Department may request a hearing to revoke and/or suspend the access privileges authorized by Section 805-515 of the Civil Administrative Code for cases involving illegal activities other than those described in 17 Ill. Adm. Code 110 and 130. Violators shall be evicted from Department lands for crimes committed on any Department land for a period of time equivalent to maximum statutory penalties for the crimes committed under the Criminal Code of 2012, unless otherwise indicated, for the following criminal categories:
- 1) Petty offenses, up to 6 months eviction;
 - 2) Class C misdemeanors;
 - 3) Class B misdemeanors;

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- 4) Class A misdemeanors;
- 5) Class 4 felonies;
- 6) Class 3 felonies;
- 7) Class 2 felonies;
- 8) Class 1 felonies; or
- 9) Class X felonies.

(Source: Added at 38 Ill. Reg. _____, effective _____)

Section 2530.830 Department Request for Eviction and Removal Longer than 90 Days

- a) Proceedings for Department requests for eviction from Department lands for a period in excess of 90 days shall be commenced by the service of a notice and a Complaint upon the Respondent.
- b) The Complaint shall contain the following:
 - 1) A description of any violations committed by Respondent on Department lands;
 - 2) A concise statement of the relief that the Department seeks; and
 - 3) A statement that the relief stated in the Complaint shall be granted if the Respondent does not answer, respond or attend a hearing as set out in this Part.
- c) A copy of the notice and Complaint shall either be served personally on the Respondent or his authorized agent, or shall be served by registered or certified mail with return receipt signed by the Respondent or his or her authorized agent. Proof of service of the Complaint shall be made by affidavit of the person making personal service, or by properly executed registered or certified mail receipt.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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Section 2530.840 Procedures for Eviction/Removal Hearings

All procedures for eviction and removal hearings are found in Subpart D.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
515.100	Amend
515.125	Amend
515.500	Amend
515.510	Amend
515.520	Amend
515.700	Amend
515.900	Amend
515.910	Amend
515.920	Amend
515.930	Amend
515.935	Amend
515.940	Amend
515.945	Amend
515.950	Amend
515.955	Amend
515.960	Amend
515.963	New
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: The Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code is being amended to improve Special Emergency Medical Services Vehicle (SEMSV) safety and to bring them up to current standards. Section 515.100 is being amended to define "Helicopter Shopping", "Stroke Network" and "System Participation Suspension". Section 515.125 is being amended to include federal government publications pertaining to requirements for an aircraft crew. Section 515.900 and Section 515.910 is being amended for technical cleanup. Section 515.920 is being amended to define the qualifications of the SEMSV Medical Director. Section 515.930 is being amended to include the Federal Aviation Administration (FAA) requirements for fixed-wing EMS pilots. Section 515.935 is being amended to allow the EMS System to approve pilots. This Section also requires temporary staffing to be three full-time pilots and is

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permitted for no more than six months before hiring a replacement. EMS pilots must have a minimum of 2000 flight hours with a minimum of 1500 rotorcraft flight hours, and 100 flight hours at night with a minimum of 500 hours of turbine time. Each fixed-wing aircraft pilot shall be approved by the Medical Director for participation in an EMS System.

Sections 515.500, 515.510, 515.520 and 515.700 are being amended to include the responsibility of the lead instructor to ensure that the class begins after the Department has issued written approval and a site code. Lead instructors must also ensure that the curriculum presented to the EMT students has approval of the Department and the EMS System. No lead instructor will teach methods of assessment or intervention that are not approved by the Department or the EMS System.

Section 515.940 is being amended to replace the requirement for the aeromedical crew members from Basic Trauma Life Support (BTLIS) to International Trauma Life Support (ITLS). This Section also includes Trauma Nurse Advanced Trauma Course (TNATC) and a course equivalent to Neonatal Resuscitation Program (NRP) as other options to some of the other required courses. The Section defines the requirement of tracheal intubation for aeromedical crew members. Section 515.945 removes the fishing kit from the survival equipment requirements and also requires a single engine fixed-wing aircraft to be powered by a turbine engine. Section 515.950 amends requirements for aircraft medical equipment and drugs. Section 515.955 requires mechanics to have completed factory approved training for the makes and models of aircraft in the SEMSV program.

Section 515.960 requires the dispatcher for all aeromedical services to have knowledge of the EMS roles and responsibilities for various levels of training, medical terminology, obtaining patient information and assistance with hazardous material responses and recognition training and crew resource management. Section 515.963 is a new Section that describes the flight program safety standards.

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

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

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Federal Aviation Administration Type Certificate Data Sheet for a particular aircraft required crew can be found at <http://www.faa.gov/aircraft/>.
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
515.150	Amend	37 Ill. Reg. 20601; December 27, 2013
515.165	New	37 Ill. Reg. 20601; December 27, 2013
515.170	Amend	37 Ill. Reg. 20601; December 27, 2013
515.190	Renumber/amend	37 Ill. Reg. 20601; December 27, 2013
515.430	Repeal	37 Ill. Reg. 20601; December 27, 2013
515.460	Amend	37 Ill. Reg. 20601; December 27, 2013
515.590	Amend	37 Ill. Reg. 20601; December 27, 2013
515.620	Renumber	37 Ill. Reg. 20601; December 27, 2013
515.630	New	37 Ill. Reg. 20601; December 27, 2013
515.800	Amend	37 Ill. Reg. 20601; December 27, 2013

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate on units of local government.”
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking:

Susan Meister
 Division of Legal Services
 Illinois Department of Public Health
 535 W. Jefferson St., 5th floor
 Springfield IL 62761

271/782-2043
dph.rules@illinois.gov

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: All SEMSV programs will need to adhere to the requirements set fourth in the rule. Additional training and equipment may be needed.
 - B) Reporting, bookkeeping or other procedures required for compliance: All SEMSV programs will be required to keep records of education and equipment.
 - C) Types of professional skills necessary for compliance: All pilots, drivers of SEMSV, registered nurses, physicians, EMTs, Paramedics must comply with the education requirements.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 515
EMERGENCY MEDICAL SERVICES, TRAUMA CENTER, PRIMARY STROKE
CENTER AND EMERGENT STROKE READY HOSPITAL CODE

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Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Facility, System and Equipment Violations, Hearings and Fines
515.170	Employer Responsibility
515.180	Administrative Hearings

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan
515.240	Bioterrorism Grants
515.250	Hospital Stroke Care Fund

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment

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515.370	Automated Defibrillation (Repealed)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications
515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs
515.440	State Emergency Medical Services Disciplinary Review Board
515.445	Pediatric Care
515.450	Complaints
515.455	Intra- and Inter-system Dispute Resolution
515.460	Fees
515.470	Participation by Veterans Health Administration Facilities

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section	
515.500	Emergency Medical Technician-Basic Training
515.510	Emergency Medical Technician-Intermediate Training
515.520	Emergency Medical Technician-Paramedic Training
515.530	EMT Testing
515.540	EMT Licensure
515.550	Scope of Practice – Licensed EMT
515.560	EMT-B Continuing Education
515.570	EMT-I Continuing Education
515.580	EMT-P Continuing Education
515.590	EMT License Renewals
515.600	EMT Inactive Status
515.610	EMT Reciprocity
515.620	Felony Convictions
515.630	Evaluation and Recognition of Military Experience and Education
515.640	Reinstatement

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section

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515.700	EMS Lead Instructor
515.710	Emergency Medical Dispatcher
515.715	Provisional Licensure for First Responders and Emergency Medical Responders
515.720	First Responder (Repealed)
515.725	First Responder/Emergency Medical Responder
515.730	Pre-Hospital Registered Nurse
515.740	Emergency Communications Registered Nurse
515.750	Trauma Nurse Specialist
515.760	Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section	
515.800	Vehicle Service Provider Licensure
515.810	EMS Vehicle System Participation
515.820	Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825	Alternate Response Vehicle
515.830	Ambulance Licensing Requirements
515.835	Stretcher Van Provider Licensing Requirements
515.840	Stretcher Van Requirements
515.845	Operation of Stretcher Vans
515.850	Reserve Ambulances
515.860	Critical Care Transport

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section	
515.900	Licensure of SEMSV Programs – General
515.910	Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920	SEMSV Program Licensure Requirements for All Vehicles
515.930	Helicopter and Fixed-Wing Aircraft Requirements
515.935	EMS Pilot Specifications
515.940	Aeromedical Crew Member Training Requirements
515.945	Aircraft Vehicle Specifications and Operation
515.950	Aircraft Medical Equipment and Drugs
515.955	Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs

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515.960	Aircraft Communications and Dispatch Center
<u>515.963</u>	<u>Flight Program Safety Standards</u>
515.965	Watercraft Requirements
515.970	Watercraft Vehicle Specifications and Operation
515.975	Watercraft Medical Equipment and Drugs
515.980	Watercraft Communications and Dispatch Center
515.985	Off-Road SEMSV Requirements
515.990	Off-Road Vehicle Specifications and Operation
515.995	Off-Road Medical Equipment and Drugs
515.1000	Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section	
515.2000	Trauma Center Designation
515.2010	Denial of Application for Designation or Request for Renewal
515.2020	Inspection and Revocation of Designation
515.2030	Level I Trauma Center Designation Criteria
515.2035	Level I Pediatric Trauma Center
515.2040	Level II Trauma Center Designation Criteria
515.2045	Level II Pediatric Trauma Center
515.2050	Trauma Center Uniform Reporting Requirements
515.2060	Trauma Patient Evaluation and Transfer
515.2070	Trauma Center Designation Delegation to Local Health Departments
515.2080	Trauma Center Confidentiality and Immunity
515.2090	Trauma Center Fund
515.2100	Pediatric Care (Renumbered)
515.2200	Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section	
515.3000	EMS Assistance Fund Administration

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section	
515.3090	Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical

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Care Services

- 515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
- 515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
- 515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

SUBPART K: PRIMARY STROKE CENTERS AND
EMERGENT STROKE READY HOSPITALS

- 515.5000 Definitions
 - 515.5010 Stroke Care – Restricted Practices
 - 515.5020 Primary Stroke Center (PSC) Designation
 - 515.5030 Request for Primary Stroke Center Designation
 - 515.5040 Suspension and Revocation of Primary Stroke Center Designation
 - 515.5050 Emergent Stroke Ready Hospital (ESRH) Designation
 - 515.5060 Emergent Stroke Ready Hospital Designation Criteria
 - 515.5070 Request for Emergent Stroke Ready Hospital Designation
 - 515.5080 Suspension and Revocation of Emergent Stroke Ready Hospital Designation
 - 515.5090 Data Collection and Submission
 - 515.5100 Statewide Stroke Assessment Tool
-
- 515.APPENDIX A A Request for Designation (RFD) Trauma Center
 - 515.APPENDIX B A Request for Renewal of Trauma Center Designation
 - 515.APPENDIX C Minimum Trauma Field Triage Criteria
 - 515.APPENDIX D Standing Medical Orders
 - 515.APPENDIX E Minimum Prescribed Data Elements
 - 515.APPENDIX F Template for In-House Triage for Trauma Centers
 - 515.APPENDIX G Credentials of General/Trauma Surgeons Level I and Level II
 - 515.APPENDIX H Credentials of Emergency Department Physicians Level I and Level II
 - 515.APPENDIX I Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
 - 515.APPENDIX J Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
 - 515.APPENDIX K Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
 - 515.APPENDIX L Pediatric Equipment Recommendations for Emergency Departments

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- 515.APPENDIX M Inter-facility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline
- 515.APPENDIX N Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application
- 515.APPENDIX O Pediatric Critical Care Center Plan
- 515.APPENDIX P Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012; amended at 36 Ill. Reg. 2296, effective January 25, 2012; amended at 36 Ill. Reg. 3208, effective February 15, 2012; amended at 36 Ill. Reg. 11196, effective July 3, 2012; amended at 36 Ill. Reg. 17490, effective December 3, 2012; amended at 37 Ill. Reg. 5714, effective April 15, 2013; amended at 37 Ill. Reg. 7128, effective May 13, 2013; amended at 37 Ill. Reg. 10683, effective June 25, 2013; amended at 37 Ill. Reg. 18883, effective November 12, 2013; amended at 37 Ill. Reg. 19610, effective November 20, 2013; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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Section 515.100 Definitions

Act – the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Advanced Life Support Services or ALS Services – an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Aeromedical Crew Member or Watercraft Crew Member or Off-road Specialized Emergency Medical Services Vehicle (SEMSV) Crew Member – an individual, other than an EMS pilot, who has been approved by an SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program.

Alternate EMS Medical Director or Alternate EMS MD – the physician who is designated by the Resource Hospital to direct the ALS/ILS/BLS operations in the absence of the EMS Medical Director.

Ambulance – any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. (Section 3.85 of the Act)

Ambulance Service Provider or Ambulance Provider – any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

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Applicant – an individual or entity applying for a Department-issued license or certification.

Associate Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting training programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive emergency department with 24-hour physician coverage. It shall have a functioning Intensive Care Unit or a Cardiac Care Unit.

Associate Hospital EMS Coordinator – the EMT-Paramedic (EMT-P) or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS, Intermediate Life Support (ILS) or Basic Life Support (BLS) System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director – the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS, ILS, or BLS System, in accordance with the Department-approved EMS System Program Plan.

Basic Emergency Department – a classification of a hospital emergency department where at least one physician is available in the emergency department at all times; physician specialists are available in minutes; and ancillary services, including laboratory, x-ray and pharmacy, are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (~~77 Ill. Adm. Code 250~~).

Basic Life Support Services or BLS Services – a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a Basic Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Board Eligible in Emergency Medicine – completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for

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Emergency Medicine or the Council on Postdoctoral Training (COPT) for the American Osteopathic Association (AOA).

Certified Registered Nurse Anesthetist or CRNA – a licensed registered professional nurse who has had additional education beyond the registered professional nurse requirements at a school/program accredited by the National Council on Accreditation; who has passed the certifying exam given by the National Council on Certification; and who, by participating in 40 hours of continuing education every two years, has been recertified by the National Council on Recertification.

~~Channel, Half Duplex – a radio channel that transmits and receives signals, but in only one direction at a time.~~

Child Abuse and Neglect – see the definitions of "abused child" and "neglected child" in Section 3 of the Abused and Neglected Child Reporting Act ~~[325 ILCS 5/3]~~.

Child Life Specialist – A person whose primary role is to minimize the adverse effects of children's experiences by facilitating coping and the psychosocial adjustment of children and their families through the continuum of care.

Comprehensive Emergency Department – a classification of a hospital emergency department where at least one licensed physician is available in the emergency department at all times; physician specialists shall be available in minutes; ancillary services, including laboratory and x-ray, are staffed at all times; and the pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements ~~(77 Ill. Adm. Code 250)~~.

CPR for Healthcare Providers – a course in cardiopulmonary resuscitation that meets or exceeds the American Heart Association course "BLS for Healthcare Providers".

Critical Care Transport – A Specialty Care Transport (SCT) level of inter-facility or 911 service that uses paramedic, pre-hospital registered nurse (PHRN) and, on occasion, specialized nursing staff to perform skills and interventions at levels above the usual and customary scope of paramedic practice within the State of Illinois. Advanced education, continuing education and special certifications are

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required. All Critical Care Transport Programs shall be under the direction of a Department-approved ALS EMS System.

Department – the Illinois Department of Public Health. (Section 3.5 of the Act)

Director – the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Door-to- – The time from patient arrival at the health care facility until the specified result, procedure or intervention occurs.

Dysrhythmia – a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

Effective Radiated Power or ERP – the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

Electrocardiogram or EKG – a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

Emergency – a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

Emergency Communications Registered Nurse or ECRN – a registered professional nurse, licensed under the Nurse Practice Act ~~[225 ILCS 65]~~, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in accordance with System protocols. (Section 3.80 of the Act)

Emergency Department Approved for Pediatrics or EDAP – a hospital participating in an approved EMS System and designated by the Department

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pursuant to Section 515.4000 of this Part as being capable of providing optimal emergency department care to pediatric patients 24 hours per day.

Emergency Medical Dispatcher – a person who has successfully completed a training course in emergency medical dispatching meeting or exceeding the National Curriculum of the United States Department of Transportation in accordance with this Part, who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles. (Section 3.70 of the Act)

~~*Emergent Stroke Care—emergency medical care that includes diagnosis and emergency medical treatment of suspected or known acute stroke patients. (Section 3.116 of the Act)*~~

~~*Emergent Stroke Ready Hospital—a hospital that has been designated by the Department as meeting the criteria for providing emergency stroke care as set forth in the Act and Section 515.5060. (Section 3.116 of the Act)*~~

Emergency Medical Dispatch Priority Reference System or EMDPRS – an EMS System's organized approach to the receipt, management and disposition of a request for emergency medical services.

Emergency Medical Services System or EMS System or System – an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Act)

Emergency Medical Services System Survey – a questionnaire that provides data to the Department for the purpose of compiling annual reports.

Emergency Medical Technician-Basic or EMT-B – a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an EMS

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System. (Section 3.50 of the Act)

Emergency Medical Technician-Coal Miner – for purposes of the Coal Mine Medical Emergencies Act, an EMT-B, EMT-I or EMT-P who has received training emphasizing extrication from a coal mine.

Emergency Medical Technician-Intermediate or EMT-I – a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Act and this Part and practices within an Intermediate or Advanced Life Support EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Paramedic or EMT-P – a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an Advanced Life Support EMS System. (Section 3.50 of the Act)

Emergent Stroke Care – emergency medical care that includes diagnosis and emergency medical treatment of suspected or known acute stroke patients. (Section 3.116 of the Act)

Emergent Stroke Ready Hospital – a hospital that has been designated by the Department as meeting the criteria for providing emergency stroke care as set forth in the Act and Section 515.5060. (Section 3.116 of the Act)

EMS Administrative Director – the administrator, appointed by the Resource Hospital with the approval of the EMS Medical Director, responsible for the administration of the EMS System.

EMS Medical Director or EMS MD – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Lead Instructor – a person who has successfully completed a course of education as prescribed by the Department in this Part, and who is currently approved by the Department to coordinate or teach education, training and continuing education courses, in accordance with this Part. (Section 3.65 of the Act)

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EMS Regional Plan – a plan established by the EMS Medical Director's Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator – the designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

EMS System Program Plan – the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

First Responder – a person who is at least 18 years of age, who has successfully completed a course of instruction in emergency medical responder as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency medical responder course. (Section 3.60 of the Act)

First Response Services – a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the First Responder curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Fixed-Wing Aircraft – an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

Full-Time – on duty a minimum of 36 hours, four days a week.

Half-Duplex Communications – a radio or device that transmits and receives signals in only one direction at a time.

Health Care Facility – a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" which utilize EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in the Act and this Part. (Section 3.5 of the Act)

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Helicopter or Rotorcraft – an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Helicopter Shopping – the practice of calling various operators until a helicopter emergency medical services (HEMS) operator agrees to take a flight assignment, without sharing with subsequent operators that the previously called operators declined the flight, or the reasons why the flight was declined.

Hospital – *has the meaning ascribed to that term in Section 3 of the Hospital Licensing Act [210 ILCS 85]. (Section 3.5 of the Act)*

Hospitalist – a physician who primarily provides unit-based/in-hospital services.

Instrument Flight Rules or IFR – the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions or IMC – meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support Services or ILS Services – an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Level I Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2030 of this Part to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours per day.

Level II Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 of this Part to provide optimal care to trauma patients, to provide some essential services

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available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Licensee – an individual or entity to which the Department has issued a license.

Limited Operation Vehicle – a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

Local System Review Board – a group established by the Resource Hospital to hear appeals from EMTs or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

Mobile Radio – a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity – a negative outcome that is the result of the original trauma or treatment rendered or omitted.

911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.

Non-emergency Medical Care – medical services rendered to patients whose condition does not meet the Act's definition of emergency, during transportation of such patients to health care facilities for the purpose of obtaining medical or health care services which are not emergency in nature, using a vehicle regulated by the Act and this Part. (Section 3.10 of the Act)

Nurse Practitioner – a person who is licensed as a nurse practitioner under the Nurse Practice Act ~~[225 ILCS 65]~~. For out-of-state facilities that have Illinois recognition under the trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SEMSV or Off-Road SEMS Vehicle – a motorized cart, golf cart, all-terrain vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

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Participating Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Critical Care Center or PCCC – a hospital participating in an approved EMS System and designated by the Department as being capable of providing optimal critical and specialty care services to pediatric patients, and of providing all essential services either in-house or readily available 24 hours per day.

Pediatric Patient –patient from birth through 15 years of age.

Physician – any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 ~~[225 ILCS 60]~~.

Physician Assistant – a person who is licensed under the Physician Assistant Practice Act ~~[225 ILCS 95]~~. For out-of-state facilities that have Illinois recognition under the trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Pilot or EMS Pilot – a pilot certified by the Federal Aviation Administration who has been approved by an SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program.

Portable Radio – a hand-held radio that accompanies the user during the conduct of emergency medical services.

Pre-Hospital Care – those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals. (Section 3.10 of the Act)

Pre-Hospital Care Provider – a System Participant or any EMT-B, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, ECRN or Physician serving on an ambulance or giving voice orders over an EMS System and subject to suspension by the EMS Medical Director of that System in accordance with the policies of

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the EMS System Program Plan approved by the Department.

Pre-Hospital Registered Nurse or Pre-Hospital RN or PHRN – a registered professional nurse, licensed under the Nurse Practice Act, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to practice within an EMS System as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports. (Section 3.80 of the Act)

Primary Stroke Center – a hospital that has been certified by a Department-approved, nationally recognized certifying body and designated as a Primary Stroke Center by the Department. (Section 3.116 of the Act)

Regional EMS Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region to advise the Region's EMS Medical Directors Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each Resource Hospital within the Region, one administrative representative from an Associate Hospital within the Region, one administrative representative from a Participating Hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one Emergency Medical Technician (EMT)/Pre-Hospital RN from each level of EMT/Pre-Hospital RN practicing within the Region, and one registered professional nurse currently practicing in an emergency department within the Region. Of the two administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's EMS Advisory Committee. (Section 3.25 of the Act)

Regional EMS Coordinator – the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee – a group *comprised of the Region's*

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EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For Regions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical advisor shall serve on the Committee. For other Regions, the fire department vehicle service providers shall select which medical advisor to serve on the Committee on an annual basis. (Section 3.25 of the Act)

Regional Stroke Advisory Subcommittee – a subcommittee formed within each Regional EMS Advisory Committee to advise the Director and the Region's EMS Medical Directors Committee on the triage, treatment, and transport of possible acute stroke patients and to select the Region's representative to the State Stroke Advisory Subcommittee. (Section 3.116 of the Act) The composition of the Subcommittee shall be as set forth in Section 3.116 of the Act.

Regional Trauma Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each Trauma Center within the Region, one EMS Medical Director from a Resource Hospital within the Region, one EMS System Coordinator from another Resource Hospital within the Region, one representative each from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each Trauma Center within the Region, one EMT representing the highest level of EMT practicing within the Region, one emergency physician and one Trauma Nurse Specialist (TNS) currently practicing in a Trauma Center. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN – a person who is licensed as a professional nurse under the Nurse Practice Act ~~[225 ILCS 65]~~. For out-of-state facilities that have Illinois recognition under the trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Resource Hospital – the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes

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responsibility for the entire program, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

Screening – a preliminary procedure or assessment, such as a test or examination, to detect the most characteristic sign or signs of a disorder or condition that may require further investigation (for example, assessing for potential abuse or neglect through interview responses and behavioral/physical symptom clues).

SEMSV Medical Control Point or Medical Control Point – the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director – the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program – a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, using specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

Specialized Emergency Medical Services Vehicle or SEMSV – a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads. (Section 3.85 of the Act)

"Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (i.e., in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is

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used for the emergency transportation of the sick or injured;

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

Standby Emergency Department – a classification of a hospital emergency department where at least one of the registered nurses on duty in the hospital is available for emergency services at all times, and a licensed physician is "on-call" to the emergency department at all times in accordance with Section 250.710 of the Hospital Licensing Requirements (~~77 Ill. Adm. Code 250~~).

Standby Emergency Department Approved for Pediatrics or SEDP – a hospital participating in an approved EMS System and designated by the Department, pursuant to Section 515.4010 of this Part, as being capable of providing optimal standby emergency department care to pediatric patients and to have transfer agreements and transfer mechanisms in place when more definitive pediatric care is needed.

Special-Use Vehicle – any public or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

State EMS Advisory Council – a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

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~~Stroke Network—a voluntary association of hospitals, including a hospital with a board eligible or board certified neurosurgeon or neurologist, that may, among other activities, share stroke protocols; provide medical consultations on possible or known acute stroke patients or on inter-facility transfers of possible or known acute stroke patients; or provide education specific to improving acute stroke care. Participating hospitals in a stroke network may be in-state or out-of-state.~~

Stretcher Van – a vehicle used by a licensed stretcher van provider to transport non-emergency passengers in accordance with the Act and this Part.

Stretcher Van Provider – an entity licensed by the Department to provide non-emergency transportation of passengers on a stretcher in compliance with the Act and this Part, utilizing stretcher vans. (Section 3.86 of the Act)

Stroke Network – a voluntary association of hospitals, including a hospital with a board eligible or board certified neurosurgeon or neurologist, that may, among other activities, share stroke protocols; provide medical consultations on possible or known acute stroke patients or on inter-facility transfers of possible or known acute stroke patients; or provide education specific to improving acute stroke care. Participating hospitals in a stroke network may be in-state or out-of-state.

~~System Participation Suspension—the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.~~

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension – two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

System Participation Suspension – the suspension from participation within an

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EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Telecommunications Equipment – a radio capable of transmitting and receiving voice and electrocardiogram (EKG) signals.

Telemetry – the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

Trauma – any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

Trauma Category I – a classification of trauma patients in accordance with Appendix C and Appendix F of this Part.

Trauma Category II – a classification of trauma patients in accordance with Appendix C and Appendix F of this Part.

Trauma Center – a hospital which: within designated capabilities provides care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the Act. (Section 3.90 of the Act)

Trauma Center Medical Director – the trauma surgeon appointed by a Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee – a group composed of the Region's Trauma Center Medical Directors. (Section 3.25 of the Act)

Trauma Coordinator – a registered nurse working in conjunction with the Trauma Medical Director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS – a registered professional nurse who has

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successfully completed education and testing requirements as prescribed by the Department, and is certified in accordance with this Part. (Section 3.75 of the Act)

Trauma Nurse Specialist Course Coordinator or TNSCC – a registered nurse appointed by the Chief Executive Officer of a hospital designated as a TNS Training Site, who meets the requirements of Section 515.750 of this Part.

Trauma Service – an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c) of this Part.

Unit Identifier – a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

Vehicle Service Provider – an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with the Act and this Part and an operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV). (Section 3.85 of the Act)

Watercraft – a nautical vessel, boat, airboat, hovercraft or other vehicle that operates in, on or across water.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.125 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
 - 1) Private and professional association standards:
 - A) Glasgow Coma Scale
Champion HR, Sacco WJ, Carnazzo AJ et al.:
CritCare Med 9(9): 672-676 (1981)
 - B) Revised Trauma Score, 1999
from Resources for the Optimal Care of the Injured Patient

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American College of Surgeons
633 North Saint Clair Street
Chicago, Illinois 60611-3211

- C) Abbreviated Injury Score, 2005
American Association for the Advancement
of Automotive Medicine
Des Plaines, Illinois 60008
 - D) Injury Severity Score
Baker SP, O'Neil B, Hadon W et al.:
Journal of Trauma 14: 187-196 (1974)
 - E) International Classification of Diseases,
9th Revision, Clinical Modification (ICD-9-CM)
Alphabetic Index to External Causes of Injury (E-Codes),
Second Printing (2010)
World Health Organization, Geneva, Switzerland and
National Center for Health Statistics
Published by Edwards Brothers, Inc. Ann Arbor, Michigan
 - F) Resources for Optimal Care of the Injured Patient (2006)
American College of Surgeons
633 North Saint Clair Street
Chicago, Illinois 60611-3211
 - G) Pediatric Advanced Life Support (2011)
American Heart Association National Center
7272 Greenville Center
Dallas, Texas 75231
- 2) Federal government publications:
- A) Federal Specifications for Ambulance, KKK-A-1822F (August
2007), United States General Services Administration,
Specifications Section, 2200 Crystal Drive, Suite 1006, Arlington
VA 22202

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- B) United States Department of Transportation, Emergency Medical Technician-Basic: National Standard Curriculum (1998), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402
- C) United States Department of Transportation, Emergency Medical Technician-Intermediate: National Standard Curriculum (1998), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402
- D) United States Department of Transportation, Emergency Medical Technician-Paramedic: National Standard Curriculum (1998), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (See Sections 515.215(a); 515.500(c) and (e); 515.510(a) and (d); 515.530(c); 515.532(b); 515.810(b) and (c); and 515.850(a) and (b).)
- E) United States Department of Transportation, First Responder: National Standard Curriculum (1997), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402
- F) United States Department of Transportation, EMS Instructor Training Program: National Standard Curriculum (1995), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402
- G) United States Department of Transportation, Emergency Medical Dispatcher: National Standard Curriculum (1995), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402
- H) The Federal Aviation Administration Type Certificate Data Sheet for a particular aircraft required crew can be found at <http://www.faa.gov/aircraft/>.

- 3) Federal regulations:

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- A) 47 CFR 90 (October 1, 2008) – Private Land Mobile Radio Services
 - B) Air Taxi Operations and Commercial Operators (14 CFR 135 (January 1, 2009), Subparts A, Sections 135.1 through 135.43; B, Sections 135.61 through 135.125; C, Sections 135.141 through 135.185; D, Sections 135.201 through 135.229; E, Sections 135.241 through 135.247; F, Section 135.261; J, Sections 135.411 through 135.443)
 - C) 42 CFR 2A (October 1, 2009) – Confidentiality of Alcohol and Drug Abuse Patient Records
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) Federal statutes:
 - Federal Aviation Act of 1958, Sections 307 and 308 (P.L. 85-726, 72 USC 731)
 - 2) State of Illinois statutes:
 - A) Hospital Emergency Services Act [210 ILCS 80]
 - B) Hospital Licensing Act [210 ILCS 85]
 - C) Medical Practice Act of 1987 [225 ILCS 60]
 - D) Nurse Practice Act [225 ILCS 65]
 - E) Code of Civil Procedure [735 ILCS 5]

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- F) Emergency Telephone System Act [50 ILCS 750]
 - G) Boat Registration and Safety Act [625 ILCS 45]
 - H) Open Meetings Act [5 ILCS 120]
 - I) Illinois Administrative Procedure Act [5 ILCS 100]
 - J) Head and Spinal Cord Injury Act [410 ILCS 515]
 - K) Freedom of Information Act [5 ILCS 140]
 - L) State Records Act [5 ILCS 160]
 - M) Coal Mine Medical Emergencies Act [410 ILCS 15]
 - N) Abused and Neglected Child Reporting Act [325 ILCS 5]
- 3) State of Illinois regulations:
- A) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
 - B) Hospital Licensing Requirements (77 Ill. Adm. Code 250)
 - C) Aviation Safety (92 Ill. Adm. Code 14.790, 14.792, 14.795)

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section 515.500 Emergency Medical Technician-Basic Training

- a) Applications for approval of EMT-B Training Programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of the training program, and name and signature of EMS ~~MD~~Medical Director.

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- b) Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days ~~before in advance of~~ the first scheduled class. ~~A~~Included with the application shall be a description of the clinical requirements, textbook being used and passing score for the class shall be included with the application.
- c) The EMS ~~MD~~Medical Director shall attest on the application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum (minimum sections shall include #1 through #7 of the National Curriculum for EMT Basic), and that all instructors are knowledgeable in the material and capable of instructing at the EMT-B level. The curriculum shall include training in the use of epinephrine for both adults and children for application in the treatment of allergic reactions and anaphylaxis.
- d) The EMT-B training program shall designate an EMS Lead Instructor who shall be responsible for the overall management of the training program, ~~and~~ shall be approved by the Department based on requirements of Section 515.700.
- e) The lead instructor for the training class shall be responsible for ensuring that no EMT training class begins until after the Department issues its formal written pre-approval, which shall be in the form of a numeric site approval code.
- f) The lead instructor for the training class shall be responsible for ensuring that all materials presented to EMT students conform to all curriculum requirements of both the Department and the EMS System granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented.
- ~~g)~~e) Any change, ~~except for~~excluding an emergency change (e.g., weather or instructor illness) in the EMT-B training program's ~~EMS MD~~Medical Director or EMS Lead Instructor, shall require an amendment to be filed with the Department.
- ~~h)~~f) Questions for all quizzes and tests to be given during the EMT-B training program shall be prepared by the EMS Lead Instructor and available upon the Department's request.

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- ~~i.g)~~ Each approved training program shall submit a student roster within 10 days after the first class as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.
- ~~i.h)~~ All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.510 Emergency Medical Technician-Intermediate Training

- a) An EMT-I training program shall be conducted only by an EMS System or a community college under the direction of the EMS System.
- b) Applications for approval of EMT-I Training Programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of ~~the~~ training program, and names and signatures of the EMS ~~MD~~Medical Director and EMS System Coordinator.
- c) Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days ~~before in advance of~~ the first scheduled class.
- d) The EMS Medical Director of the EMS System shall attest on the application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum. The course hours shall minimally include 200 hours of didactic education and 150 hours of clinical experience, which includes hospital and field internship experience. The curriculum shall include training in the use of epinephrine for both adults and children for application in the treatment of allergic reaction and anaphylaxis.
- e) The EMT-I training program shall be under the direction of the EMS ~~MD~~Medical Director and the EMS System Coordinator.
- f) The EMS System shall designate an EMS Lead Instructor, who shall be approved

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by the Department based on the requirements of Section 515.700.

- g) The EMS Lead Instructor shall be an EMT-I, an EMT-P, a Registered Professional Nurse or a physician and shall have four years of experience in emergency care as a provider and two years of teaching experience in a classroom setting.
- h) The Lead Instructor for the training class shall be responsible for ensuring that no EMT training class begins until after the Department issues its formal written pre-approval, which shall be in the form of a numeric site approval code.
- i) The Lead Instructor for the training class shall be responsible for ensuring that all materials presented to EMT students conform to all curriculum requirements of both the Department and the EMS system granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented.
- j)h) Any change, ~~except for~~~~excluding~~ an emergency change (e.g., weather or instructor illness) in the EMT-I training program's EMS ~~MD~~~~Medical Director~~, EMS System Coordinator and/or EMS Lead Instructor, shall require an amendment to be filed with the Department.
- k)h) A candidate for an EMT-I training program must have a current Illinois EMT-B license.
- l)h) Before a candidate is accepted into the program, documentation ~~shall~~~~must~~ be submitted that an EMS System vehicle will be available to accommodate field experience.
- m)k) Each approved training program shall submit a student roster within 10 days after the first class as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.
- n)h) After an EMT-I candidate has completed and passed all components of the training program, and passed the National Registry examination or the Department examination when available, the EMSMD shall submit to the Department a transaction card (Form No. IL 482-0837) concerning that

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individual.

- ~~o)m)~~ All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.520 Emergency Medical Technician-Paramedic Training

- a) An EMT-P training program shall be conducted only by an EMS System or a community college under the direction of the EMS System.
- b) Applications for approval of EMT-P training programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, dates of the training program, and names and signatures of the EMS ~~MD~~Medical Director and EMS System Coordinator.
- c) Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days ~~before in advance of~~ the first scheduled class.
- d) The EMS ~~MD~~Medical Director of the EMS System shall attest on the application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum. The EMT-P training program shall include all components of the National Standard Curriculum. The course hours shall minimally include 450 hours of didactic education and 500 hours of clinical experience, which includes hospital and field internship experience. The curriculum shall include training in the use of epinephrine for both adults and children for application in the treatment of allergic reactions and anaphylaxis.
- e) The EMT-P training program's lead coordinators shall be the EMS ~~MD~~Medical Director and the EMS System Coordinator.
- f) The Lead Instructor for the training class shall be responsible for ensuring that no EMT training class begins until after the Department issues its formal written pre-approval, which shall be in the form of a numeric site approval code.

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- g) The Lead Instructor for the training class shall be responsible for ensuring that all materials presented to EMT students conform to all curriculum requirements of both the Department and the EMS system granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented.
- h) Any change, ~~except forecluding~~ an emergency change (e.g., weather or instructor illness) in the EMT-P training program's EMS Medical Director and/or EMS System Coordinator, shall require an amendment to be filed with the Department.
- i) A candidate for an EMT-P training program must have a current Illinois EMT-B or EMT-I license.
- j) Before a candidate is accepted into the program, documentation ~~shall~~ must be submitted that an EMS System vehicle will be available to accommodate field internship needs.
- k) Each approved training program shall submit a student roster within 10 days after the first class, as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.
- l) After an EMT-P candidate has completed and passed all components of the training program, and passed the Department or National Registry examination, the EMSMD shall submit to the Department a transaction card (Form No. IL 482-0837) concerning that individual.
- m) All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER,
FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE,
EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND
TRAUMA NURSE SPECIALIST

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Section 515.700 EMS Lead Instructor

- a) *All education, training and continuing education courses for EMT-B, EMT-I, EMT-P, Pre-Hospital RN, ECRN, First Responder and Emergency Medical Dispatcher shall be coordinated by at least one approved EMS Lead Instructor. A program may use more than one EMS Lead Instructor. A single EMS Lead Instructor may simultaneously coordinate more than one program or course.* (Section 3.65(b)(5) of the Act)
- b) To apply to take the EMS Lead Instructor's examination, the candidate shall submit:
- 1) Documentation of experience and education in accordance with subsection (c) ~~of this Section~~;
 - 2) A fee of \$50 in the form of a money order or certified check made payable to the Department (cash or a personal check will not be accepted);
 - 3) A letter from the EMS ~~MD~~Medical Director saying he/she will approve the course conducted by the candidate;
 - 4) An EMS Lead Instructor application form prescribed by the Department, which shall include, but not be limited to, name, address, and resume.
- c) An EMS Lead Instructor shall meet at least the following minimum experience and education requirements:
- 1) A current license as an EMT-B, EMT-I, EMT-P, RN or physician;
 - 2) A minimum of four years of experience in pre-hospital emergency care;
 - 3) At least two years of documented teaching experience;
 - 4) Documented classroom teaching experience, i.e., BTLS, PHTLS, CPR, Pediatric Advanced Life Support (PALS);
 - 5) Documented successful completion of the Illinois EMS Instructor

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Education Course or equivalent to the National Standard Curriculum for EMS Instructors.

- d) Upon the applicant's completion of the EMS Lead Instructor examination with a score of at least 80 percent, the Department will approve the individual as an EMS Lead Instructor. The approval will be valid for four years.
- e) EMT-I and EMT-P Lead Instructors shall attend a Department-approved curriculum review course whenever revisions are made to the National Standard Curricula for Basic, Intermediate, and/or Paramedic.
- f) To renew approval for another four-year period, the EMS Lead Instructor shall submit to the Department at least 60 days, but not more than 90 days, prior to the approval expiration:
- 1) A letter of support from an EMS ~~MD~~Medical Director indicating that the EMS Lead Instructor has satisfactorily coordinated programs for the EMS System at any time during the four-year period;
 - 2) Documentation of at least 10 hours of continuing education annually. (Programs used to fulfill other professional continuing education requirements, i.e., EMT, nursing, may also be used to meet this requirement.); and
 - 3) Documentation of attendance at a Department-approved curriculum review course, if applicable, in accordance with subsection (e).
- g) The Department shall, in accordance with Section 515.160 of this Part, *suspend or revoke the approval of an EMS Lead Instructor, after an opportunity for a hearing, when findings show:* ~~the EMS Lead Instructor has failed:~~
- 1) *To conduct a course in accordance with the curriculum prescribed by the Act and/or this Part; or*
 - 2) *To comply with protocols prescribed by this Part. (Section 3.65(b)(7) of the Act)*
- h) The EMS Lead Instructor shall be responsible for the following:

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- 1) Ensuring that no EMT training class begins until after the Department issues its formal written pre-approval, which shall be in the form of a numeric site approval code; and
- 2) Ensuring that all materials presented to EMT students conform to all curriculum requirements of both the Department and the EMS System granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY
MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section 515.900 Licensure of SEMSV Programs – General

- a) No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in the provision of emergency medical care or transportation to a sick or injured patient using a Specialized Emergency Medical Services Vehicle (SEMSV), unless currently licensed by the Department pursuant to this Subpart. This requirement applies to:
 - 1) Any air medical service that may pick up a patient within the State of Illinois; and
 - 2) Any provider that advertises that it provides air medical transport services, regardless of its base of operation, location of vehicle registration, or percentage of vehicle use for air medical transport.
- b) An application for licensure shall be filed with the Department by submitting a Program Plan that includes the information required in this Part. The Program Plan shall be signed by the SEMSV Medical Director and the EMS Medical Director of the EMS System of which the SEMSV Program is a part. (See Section 515.920(a) of this Part.)
- c) Each ~~license~~licensure shall be valid for a period of one year from the date of

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issuance, unless suspended or revoked.

- d) Each license shall be issued to the program named in the application for the specific ~~vehicle or vehicles~~ vehicle(s) identified in the application and shall not be assignable or transferable.
- e) ~~Section 515.800 regarding application and renewal of licensure shall apply. An application for renewal of licensure shall be filed with the Department at least 30 days prior to the expiration date on a form prescribed by the Department. The renewal application shall be accompanied by photocopies of any current licenses or certificates required of SEMSV personnel by the provisions of this Part (see Sections 515.920(e), 515.935, 515.940(a) of this Part) and verification that SEMSV personnel continuing education required by the provisions of this Part have been met. (See Section 515.930(d) of this Part.) Each renewed license shall be valid for a period of one year from the date of issuance, unless suspended or revoked.~~
- f) The Department shall inspect any vehicles, equipment, records or other documents covered by the licensed or applicant SEMSV Program annually to determine initial or continued compliance with the requirements of the Act under this Part.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure

- a) The Director may *issue an Emergency Suspension Order for any provider or vehicle licensed under this Part or the Act, when the Director or his or her designee has determined that an immediate and serious danger to the public health, safety and welfare exists. Suspension or revocation proceedings which offer an opportunity for hearing shall be promptly initiated after the emergency suspension order has been issued.* (Section 3.85(b)(7) of the Act)
- b) The Department, in accordance with Section 515.160 ~~of this Part~~, after notice and an opportunity for hearing, shall deny an application for licensure or renewal, suspend or revoke a license when:

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- 1) the applicant or license holder has failed to meet or has violated any of the requirements of the Act or this Part~~5~~; or
 - 2) any SEMSV personnel, during the provision of emergency services, have engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, such as not meeting the requirements of the Act, charging for services or equipment not provided or used, or using unqualified personnel as provided in Section 515.940.
- c) All hearings shall be governed by the Department's ~~Rules of Practice and Procedure~~Procedures in Administrative Hearings and Section 3.135(a) and (b) of the Act(77 Ill. Adm. Code 100). Upon receipt of a notice of denial, nonrenewal, suspension or revocation~~to deny, nonrenew, suspend or revoke~~, the applicant or certificate holder shall have 15 days in which to request ~~such~~ a hearing.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.920 SEMSV Program Licensure Requirements for All Vehicles

- a) The SEMSV Program shall be part of a Department-approved EMS System that is located within the geographical area that the program serves.
- b) The SEMSV Program shall meet and comply with all State and federal requirements governing the specific vehicles employed in the program. (See Section 515.930, 515.945, or 515.970 ~~of this Part.~~)
- c) The SEMSV Program shall comply with this Part during its hours of operation. The SEMSV Program shall operate 24 hours per day, every day of the year, in accordance with weather conditions, except when the service is committed to another medical emergency request, or is unavailable due to maintenance requirements.
- d) The SEMSV Program shall provide pre-hospital emergency services within its service area on a per-need basis without regard to the patient's ability to pay for ~~the~~such service.
- e) The SEMSV Program shall be supervised and managed by a Medical Director, who shall be a physician who has met at least the following requirements:

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- 1) Educational experience in those areas of medicine that are commensurate with the mission statement of the medical service (e.g., trauma, pediatric, neonatal, obstetrics) or utilize specialty physicians as consultants when appropriate;
- 2) Training and experience in Advanced Cardiac Life Support (ACLS), such as the American Heart Association's ACLS course or equivalent education;
- 3) Training and experience in Pediatric Advanced Life Support (PALS), such as the American Heart Association PALS course or ASEP/American Academy of Pediatrics Advanced Pediatric Life Support Course or equivalent education;
- 4) Training and experience in Advanced Trauma Life Support (ATLS), such as the American College of Surgeons' ATLS course or equivalent education;
- 5) In programs using air vehicles, documentation, such as certificates or proof of completion in course work designed to bring about:
 - A) Experience and knowledge in ~~in-flight~~inflight treatment modalities;
 - B) Experience and knowledge in altitude physiology;
 - C) Experience and knowledge in infection control as it relates to airborne and intra-facility transportation; and
 - D) Experience and knowledge in stress management techniques;
- 6) In programs using watercraft, documentation, such as certificates of completion in course work designed to bring about:
 - A) Experience and knowledge in treating persons suffering from drowning (cold, warm, fresh and salt water); and

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- B) Experience and knowledge in diving accident physiology and treatment.

7) In programs using air vehicles, the SEMSV Medical Director shall be knowledgeable and involved in the establishment of flight safety and weather-related parameters.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.930 Helicopter and Fixed-Wing Aircraft Requirements

In addition to the requirements specified in Sections 515.900 and 515.920 ~~of this Part~~, an SEMSV Program using helicopters or fixed-wing aircraft shall submit a Program Plan that includes the following:

- a) Documentation of the SEMSV Medical Director's credentials as required by Section 515.920(e) ~~of this Part~~, and a statement signed by the Medical Director containing his or her commitment to the following duties and responsibilities:
- 1) Supervising and managing the program;
 - 2) Supervising and evaluating the quality of patient care provided by the aeromedical crew;
 - 3) Developing written treatment protocols and standard operating procedures to be used by the aeromedical crew during flight;
 - 4) Developing and approving a list of equipment and drugs to be available on the SEMSV during patient transfer;
 - 5) Providing periodic review, at least monthly, of patient care provided by the aeromedical crew;
 - 6) Providing for the continuing education of the aeromedical team (see Section 515.940(a)(2));
 - 7) Providing medical advice and expertise on the use, need and special requirements of aeromedical transfer;

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- 8) Submitting documentation assuring the qualifications of the aeromedical crew;
 - 9) Notifying the Department when the primary SEMSV is unavailable in excess of 24 hours, stating the reason for unavailability, the expected date of return to service, and the provisions made, if any, for replacement vehicles;
 - 10) Assuring appropriate staffing of the SEMSV, with a minimum of one EMS pilot and one aeromedical crew member for Basic Life Support missions. There shall be two aeromedical crew members for Advanced Life Support and critical care transports, one of which must be a registered nurse or physician with completion of training required by Section 515.940. Two EMS pilots shall be used for fixed-wing aircraft or helicopters when required by the Federal Aviation Administration (FAA) requiring ~~thatsueh~~ staffing. Additional aeromedical personnel may be required at the discretion of the SEMSV Medical Director. The SEMSV Medical Director shall provide the Department with a list of all approved pilots and aeromedical crew members, and shall update the list whenever a change in ~~thosesueh~~ personnel is made;
- b) The SEMSV Medical Director's list of required medical equipment and drugs for use on the aircraft (see Section 515.950);
 - c) The SEMSV Medical Director's treatment protocols and standard operating procedures;
 - d) The curriculum and requirements for orientation and training (see Section 515.940(a)(2), (3) and (4)), including mandatory continuing education for all aeromedical crew members consisting of at least 16 hours in specialized aeromedical transportation topics, eight hours of which may include quality assurance reviews; operational safety standards; and weather related parameters;
 - e) A description of the communications system accessing the aeromedical dispatch center, the medical control point, receiving and referring agencies (see Section 515.960 of this Part);

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- f) A description and map of the service area for each vehicle;
- g) A description of the EMS System's method of providing emergency medical services using the SEMSV Program; and
- h) The identification number and description of all vehicles used in the program.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.935 EMS Pilot Specifications

- a) Approval for EMS System participation for aEMS pilot ~~approval for helicopters and fixed-wing aircraft~~ shall be valid for a period of one year and may be renewed by the Medical Director if the pilot has completed renewal training, which shall include, but is not limited to, the requirements of subsections (b)(1) and (5)(A) through (H) or subsections (c)(1) and (3)(A) through (F) of this Section.
 - 1) For helicopter programs only:
 - A) Four EMS pilots per helicopter, excluding relief support, shall be dedicated to the SEMSV Program. Temporary staffing by three full-time pilots is permitted for no more than six months while finding and training a replacement pilot.
 - B) An EMS pilot assigned to SEMSV duty shall be physically present at the aircraft base to assure timely response.
 - C) An EMS pilot assigned to SEMSV duty shall be provided with work space to carry out assigned duties. ~~Ifn the event that~~ duty time exceeds 12 continuous hours, separate sleeping quarters shall be provided to assure physical rest.
 - 2) For fixed-wing programs only: One EMS pilot per aircraft who will respond within one-half hour from the receipt of the request.
- b) Each EMS pilot assigned to a helicopter shall be approved for participation in an EMS System by the Medical Director and shall meet the following requirements:

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- 1) Compliance with subparts E and F of Air Taxi Operations and Commercial Operators (14 CFR 135).
- 2) A minimum of 2000 ~~rotorcraft~~ flight hours with a minimum of 1500 rotorcraft flight hours and the following stipulations: as pilot in command, including:
 - A) Factory school or equivalent (ground and flight);
 - B) A minimum of 1000 hours as the pilot in command (PIC) in a rotorcraft; Five hours as pilot in command or at the controls prior to EMS missions if transitioning from a single to a single engine helicopter, from a twin to a single engine helicopter, or from a twin to a twin engine helicopter;
 - C) 100 flight hours at night, unaided; and Ten hours as pilot in command or at the controls prior to EMS missions if transitioning from a single to a twin engine aircraft.
 - D) A minimum of 500 hours of turbine time.
- 3) A minimum of five hours day/night area flight orientation, of which two hours must be at night, and, in the ~~judgment~~judgement of the SEMSV Medical Director, special terrain flight orientation.
- 4) Instrument Flight Rules (IFR) certification by the Federal Aviation Administration (IFR Currency is recommended).
- 5) Documentation~~Provide documentation~~ of completion of training that includes, but is not limited to, the following:
 - A) Judgment~~Judgement~~ and decision making;
 - B) Local routine operating procedures, including day and night operations;
 - C) Flight by reference to instruments, including Instrument Meteorological Conditions (IMC) recovery;

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- D) Regional area weather phenomena;
 - E) Area terrain hazards;
 - F) Scene procedures;
 - G) EMS System and SEMSV Program communications requirements;
 - H) Orientation to each hospital/pre-hospital health care system affiliated with the SEMSV Program; and
 - I) Crew resource management training.
- c) Each pilot assigned to a fixed-wing aircraft shall be approved by the Medical Director for participation in an EMS System and shall meet the following requirements:
- 1) Compliance with subparts E and F of Air Taxi Operations and Commercial Operators (14 CFR 135);
 - 2) The pilot shall have ~~a commercial pilot certificate with~~ a minimum of 2000 flight hours; a minimum of 1000 flight hours as PIC in a fixed wing aircraft, pilot in command and an airplane multi-engine land instrument rating, with a minimum of 250 hours of instrument flying time, to include no more than 125 hours of simulated time and 100 night flight hours and 25 hours in the specific make and model of aircraft before flying as the PIC~~pilot in command~~ on patient missions; or completion of a commercially established training program for the specific make and model air craft and the successful completion of the check ride;
 - 3) Provide documentation of completion of training that includes, but is not limited to, the following:
 - A) Judgment~~Judgement~~ and decision making;
 - B) Local routine operating procedures, including day and night operations;

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- C) Flight by reference to instruments, including Instrument Meteorological Conditions (IMC) recovery;
- D) Regional area weather phenomena;
- E) Area terrain hazards;
- F) EMS System and SEMSV Program communications requirements; and
- G) Crew resource management training.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.940 Aeromedical Crew Member Training Requirements

- a) Except as provided for by subsection (b) ~~of this Section~~, each aeromedical crew member assigned to a helicopter or fixed-wing aircraft shall be approved by the Medical Director and shall meet the following requirements:
 - 1) Be an EMT-P, registered nurse or a physician.
 - 2) Each crew member ~~shall~~**must** be current in, or obtain within six months of hire:
 - A) Advanced Cardiac Life Support (ACLS);
 - B) ~~Basic Trauma Life Support (BTLS) or Pre-Hospital Trauma Life Support (PHTLS)~~ or International Trauma Life Support (ITLS);
 - C) Pediatric Advanced Life Support (PALS) or Emergency Nursing Pediatric Course (ENPC) or Pediatric Education for Prehospital Professionals (PEPP) Advanced;
 - D) Trauma Nurse Specialist (TNS) or Trauma Nurse Core Curriculum (TNCC) or Trauma Nurse Advanced Trauma Course (TNATC);

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- E) Neonatal Resuscitation Program (NRP) or an equivalent as approved by the EMS MD.
- 3) Initial training program requirements for full-time and part-time Critical Care and ALS providers. Each Critical Care and ALS provider ~~shall~~must successfully complete a comprehensive training program or show proof of recent experience/training in the categories listed in subsections (a)(3)(A) and (B)below prior to assuming independent responsibility.
- A) Didactic Component – Shall be specified and appropriate for the mission statement and scope of the medical transport service:
- i) Advanced airway management_{;-}
 - ii) Altitude physiology/stressors of flight if involved in rotor wing or fixed wing operations_{;-}
 - iii) Anatomy, physiologic and assessment for adult, pediatric and neonatal patients_{;-}
 - iv) Aviation – aircraft orientation/safety and in-flight procedures/general aircraft safety_; including depressurization procedures for fixed wing (as appropriate). Ambulance orientation/ safety and procedures as appropriate_{;-}
 - v) Cardiac emergencies and advanced cardiac critical care_{;-}
 - vi) Hemodynamic monitoring, pacemakers, automatic implantable cardiac defibrillator (AICD), intra-aortic balloon pump, and central lines, pulmonary artery and arterial catheters_{;-}
 - vii) Disaster and triage_{;-}
 - viii) EMS radio communications_{;-}

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- ix) Environmental emergencies_;
- x) Hazardous materials recognition and response_;
- xi) High risk obstetric emergencies (bleeding, medical, and trauma)_;
- xii) Infection control_;
- xiii) Metabolic/endocrine emergencies_;
- xiv) Multi-trauma (chest, abdomen, facial)_;
- xv) Neonatal emergencies (respiratory distress, surgical, cardiac)_;
- xvi) Oxygen therapy in the medical transport environment – ~~mechanical~~Mechanical ventilation and respiratory physiology for adult, pediatric and neonatal patients as appropriate to the mission statement and scope of care of the medical transport service_;
- xvii) Pediatric medical emergencies_;
- xviii) Pediatric trauma_;
- xix) Pharmacology_;
- xx) Quality Management – ~~didactic~~Didactic education that supports the medical transport service mission statement and scope of care (e.g., adult, pediatric, neonatal)_;
- xxi) Respiratory emergencies_;
- xxii) Scene management/rescue/extrication (rotor wing and ground ambulance)_;
- xxiii) Stress recognition and management_;

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xxiv) Survival training;~~:-~~

xxv) Record keeping;~~:-~~

xxvi) Thermal, chemical and electrical burns;~~:-~~

xxvii) Legal aspects; and-

xxviii) Toxicology.

B) Clinical Component – ~~clinical~~Clinical experiences shall include, but not be limited to, the following (experiences shall be specific and appropriate for the mission statement and scope of care of the medical transport service):

i) Critical care;~~:-~~

ii) Emergency care;~~:-~~

iii) Invasive procedures or mannequin equivalent for practicing invasive procedures;~~:-~~

iv) Neonatal intensive care;~~:-~~

v) Obstetrics – five deliveries;~~:-~~

vi) Pediatric critical care;~~:-~~

vii) Pre-hospital care, for rotor wing programs only; and-

viii) Tracheal intubations – 10 performed on live patients either in the field or in the hospital setting when in the presence of and under the direct supervision of a licensed physician or certified registered nurse anesthetist (CRNA); or performed on cadavers while under direct supervision; or when in the presence of and under the direct and immediate supervision of the EMS MD or SEMSV Medical Director, a Human

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Patient Simulator (HPS).

- 4) Continuing education/staff development ~~shall~~must be provided and documented for all full-time and part-time Critical Care and ALS providers. These shall be specific and appropriate for the mission statement and scope of care of the medical transport service.
- A) Didactic continuing education ~~shall~~must include:
- i) Aviation – safety issues (if involved in rotor wing or fixed wing operations);~~-~~
 - ii) ~~Requirements of this Part~~State EMS rules regarding ground and air transport;~~-~~
 - iii) Altitude physiology/stressors of flight (if involved in both rotor wing and fixed wing operations);~~-~~
 - iv) Critical care courses;~~-~~
 - v) Emergency care courses;~~-~~
 - vi) Hazardous materials recognition and response;~~-~~
 - vii) Infection control;~~-~~
 - viii) Stress recognition and management;~~-~~
 - ix) Survival training;and~~-~~
 - x) Equipment reviews consistent with program scope and mission.
- B) Clinical and laboratory continuing education ~~shall~~must include:
- i) Emergency/trauma care;~~-~~
 - ii) Critical care (adult, pediatric, neonatal);~~-~~

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- iii) Invasive procedure labs;~~2~~
 - iv) Labor and delivery;~~2~~
 - v) Pre-hospital experience, for rotor wing programs only;~~2~~
 - vi) Skills maintenance program documented to comply with number of skills required in a set period of time according to policy of the medical transport service (i.e., endotracheal intubations, chest tubes);~~2~~
 - vii) ~~No fewer~~~~Since endotracheal intubation is an essential life saving measure, no less~~ than five ~~live~~ successful intubations per year are required for each Critical Care or ALS provider. ~~These intubations may be on live patients, either in the field or in the hospital setting, when in the presence of and under the direct supervision of a licensed physician or CRNA; or cadavers while under direct supervision; or when in the presence of and under the direct and immediate supervision of the EMS MD or SEMSV Medical Director, a Human Patient Simulator (HPS).~~ Success rates for all live intubations are documented and monitored through the quality management process; ~~and~~
 - viii) Live, mannequin or cadaver intubation experience within the following age ranges if served by the air medical/ground ~~inter-facility~~~~interfacility~~ service: birth to ~~28~~ ~~days; 28 days to~~ 12 months; 12 months to ~~2~~ ~~years; 2 years to~~ ~~86~~ years; and ~~86~~ years and older.
- 5) Yearly completion of the continuing education requirements as described in Section 515.930(d) ~~of this Part~~.
- b) In addition to at least one aeromedical crew member for Basic Life Support who has met the requirements of subsection (a) ~~of this Section~~, and two aeromedical crew members, one of whom must be an R.N. or licensed physician, for Advanced Life Support or critical care transport missions who have met the

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requirements of subsection (a) ~~of this Section~~, the Medical Director may approve and assign additional crew members to a helicopter or fixed-wing aircraft.

~~The~~ Such additional crew members shall meet the following requirements:

- 1) Provide documentation of completion of training that includes, but is not limited to, the following:
 - A) General patient care in-flight,
 - B) Aircraft emergencies,
 - C) Flight safety,
 - D) EMS System and SEMSV Program communications,
 - E) Use of all patient care equipment, and
 - F) Rescue and survival techniques.
- 2) Yearly completion of the continuing education requirements as described in Section 515.930(d) ~~of this Part~~.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.945 Aircraft Vehicle Specifications and Operation

- a) All vehicles shall meet the requirements of subparts A, B, C, and D of Air Taxi Operations and Commercial Operators (14 CFR 135).
- b) All vehicles shall have communication equipment to permit both internal crew and air-to-ground exchange of information between individuals and agencies, including at least those involved in SEMSV medical control within the EMS System, the flight operations center, air traffic control and law enforcement agencies. Helicopters must be able to communicate with law enforcement agencies, EMS providers, fire agencies, and referring and receiving facilities.
- c) Rotor wing vehicles shall be equipped with a Medical Emergency Radio Communications for Illinois (MERC I) radio.

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- d) All vehicles shall be designed to allow the loading and unloading of the patient without rotating the patient more than 30 degrees along the longitudinal axis or 45 degrees along the lateral axis.
- e) All vehicles shall be climate controlled to prevent temperature extremes that would adversely affect patient care in the ~~judgment~~ judgement of the Medical Director.
- f) All vehicles shall have interior lighting to permit patient care to be given and patient status to be monitored without interfering with the pilot's vision.
- g) All vehicles shall carry survival equipment including but not limited to:
- 1) Two sources of heat or fire,
 - 2) Two forms of signaling device,
 - 3) Equipment to provide shelter: blanket, nylon cord and adhesive tape,
 - 4) Knife ~~and fishing kit~~, and
 - 5) Food and water supply.
- h) All patients shall be restrained to the helicopter or fixed-wing aircraft litter ~~in order~~ to assure the safety of the patient and crew.
- i) For helicopter programs:
- 1) Each rotorcraft shall be powered by at least one turbine engine. There shall be at least one dedicated turbine powered rotorcraft. ~~single engine aircraft.~~
 - 2) Each vehicle shall be staffed with at least one EMS pilot and at least one aeromedical crew member for Basic Life Support missions. There shall be two aeromedical crew members for Advanced Life Support and critical care transports, one of ~~whom~~ which shall be an R.N. or licensed physician.

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- 3) Each vehicle shall be equipped with flight reference instruments to allow recovery from inadvertent Instrument Flight Rules (IFR) situations.
 - 4) Each vehicle shall be equipped with a searchlight pivoting at least 180 degrees horizontal and 90 degrees vertical, controlled by the pilot without removing hands from the flight controls. The searchlight shall be at least 400,000 candlepower, mounted and operated in accordance with requirements of the Federal Aviation Administration (14 CFR 135).
 - 5) The cockpit shall be isolated by a protective barrier to minimize in-flight~~inflight~~ distraction or interference.
 - 6) All medical equipment, supplies and personnel shall be secured ~~and~~/or restrained.
 - 7) All equipment, litters/stretchers and seating shall be arranged so as not to block rapid egress by personnel or patient from the aircraft and shall be affixed or secured in racks or compartments approved by the Federal Aviation Administration (14 CFR 135) or by straps.
- j) For fixed-wing aircraft programs:
- 1) All single engine fixed-wing aircraft shall be powered by a turbine engine. There shall be at least one dedicated fixed-wing~~twin-engine~~ aircraft.
 - 2) Each vehicle shall be staffed with at least one EMS pilot and at least one aeromedical crew member for Basic Life Support missions. There shall be two aeromedical crew members for Advanced Life Support and critical care transports.
 - 3) The aircraft shall be IFR equipped and certified.
 - 4) All equipment, litters/stretchers and seating shall be arranged so as not to block rapid egress by personnel or patient from the aircraft and shall be affixed or secured in approved racks or compartments or by strap restraint.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 515.950 Aircraft Medical Equipment and Drugs

- a) Each helicopter or fixed-wing aircraft shall be equipped with medical equipment and drugs that are appropriate for the various types of missions to which it will be responding, as specified by the SEMSV Medical Director.
- b) The SEMSV Medical Director shall submit for approval to the Department a list of medical equipment and drugs to be taken on any particular mission based on patient type (adult, child, infant), medical condition (high risk infant, cardiac, burn, etc.) and anticipated treatment needs en route. This shall include, but not be limited to:
 - 1) Cardiac monitor with extra battery;
 - 2) Defibrillator that is adjustable for all age groups;
 - 3) External pacemaker;
 - 4) Advanced airway equipment, ~~including to include~~ laryngoscope and tracheal intubation supplies for all age ranges;
 - 5) Mechanical ventilator available;
 - 6) Two suction sources; one must be portable;
 - 7) Pulse oximeter;
 - 8) End tidal CO₂ – electronic or chemical;
 - 9) Automatic blood pressure monitor;
 - 10) Doppler with dual capacity to obtain fetal heart tones as well as systolic blood pressure;
 - 11) Invasive pressure monitor;
 - 12) Intravenous pumps with adjustable rates for appropriate age groups;

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- 13) Two sources of oxygen; one must be portable;
 - 14) A stretcher that is large enough to carry the 95th percentile adult, full length in supine position, and that is rigid enough to support effective cardiopulmonary resuscitation and has the capability of raising the head 30°;
 - 15) Electrical power source provided by an inverter or appropriate power source of sufficient output to meet the requirements of the complete specialized equipment package without compromising the operation of any electrical aircraft equipment;
 - 16) If the patient weighs less than 60 lbs. (27 kg.), an appropriate (for height and weight) restraint device ~~shall~~**must** be used, which ~~shall~~**must** be secured by a device approved by the Federal Aviation Administration (14 CFR 135); and
 - 17) An isolette if the service mission profile includes neonate transports~~isolette~~.
- c) The Department's approval shall be based on, but not limited to:
- 1) Length of time of the mission;
 - 2) Possible environmental or weather hazards;
 - 3) Number of individuals served; and
 - 4) Medical condition of individuals served.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs

- a) For helicopter programs:
- 1) The maintenance program shall meet the requirements of subpart J of Air Taxi Operations and Commercial Operators (14 CFR 135).

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- 2) One certified airframe and power plant (A & P) mechanic with two years experience for each helicopter shall be available and dedicated to the program 24 hours per day.
 - 3) Mechanics shall have completed factory-~~approved~~~~provided~~ training for the makes and models of aircraft used in the SEMSV Program.
 - 4) Back-up maintenance support shall be available when the primary mechanic is unavailable or during times of extensive maintenance needs.
 - 5) Hangar facilities shall be available for major maintenance activities, as specified in manufacturer's requirements. These facilities need not be located at the base of operations.
 - 6) Progressive maintenance on aircraft used by the SEMSV Program is recommended, including routine daily inspections, as required by the aircraft manufacturer.
- b) For fixed-wing aircraft programs:
- 1) The maintenance program shall meet the requirements of subpart J of Air Taxi Operations and Commercial Operators (14 CFR 135).
 - 2) Mechanics shall be certified A & P with two years experience, and shall have completed training for the make and model of aircraft used by the SEMSV Program.
 - 3) Hangar facilities shall be available for major maintenance activities as specified in manufacturer's requirements.
 - 4) Progressive maintenance on aircraft used by the SEMSV Program is recommended, including routine daily inspections, as required by the aircraft manufacturer.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.960 Aircraft Communications and Dispatch Center

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- a) The SEMSV Program shall have a designated person assigned and available 24 hours per day every day of the year to receive and dispatch all requests for aeromedical services. For fixed-wing aircraft programs, a telephone answering service may be used.
- b) Training of the designated person shall be commensurate with the scope of responsibility of the communications center and pertinent to the air medical service, including:
- 1) Knowledge of EMS roles and responsibilities of the various levels of training EMT licensure or the equivalent in knowledge or experience;
 - 2) Knowledge of Federal Aviation Administration Regulation and Federal Communications Commission regulations;
 - 3) General safety rules, emergency procedures and flight following procedures;
 - 4) Navigation techniques/terminology and understanding weather interpretation;
 - 5) Types of radio frequency bands used; ~~and~~
 - 6) Stress recognition and management; ~~;~~
 - 7) Medical terminology and obtaining patient information;
 - 8) Assistance with hazardous materials response and recognition procedure using appropriate reference materials; and
 - 9) Crew Resource Management.
- c) The dispatch center shall have at least one dedicated telephone number for the SEMSV Program.
- d) A pre-arranged emergency plan shall be in place to cover situations in which an aircraft is overdue, radio communication cannot be established, or an aircraft

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location cannot be verified.

- e) A back-up power source shall be available for all communications equipment used at the SEMSV medical control point.
- f) The dispatch center shall have a system for recording all incoming and outgoing telephone and radio transmissions with time recording and playback capabilities. Recordings shall be kept for 30 days.
- g) In addition, for helicopter programs:
 - 1) The dispatch center shall have the capability to communicate with the aircraft pilot and aeromedical crew for nonmedical purposes on a separate designated frequency.
 - 2) Continuous flight following every 15 minutes shall be maintained and documented.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 515.963 Flight Program Safety Standards

For rotor-wing and fixed-wing programs:

- a) Flight crews shall wear the following protective clothing:
 - 1) Reflective material or striping on uniforms during night operations;
 - 2) Flame-retardant clothing;
 - 3) Flight helmets for all rotorcraft crews, including specialty teams; and
 - 4) Boots or sturdy footwear for on-scene operations.
- b) Safety and Environment
 - 1) Oxygen storage shall be 10 feet from any heat source and 20 feet from any open flame.

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- 2) All crews shall carry a photo ID with first and last names while on duty.
 - 3) Family members or other passengers who accompany patients shall be identified and listed in the communications center.
 - 4) A policy shall address the security of the aircraft and physical environment (i.e., hangar, fuel farm), including:
 - A) Security of the aircraft or ambulance if left unattended on a helipad, hospital ramp or unsecured airport or parking lot;
 - B) Training for pilots, mechanics and medical personnel to recognize signs of aircraft tampering; and
 - C) A plan to address aircraft or ambulance tampering.
- c) Completion of all of the following educational components shall be documented for each of the flight medical personnel:
- 1) General aircraft safety:
 - A) Aircraft evacuation procedures (exits and emergency release mechanisms), including emergency shutdown – engines, radios, fuel switches, and electrical and oxygen shutdown;
 - B) Aviation terminology and communication procedures, including knowledge of emergency communications and knowledge of emergency communications frequency;
 - C) In-flight and ground fire suppression procedures (use of fire extinguishers);
 - D) In-flight emergency and emergency landing procedures (i.e., position, oxygen, securing equipment);
 - E) Safety in and around the aircraft, including national aviation regulations pertinent to medical team members, landing zone personnel when possible, patients, and lay individuals;

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- F) Specific capabilities, limitations and safety measures for each aircraft used, including specific training for backup or occasionally used aircraft;
 - G) Use of emergency locator transmitter (ELT); and
 - H) All ground support ambulances used for fixed wing operations shall meet minimal State ambulance licensing requirements.
- 2) Ground operations rotor wing (RW)
- A) Landing site policies consistent with Federal Aviation Administration Helicopter Emergency Medical Services (HEMS) requirements;
 - B) Patient loading and unloading – policy for rapid loading/unloading procedures;
 - C) Refueling policy for normal and emergency situations;
 - D) Hazardous materials recognition, response and training policy consistent with 2014 Aeronautical Information Manual, Chapter 10 (2014, US Department of Transportation);
 - E) Highway scene safety management policy that demonstrates coordination with local emergency response personnel;
 - F) Survival training/techniques/equipment that are pertinent to the environment/geographic coverage area of the medical service based on the program risk assessment;
 - G) Smoke in the cockpit/cabin, firefighting in the cockpit/cabin; and
 - H) Emergency evacuation of crew and patients.
- d) A planned and structured safety program shall be provided to public safety/law enforcement agencies and hospital personnel who interface with the medical service that includes:

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- 1) Identifying, designating and preparing an appropriate landing zone (LZ);
- 2) Personal safety in and around the helicopter for all ground personnel;
- 3) Procedures for day/night operations, conducted by the medical team, specific to the aircraft, including:
 - A) High and low reconnaissance;
 - B) Two-way communications between helicopter and ground personnel to identify approach and departure obstacles and wind direction;
 - C) Approach and departure path selection; and
 - D) Procedures for the pilot to ensure safety during ground operations in an LZ with or without engines running.
- 4) Crash recovery procedures specific to the aircraft make and model shall minimally include:
 - A) Location of fuel tanks;
 - B) Oxygen shut-offs in cockpit and cabin;
 - C) Emergency egress procedures;
 - D) Aircraft batteries; and
 - E) Emergency shut-down procedures.
- 5) Education regarding "helicopter shopping" shall be included.
- 6) Records shall be kept of initial and recurrent safety training of pre-hospital, referring and receiving ground support personnel.

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- e) The program shall maintain a Safety Management System that is proactive in identifying risks and eliminating injuries to personnel and patients and damage to equipment.
- f) Special requirements for night operations; SEMSV rotorcraft programs shall incorporate use of night vision goggles (NVG) and shall be compliant by December 31, 2018:
 - 1) Pilot required; and
 - 2) Medical Crew recommended.

(Source: Added at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.321 Proposed Action:
Amend
- 4) Statutory Authority: 20 ILCS 2505/2505-25
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the provisions of PA 98-422, which broadened the existing exemption for "Fuel Used by Air Common Carriers in International Flights", which will now be entitled "Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions."

PA 98-422 provides that beginning July 1, 2013, notwithstanding the fact that sales may be at retail, tax does not apply to fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that (i) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and (ii) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft.

This exemption will terminate by operation of the sunset provisions of Section 2-70 of the Retailers' Occupation Tax Act on August 16, 2018.

- 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? Yes
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

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<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
130.120	Amend	38 Ill. Reg. 1818, January 17, 2014

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Debra M. Boggess
Associate Counsel, Sales & Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62794

217/782-2844
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping and recordkeeping
 - C) Types of professional skills necessary for compliance: Bookkeeping
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Soft Drinks and Candy
130.311	Drugs, Medicines, Medical Appliances and Grooming and Hygiene Products
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in <u>Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions</u> International Flights
130.325	Graphic Arts Machinery and Equipment Exemption

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130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines
130.335	Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
130.340	Rolling Stock
130.341	Commercial Distribution Fee Sales Tax Exemption
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.351	Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

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130.401	Meaning of Gross Receipts
130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.410	Cost of Doing Business Not Deductible
130.415	Transportation and Delivery Charges
130.420	Finance or Interest Charges – Penalties – Discounts
130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

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130.501	Monthly Tax Returns – When Due – Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns

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130.530	Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
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130.710	Procedure When Security Must be Forfeited
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130.801	General Requirements
130.805	What Records Constitute Minimum Requirement

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- 130.810 Records Required to Support Deductions
- 130.815 Preservation and Retention of Records
- 130.820 Preservation of Books During Pendency of Assessment Proceedings
- 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

- Section
- 130.901 Civil Penalties
- 130.905 Interest
- 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

- Section
- 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

- Section
- 130.1101 Definition of Federal Area
- 130.1105 When Deliveries on Federal Areas Are Taxable
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130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

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- 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
- 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
- 130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
- 130.1505 Disposition of Credit Memoranda by Holders Thereof
- 130.1510 Refunds
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SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

- 130.1601 When Returns are Required After a Business is Discontinued
- 130.1605 When Returns Are Not Required After Discontinuation of a Business
- 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

- 130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

- 130.1801 When Powers of Attorney May be Given

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- 130.1805 Filing of Power of Attorney With Department
130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

- 130.1901 Addition Agents to Plating Baths
130.1905 Agricultural Producers
130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
130.1915 Auctioneers and Agents
130.1920 Barbers and Beauty Shop Operators
130.1925 Blacksmiths
130.1930 Chiropodists, Osteopaths and Chiropractors
130.1934 Community Water Supply
130.1935 Computer Software
130.1940 Construction Contractors and Real Estate Developers
130.1945 Co-operative Associations
130.1950 Dentists
130.1951 Enterprise Zones
130.1952 Sales of Building Materials to a High Impact Business
130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
130.1954 River Edge Redevelopment Zones
130.1955 Farm Chemicals
130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
130.1965 Florists and Nurserymen
130.1970 Hatcheries
130.1971 Sellers of Pets and the Like
130.1975 Operators of Games of Chance and Their Suppliers
130.1980 Optometrists and Opticians
130.1985 Pawnbrokers
130.1990 Peddlers, Hawkers and Itinerant Vendors
130.1995 Personalizing Tangible Personal Property
130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
130.2004 Sales to Nonprofit Arts or Cultural Organizations

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- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
- 130.2012 Sales to Persons Who Lease Tangible Personal Property to Governmental Bodies
- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
- 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
- 130.2020 Physicians and Surgeons
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- 130.2030 Public Amusement Places
- 130.2035 Registered Pharmacists and Druggists
- 130.2040 Retailers of Clothing
- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
- 130.2050 Sales and Gifts By Employers to Employees
- 130.2055 Sales by Governmental Bodies
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- 130.2065 Sales of Automobiles for Use In Demonstration (Repealed)
- 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
- 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
- 130.2076 Sales to Purchasers Performing Contracts with Governmental Bodies
- 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
- 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
- 130.2090 Sales to Railroad Companies
- 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
- 130.2100 Sellers of Feeds and Breeding Livestock
- 130.2101 Sellers of Floor Coverings
- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
- 130.2110 Sellers of Seeds and Fertilizer
- 130.2115 Sellers of Machinery, Tools and Special Order Items

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130.2120	Suppliers of Persons Engaged in Service Occupations and Professions
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130.2140	Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
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130.2150	Vendors of Memorial Stones and Monuments
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130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
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SUBPART T: DIRECT PAYMENT PROGRAM

Section

130.2500	Direct Payment Program
130.2505	Qualifying Transactions, Non-transferability of Permit
130.2510	Permit Holder's Payment of Tax
130.2515	Application for Permit
130.2520	Qualification Process and Requirements
130.2525	Application Review
130.2530	Recordkeeping Requirements
130.2535	Revocation and Withdrawal
130.ILLUSTRATION A	Examples of Tax Exemption Card
130.ILLUSTRATION B	Example of Notice of Revocation of Certificate of Registration
130.ILLUSTRATION C	Food Flow Chart

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective

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October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713,

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effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 10207, effective June 24, 2008; amended at 32 Ill. Reg. 17228, effective October 15, 2008; amended at 32 Ill. Reg. 17519, effective October 24, 2008; amended at 32 Ill. Reg. 19128, effective December 1, 2008; amended at 33 Ill. Reg. 1762, effective January 13, 2009; amended at 33 Ill. Reg. 2345, effective January 23, 2009; amended at 33 Ill. Reg. 3999, effective February 23, 2009; amended at 33 Ill. Reg. 15781, effective October 27, 2009; amended at 33 Ill. Reg. 16711, effective November 20, 2009; amended at 34 Ill. Reg. 9405, effective June 23, 2010; amended at 34 Ill. Reg. 12935, effective August 19, 2010; amended at 35 Ill. Reg. 2169, effective January 24, 2011; amended at 36 Ill. Reg. 6662, effective April 12, 2012; amended at 38 Ill. Reg. _____, effective _____.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

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Section 130.321 Fuel Used by Air Common Carriers in Flights Engaged in Foreign Trade or Engaged in Trade Between the United States and any of its Possessions ~~International~~ **Flights**

- a) ~~Until June 30, 2013, notwithstanding~~Notwithstanding the fact that sales may be at retail, ~~fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers~~ is exempt from tax. (Section 2-5 of the Act).
- b) Exemptions Beginning July 1, 2013
- 1) Beginning July 1, 2013, notwithstanding the fact that sales may be at retail, tax does not apply to fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight that:
- A) is engaged in foreign trade or is engaged in trade between the United States and any of its possessions; and
- B) transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft [35 ILCS 120/2-5].
- 2) ~~This exemption will terminate by operation of the sunset provisions of Section 2-70 of the Act on August 16, 2018. An air common carrier means a commercial air common carrier certified and authorized to conduct international flights involving passengers or cargo for hire, on a regularly-scheduled basis.~~
- c) Until July 1, 2013, flights~~Flights~~ destined for a destination outside the United States include flights which originate in Illinois or have a stopover in Illinois and which may have intermediate stops at other locations in the United States prior to arriving at the destination outside the United States. Beginning July 1, 2013,

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~~subject to the provisions in subsection (b)-In such situations~~, all fuel loaded for such ~~flights~~~~a flight~~ shall be considered to be exempt, notwithstanding the fact that a portion of the fuel will be consumed within the United States or any of its possessions. If a flight is loaded with exempt fuel for a flight engaged in foreign trade or trade between the United States and any of its possessions, an intended international flight, but for some reason does not meet the provisions of subsection (b), the flight stops at an intermediate location in the United States and does not continue to the foreign destination, the fuel will be taxable.

- d) In general, exempt international fuel shall be treated in the same manner as bonded fuel with respect to the sale, accountability and eligibility of tax exemption.
- e) Aviation fuel used as provided in this Section~~Exempt international fuel~~ may be commingled with other jet fuel within the hydrant systems at qualifying airports. However, accurate records must be maintained with respect to the purchaser, gallonage of fuel loaded, flight number, aircraft tail number, ultimate foreign destination and intermediate stops. Beginning July 1, 2013, records must also contain information that indicates that the flight was engaged in foreign trade or trade between the United States or any of its possessions and transported at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in flight number of that aircraft.
- f) EXAMPLES:
Aircraft A, Aircraft B, and Aircraft C are operated by an air common carrier, as defined in subsection (c).
- 1) Situation 1. A flight originates in the United States and its final destination is outside the United States. Aircraft A fuels up in Chicago, Illinois for a flight bound for Vancouver, Canada. En route to Vancouver, Aircraft A stops in Seattle, Washington. The flight from Chicago to Seattle is designated Flight No. 111 and the flight from Seattle to Vancouver is designated Flight No. 333. Although the flight numbers change, the aircraft does not change. Aircraft A transports at least one person or package for hire from Chicago to Vancouver.

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Determination 1. Aircraft A is engaged in foreign trade within the meaning of Section 2-5 of the Act. Aircraft A's flight originates within the United States (Chicago) bound for a destination outside the United States (Vancouver), and Aircraft A transports for hire at least one person or package from Chicago to Vancouver. The intermediate stop in Seattle, en route to Vancouver, does not negate the exemption. Thus, the fuel loaded into the aircraft in Chicago is exempt from tax. The change in the flight number does not affect the determination of whether the aircraft is engaged in foreign trade as long as the aircraft remains the same and at least one person or package was transported for hire from Chicago to Vancouver.

- 2) Situation 2. A flight originates outside the United States and its final destination is inside the United States. Aircraft B flies from Cancun, Mexico to New York City, New York. En route to New York City, Aircraft B stops in Chicago, Illinois to refuel. The flight from Cancun to Chicago is designated Flight No. 555 and the flight from Chicago to New York City is designated Flight No. 777. Although the flight numbers change, the aircraft does not change. Aircraft B transports at least one person or package for hire from Cancun to New York City.

Determination 2. Aircraft B is engaged in foreign trade within the meaning of Section 2-5 of the Act. Aircraft B's flight originates outside of the United States (Cancun) bound for a destination within the United States (New York City), and Aircraft B transports for hire at least one person or package from Cancun to New York City. The stop in Chicago is an intermediate stop in the United States, en route to New York City. Thus, the fuel loaded into the aircraft in Chicago is exempt from tax. The change in the flight numbers does not affect the determination of whether the aircraft is engaged in foreign trade as long as the aircraft remains the same and at least one person or package is transported for hire from Cancun to New York City.

- 3) Situation 3. A flight originates within the United States and its final destination is within the United States. Aircraft C fuels up in Chicago, Illinois for a flight destined for Dallas, Texas. Aircraft C transports persons for hire from Chicago to Dallas, some of whom will transfer to Aircraft A for a flight from Dallas to Acapulco, Mexico.

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Determination 3. Aircraft C is not engaged in foreign trade or in trade between the United States and any of its possessions within the meaning of Section 2-5 of the Act. Aircraft C did not transport at least one person or package for hire from a city of origination within the United States bound for a city of final destination outside the United States or any of its possessions, even though some of the passengers' final destinations were outside the United States. Aircraft C's flight is only between two cities within the United States (Chicago to Dallas). Thus, the fuel loaded into the aircraft in Chicago is not exempt from tax.

- 4) Situation 4. A flight originates in the United States and its destination is a city in a possession of the United States. Aircraft B fuels up in Chicago, Illinois for a flight to San Juan, Puerto Rico. En route to San Juan, Aircraft B makes a stop in Savannah, Georgia. The flight from Chicago to Savannah is designated Flight No. 1122 and the flight from Savannah to San Juan is designated Flight No. 708. Although the flight number changes, the aircraft does not. Aircraft B transports two persons from Chicago to San Juan on the same plane.

Determination 4. Aircraft B is engaged in foreign trade between the United States and one of its possessions within the meaning of Section 2-5 of the Act. Aircraft B's flight originates in Chicago bound for San Juan, and Aircraft B transports for hire at least one person or package from Chicago to San Juan. The stop in Savannah is an intermediate stop within the United States during a flight to San Juan. The change in the flight number does not affect the determination of whether the flight is engaged in foreign trade as long as the aircraft remains the same. Thus, the fuel loaded into the aircraft in Chicago is exempt from tax.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Universities Retirement
- 2) Code Citation: 80 Ill. Adm. Code 1600
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1600.100	Amend
1600.110	Amend
1600.205	Amend
1600.250	Amend
1600.300	Amend
1600.320	ReNUMBER
1600.400	Amend
1600.450	Amend
1600.550	ReNUMBER/New
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) A Complete Description of the Subjects and Issues Involved: 1600.100 Definitions – these proposed amendments will revise the current definitions to accommodate recent changes to Article 15 of the Illinois Pension code.

1600.110 Freedom of Information Act – these proposed amendments will ensure that SURS is in compliance with the Freedom of Information Act to reflect legislative change to the Act since 2010.

1600.205 – these amendments will revise the current rule pertaining to compensation subject to SURS withholding to clarify the treatment of severance payments.

1600.250 – these amendments will revise the current rule pertaining to sick leave accruals to clarify the definition of "sick leave".

1600.300 – these amendments will revise the current rule on Effective Beneficiary Designations to clarify whether SURS will accept a beneficiary designation signed by an agent, who names himself or herself as the beneficiary.

1600.400 – these amendments revise the current rule pertaining to the Determination of the Final Rate of Earnings Period and include Tier II to reflect legislative changes to Article 15 of the Illinois Pension Code and make other clarifications.

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1600.450 – these amendments will further clarify interest accrual on overpayments.

1600.550 - formerly 1600.320 – these amendments move the Disability Claims Procedure under Subpart E.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Michael B. Weinstein, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign IL 61820

217/378-8825
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2014

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1600
UNIVERSITIES RETIREMENT

SUBPART A: GENERAL

Section

- 1600.100 Definitions
- 1600.110 Freedom of Information Act
- 1600.120 Open Meetings Act
- 1600.130 Procurement

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section

- 1600.202 Return to Employment
- 1600.203 Independent Contractors
- 1600.205 Earnings Compensation Subject to Withholding and Crediting
- 1600.210 Crediting Interest on Participant Contributions and Other Reserves
- 1600.220 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
- 1600.230 Election to Pay Contributions Based upon Employment that Preceded Certification as a Participant
- 1600.240 Election to Make Contributions Covering Periods of Military Leave Protected under USERRA
- 1600.241 Survivor Benefits for Members Who Die While on Military Leave Protected under USERRA
- 1600.250 Sick Leave Accrual Schedule
- 1600.260 Part-time/Concurrent Service Adjustment
- 1600.270 Employer Contributions for Benefit Increases Resulting from Earnings Increases Exceeding 6%

SUBPART C: SURVIVORS AND BENEFICIARIES CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section

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- 1600.300 Effective Beneficiary Designations
- 1600.305 Full-Time Student Survivors Insurance Beneficiaries
- 1600.310 Dependency of Beneficiaries
- 1600.320 Disability Claims Procedures ([Renumbered](#))

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section

- 1600.400 Determination of Final Rate of Earnings Period
- 1600.410 Twenty Percent Limitation on Final Rate of Earnings Increases
- 1600.420 Making Preliminary Estimated Payments
- 1600.430 Excess Benefit Arrangement
- 1600.431 Indirect Payments to Minors and Legally Disabled Persons
- 1600.432 Indirect Payments to Child Survivors Through the Surviving Spouse
- 1600.440 Voluntary Deductions from Annuity Payments
- 1600.450 Overpayment Recovery

SUBPART E: [DISABILITY CLAIMS AND](#) ADMINISTRATIVE REVIEW

Section

- 1600.500 Administrative Staff Determinations and Rules for Appeal – Nature and Requirements of Formal Hearings
- [1600.550](#) [Disability Claims Procedure](#)

SUBPART F: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section

- 1600.600 Definitions
- 1600.605 Requirements for a Valid Qualified Illinois Domestic Relations Order
- 1600.610 Invalid Orders
- 1600.615 Filing a QILDRO with the System
- 1600.620 Modified QILDROs
- 1600.625 Benefits Affected by a QILDRO
- 1600.630 Effect of a Valid QILDRO
- 1600.635 QILDROs Against Persons Who Became Members Prior to July 1, 1999
- 1600.640 Alternate Payee's Address
- 1600.645 Electing Form of Payment
- 1600.650 Automatic Annual Increases

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- 1600.655 Expiration of a QILDRO
- 1600.660 Reciprocal Systems QILDRO Policy Statement
- 1600.665 Providing Benefit Information for Divorce Purposes

SUBPART G: BOARD TRUSTEE ELECTION

Section

- 1600.700 Nomination of Candidates
- 1600.705 Election Date/Election Day – Defined
- 1600.710 Petitions
- 1600.715 Eligible Voters
- 1600.720 Election Materials
- 1600.725 Marking of Ballots
- 1600.730 Return of Ballots and Ballot Counting Process
- 1600.735 Certification of Ballot Counting
- 1600.740 Challenges to Election Results
- 1600.745 Candidate Informational Communication
- 1600.750 Filling a Vacancy in the Term of an Elected Trustee

AUTHORITY: Implementing and authorized by Section 15-177 of the Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; expedited correction at 28 Ill. Reg. 7575, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 11819, effective July 12, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005; amended at 29 Ill. Reg. 14351, effective September 6, 2005; amended at 30 Ill. Reg. 6170, effective March 21, 2006; amended at 30 Ill. Reg. 7778, effective April 5, 2006; amended at 30 Ill. Reg. 9911, effective May 9, 2006; amended at 30 Ill. Reg. 17509, effective October 19, 2006; amended at 31 Ill. Reg. 4267, effective February 22, 2007; amended at 31 Ill. Reg. 4927, effective March 12, 2007;

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recodified at 31 Ill. Reg. 10194; amended at 32 Ill. Reg. 16515, effective September 25, 2008; emergency amendment at 33 Ill. Reg. 6525, effective April 27, 2009, for a maximum of 150 days; emergency expired September 23, 2009; amended at 33 Ill. Reg. 10757, effective July 1, 2009; amended at 33 Ill. Reg. 16755, effective November 23, 2009; amended at 34 Ill. Reg. 9523, effective June 25, 2010; amended at 35 Ill. Reg. 10952, effective June 22, 2011; amended at 36 Ill. Reg. 3938, effective February 22, 2012; amended at 37 Ill. Reg. 1309, effective January 15, 2013; amended at 37 Ill. Reg. 3866, effective March 15, 2013; amended at 37 Ill. Reg. 10698, effective June 26, 2013; amended at 37 Ill. Reg. 15517, effective September 12, 2013; amended at 38 Ill. Reg. 5659, effective February 11, 2014; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 1600.100 Definitions

Certain terms used frequently throughout this Part are defined in this Section. Unless the context requires a different meaning, other terms used in this Part shall be defined and interpreted in accordance with Article 15 of the Illinois Pension Code [40 ILCS 5/Art. 15]. The definition of a term under a specific Section or Subpart shall supercede, for the purposes of that Section or Subpart, this Section.

"Annuitant" – *A person receiving a retirement, reversionary, survivors or beneficiary annuity or disability retirement annuity from the System.* [40 ILCS 5/15-119]

"Annuity Payment Period" – *The period beginning on the date specified by the participant or the recipient of a disability retirement annuity submitting a written application, which shall not be prior to termination of employment or more than one year before the application is received by the ~~Board of Trustees of SURS~~; however, if the participant is not an employee of an employer participating in SURS or in a participating system as defined in Article 20 of the Code on April 1 of the calendar year next following the calendar year in which the participant attains age 70½, the annuity payment period shall begin on that date regardless of whether an application has been filed.* [40 ILCS 5/15-135(b)]

"Board" – The Board of Trustees of the State Universities Retirement System as constituted under Section 40 ILCS 5/15-159 of the Code.

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"Chairperson" – The chairperson of the Board.

"Claims Panel" – The quasi-adjudicative body constituted under the Board's bylaws that hears all administrative contested matters as fiduciaries pursuant to Section 1600.500.

"Code" or "Pension Code" – The Illinois Pension Code [40 ILCS 5].

"Effective Rate of Interest" – *The interest rate for all or any part of a fiscal year that is determined by the Board based on factors including the System's past and expected investment experience; historical and expected fluctuations in the market value of investments; the desirability of minimizing volatility in the effective rate of interest from year to year; and the provision of reserves for anticipated losses upon sales, redemptions, or other disposition of investments and for variations in interest experience.* [40 ILCS 5/15-125(2)] [See Section 15-125\(2\) of the Code for the effective rate of interest set by the State Comptroller for purposes of Rule 2 of Section 15-136\(a\) of the Code \(i.e., the Money Purchase Formula\).](#)

"Employee" – A person defined as an "employee" under [Section 40 ILCS 5/15-107 of the Code](#).

"Employer" – An entity defined as an "employer" under [Section 40 ILCS 5/15-106 of the Code](#).

"Executive Director" – The chief administrative officer of SURS, appointed by the Board.

"FOIA" – Freedom of Information Act [5 ILCS 140].

"General Counsel" – In-house legal counsel for SURS.

"IRS" – Internal Revenue Service of the U.S. Department of the Treasury.

"IRC" – Internal Revenue Code of 1986, as amended (26 USC 1 et seq.).

"Member" – A SURS participant or annuitant.

"Participant" – A person participating in SURS under Section 15-134 of the Code.

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"Participating Employee" – A participant who at the time is an employee under Section 15-107 of the Code.

"Prescribed Rate of Interest" – *The rate of interest to be used in actuarial valuation and in development of actuarial tables. The prescribed rate of interest is determined by the Board on the basis of the probable average effective rate of interest on a long term basis.* [40 ILCS 5/15-125(1)]

"Principal Office of SURS" – State Universities Retirement System, 1901 Fox Drive, Champaign IL 61820.

"SURS" or "System" – State Universities Retirement System created by Article 15 of the Code [40 ILCS 5/Art. 15].

"Tier 1 Member" – A SURS participant or annuitant defined under Section 15-108.1 of the Code.

"Tier 2 Member" – A SURS participant or annuitant defined under Section 15-108.2 of the Code.

"USERRA" – Uniformed Services Employment and Reemployment Rights Act of 1994 (38 USC 4301 et seq.).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1600.110 Freedom of Information Act

- a) Purpose. This Section establishes policies and procedures specific to SURS concerning requests for information made under FOIA.
- b) Freedom of Information Officer. The Freedom of Information Officer is the staff member at SURS responsible for responding to all requests for information on behalf of SURS as the "public body" under FOIA and is also responsible for maintaining all records required to be kept under FOIA and this Section. The Freedom of Information Officer shall be the SURS General Counsel or a designee of designated by the SURS Executive Director. Denials issued by the Freedom of Information Officer shall inform the requester of the right of review by the Public

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Access Counselor under Section 9.5 of FOIA or by a court under Section 11 of FOIA shall be appealed to the Executive Director as the "head of the public body" under FOIA.

- c) Time and Place for Requests or Inspection. Records subject to FOIA shall be made available for inspection and copying at SURS principal office (see Section 1600.100) on weekdays between the hours of 8:00 a.m. and 4:30 p.m., excluding days during which the office is closed to the public. Written requests shall be directed to the Freedom of Information Officer or a designee in the SURS Legal Department by mail that is addressed to the SURS principal office by facsimile at (217)378-9801, or by email to general_counsel@surs.org. Oral requests for inspection or copying may be made in person or by phone at (217)378-8838.
- d) Fees. Subject to a waiver or reduction of the fee if warranted under Section 6 of FOIA, fees may be imposed on the requester to recover costs of document production or reproduction according to the following schedule:
- 1) Photostatic copying of paper documents:
 - A) Black and white copies shall be charged after the first 50 pages at \$0.05 per page;
 - B) Color copies shall be charged at \$0.13 per page.
 - 2) Printing of electronic documents or microfilmed/microfiched documents shall be charged at \$0.05 per page.
 - 3) Physical storage on electronic, tape or other media, shipping and facsimile transmission costs shall be charged to the extent those costs are incurred. Electronic transmission via e-mail shall be provided at no charge.
- e) Exemptions. Consistent with Section 7 of FOIA, the following public records shall be exempt from inspection and copying: personal information that includes any personally identifying or identifiable information other than names or benefit amounts, including, but not necessarily limited to, Social Security numbers and addresses of participants and annuitants, and names and Social Security numbers and addresses of beneficiaries.

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(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART B: CONTRIBUTIONS AND SERVICE CREDIT

Section 1600.205 Earnings Compensation Subject to Withholding and Crediting

- a) Purpose. This Section provides guidance on which payments for compensation constitute "earnings" under Section 15-111 of the Code. Section 15-157 of the ~~Illinois Pension~~ Code requires every participating employee to make contributions of 8% of his or her pay to fund the benefits payable under SURS. This contribution is deducted from the participating employee's pay on a pre-tax basis and remitted to SURS via payroll deduction. The contributions are made as a percentage of the participating employee's "earnings". ~~Earnings are defined at Section 15-111 of the Code. This Section states SURS' interpretation of what items of compensation are includable as earnings for the purposes of Section 15-111. The following shall be used when determining whether certain payments to employees are subject to SURS withholding.~~
- b) Definition. "Earnings", defined under Section 15-111 of the Code, *is an amount paid for personal services equal to the sum of the basic compensation plus extra compensation for summer teaching, overtime and other extra service. For periods for which an employee receives service credit under Section 15-113.1(c) or 15-113.2 of the Code, earnings are equal to the basic compensation on which contributions are paid by the employee during such periods. Compensation for employment which is irregular, intermittent and temporary shall not be considered earnings, unless the participant is also receiving earnings from the employer as an employee under Section 15-107. [40 ILCS 5/15-111(a)]*
- c) Tier 2 Member Earnings Limitation
- 1) For a Tier 2 member, the annual earnings shall not exceed \$106,800; however, that amount shall annually thereafter be increased by the lesser of:
- A) 3% of that amount, including all previous adjustments; or
- B) one-half the annual unadjusted percentage increase (but not less than zero) in the Consumer Price Index-U (CPI-U) for the 12

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months ending with the September preceding each November 1, including all previous adjustments.

- 2) For the purposes of this Section, CPI-U means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Public Pension Division of the Department of Insurance and made available to the boards of the retirement systems and pension funds by November 1 of each year. [40 ILCS 5/15-111(b)]

da) Determination of the Purpose of the Payment

- 1) If the payment is for services rendered, then the payment is earnings subject to SURS withholding.
- 2) If the payment is for a reason other than services rendered, it is would not earnings be subject to SURS withholding.
- 3) Other Payments
The following list does not limit SURS' authority to determine whether any payment of compensation constitutes earnings on a case-by-case basis.
 - A) Bonuses; Awards:
 - i) Bonuses received by an employee that are related to services rendered for a specific period of time, not to exceed one academic year, shall be included in earnings subject to SURS withholding.
 - ii) Awards, such as longevity of service awards or outstanding employee awards, that are not associated with a particular time period are not subject to SURS withholding.
 - B) Severance Payments, Salary/Contract Continuation Payments, Retirement Payments or Incentives. Payments made to facilitate termination of employment or to induce someone to retire, or not

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to retire, are not for services rendered, but are made in conjunction with an employee's termination of employment or retirement and are not earnings subject to SURS withholding. These payments are also not includable in the final rate of earnings under Section 15-112.

- C) Group Fringe Benefits. Group fringe benefits provided by the employer are not earnings subject to SURS withholding. However, employer paid premiums on employer-provided group term life insurance in excess of \$50,000 are earnings subject to SURS withholding.
- D) Housing Allowance. A housing allowance, whether in the form of a direct salary payment or as a residence in which the employee resides, is earnings subject to SURS withholding.
- E) Automobile Allowance. An automobile allowance in the form of a direct salary payment is earnings subject to SURS withholding. However, neither business use nor personal use of an employer-provided automobile is earnings subject to SURS withholding.
- F) Non-Qualified Moving Expenses. Non-qualified moving expenses (see 26 USC 217) are not earnings subject to SURS withholding as they are not furnished in lieu of salary.
- G) Unused Sick Leave Paid at Termination of Employment. These payments are not earnings subject to SURS withholding, except for collectively bargained payments made in accordance with Section 15-112 of the Code.
- H) Overtime. Overtime is earnings subject to SURS withholding.
- I) Miscellaneous Other Benefits. Fringe benefits that are provided in lieu of salary are earnings subject to SURS withholding. Items that are not provided in lieu of salary (such as reimbursement for out-of-pocket travel expenses, relocation expenses, etc.) are not earnings subject to SURS withholding. Items such as country club dues, tuition waivers, tickets to athletic and performing arts events

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for family members of employees, and other items that are reported as taxable income on the employee's Form W-2 are not ~~earnings subject to SURS withholding~~, unless those items are a negotiated fringe benefit in lieu of salary.

- J) Military Differential Wage Payments and Salary Continuation Benefits. For payments made on or after January 1, 2009, differential wage payments, as defined under section 414(u)(12) of the IRC (26 USC 414(u)(12)), and payments to an individual who does not currently perform services for an employer by reason of qualified military service, as defined under section 414(u)(1) of the IRC (26 USC 414(u)(1)), to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service, shall be earnings ~~subject to SURS withholding~~ and shall be compensation paid or made available during the limitation year for purposes of applying the limitations under section 415 of the IRC.
- K) Retroactive Pay Settlements, Court Settlements or Judgments, or Grievance Arbitration Settlements or Awards. The cash amount for back pay or retroactive pay under a settlement agreement, award or order issued by a court or arbitral body for a disputed termination of employment, suspension or demotion shall be earnings if the agreement, award or order:
- i) Excludes from back pay any non-wage or non-salary items, such as health insurance reimbursements, payments for medical costs, interest awards, attorneys' fees, or damage awards;
 - ii) Specifies the months to which the back pay is allocated and the amount is based on the basic compensation (or a portion thereof) the employee would have otherwise received during those months; and
 - iii) The back pay amounts are paid to the employee within one year after the issuance of the agreement, award or order.

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L) Payment for Unused Vacation Days. Pursuant to Section 15-112(h)(4)(iii) of the Code, payments for unused vacation of up to 56 work days paid upon termination of employment are earnings. Payments for unused vacation days that are paid during employment are not earnings.

cb) Earning History. Certain earnings may be excludable from the "final rate of earnings" determined under Section 15-112 of the Code. Earnings are always attributable to the period when earned, not when paid. SURS reserves the right to reallocate reported earnings to the period when earned, when this is necessary to accurately reflect the employee's earning history.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1600.250 Sick Leave Accrual Schedule

- a) Under Section 15-113.4 of the Code, SURS grants service credit for unused sick leave.
- b) A participant who retires within 60 days immediately following his or her termination with an employer covered under SURS or other system subject to the Retirement Systems Reciprocal Act [40 ILCS 5/20] is entitled to credit for service for that portion of unused and unpaid sick leave earned in the course of employment.
- c) The employer must certify the number of unused and unpaid sick days consistent with subsection (e) on the member's termination report provided to SURS, or other form acceptable to SURS.
- d) Service credit is granted for unused and unpaid sick leave verified by the employer in accordance with the following schedule:
 - 1) 0-29 full calendar days and 0-19 full work days = no service credit
 - 2) 30-90 full calendar days and 20-59 full work days = 0.25 years of service credit

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- 3) 91-180 full calendar days and 60-119 full work days = 0.50 years of service credit
 - 4) 181-270 full calendar days and 120-179 full work days = 0.75 years of service credit
 - 5) 271 or more full calendar days and 180 or more full work days = 1 year of service credit
- e) Only uncompensated, unused sick leave earned in accordance with an employer's sick leave accrual policy generally applicable to employees or a class of employees will be taken into account in calculating service credit under this Section. Any sick leave granted by an employer to facilitate the hiring, retirement, termination, or other special circumstances of a participant will not be taken into account in calculating service credit for retirement. Other unused benefits, such as vacation days or personal leave days, even if converted into sick leave under an employer's sick leave policy or contract, shall not be counted as unused sick leave under this Section.
- f) If a participant transfers from one employer to another, the unused sick leave credited by the previous employer will be considered in determining service to be credited under this Section, even if the participant terminated prior to August 23, 1989 (the effective date of P.A. 86-272), so long as the subsequent employer did not credit the participant with that sick leave from the previous employer.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART C: SURVIVORS AND BENEFICIARIES CLAIMS PROCEDURE AND EVIDENTIARY REQUIREMENTS

Section 1600.300 Effective Beneficiary Designations

Purpose. Under Section 15-120 of the Code, "beneficiary" is defined as a person or persons designated by the participant or annuitant in the last written designation on file with the Board or, if no person so designated survives or if no designation is on file, the estate of the participant or annuitant.

- a) Definitions

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- 1) "Last written designation", for the purposes of Section 15-120 of the Code and this Section, shall mean the last valid beneficiary designation on file with SURS up to and including the date of death of the participant or annuitant.
 - 2) "On file", for the purposes of Section 15-120 of the Code and this Section, shall mean a beneficiary designation that has been received and date stamped by SURS.
 - 3) "Member", for the purposes of this Section, shall mean a participant or annuitant.
 - 4) "Agent", for the purposes of this Section, shall mean a participant's or annuitant's agent expressly authorized to change beneficiaries pursuant to an effective power of attorney or guardianship.
- b) Original Signature and Supporting Documentation. A beneficiary designation shall be deemed valid only if the beneficiary designation received contains an original signature of the member or an agent. Beneficiary designations containing a copy of the member's or agent's signature, whether electronic or photographic, shall be invalid. A copy of the power of attorney or a certified copy of the guardianship order expressly authorizing the change of beneficiaries must accompany a beneficiary designation executed by an agent. No beneficiary designation that designates the attorney-in-fact or a guardian as the beneficiary shall be deemed valid unless the terms of the power of attorney or guardianship order, respectively, authorizes the attorney-in-fact or guardian to make gifts of the member's property to himself or herself.
- c) Disputed Designations. If a dispute arises in the interpretation of the last written designation or, in the opinion of SURS, the designation is ambiguous, then the contesting beneficiaries shall seek a court determination as to the designation's interpretation. If no beneficiary brings a court action within a reasonable time, depending on factors including, but not limited to, delays in obtaining paperwork and the extent to which the parties have attempted to resolve the dispute, SURS may seek a court determination.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

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Section 1600.320 Disability Claims Procedure (Renumbered)

(Source: Section 1600.320 renumbered to Section 1600.550 at 38 Ill. Reg. _____, effective _____)

SUBPART D: BENEFIT CALCULATION AND PAYMENT

Section 1600.400 Determination of Final Rate of Earnings Period

- a) ~~Section 15-112 of the Code defines a participant's final rate of earnings by reference to average annual earnings over either the last 48 months of consecutive service or the 4 consecutive academic years during which the participant's earnings were highest.~~ This Section establishes a mechanism for determining the period of employment that is used to calculate a participant's final rate of earnings. This Section is not intended to provide guidance on any other aspect of determining the amount of the final rate of earnings.
- b) Final Rate of Earnings for Tier 1 Members
- 1) For all Tier 1 Members participating in the Traditional or Portable Benefit Packages~~participants~~, SURS will calculate the average annual earnings during the 4 consecutive academic years of service in which the participant's earnings were the highest. The academic year for a participant begins on the first day of the fall term of his or her employer and ends on the day before the first day of the next fall term. For example, if the first day of the employer's fall term is August 15, then the academic year begins on August 15 and ends: on the following August 14 if the next fall term begins August 15; August 12 if the next fall term begins August 13; or the following August 17 if the next fall term begins August 18. If the employer does not have an academic program divided into terms, the academic year begins on September 1 and ends on the following August 31. For all such Tier 1 Members~~participants~~, except those identified in subsection ~~(b)(2)(e) of this Section~~, the final rate of earnings will be that amount calculated under this subsection (b)(1).
- 2e) For a Tier 1 Member~~participant~~ who is paid on an hourly basis or who receives an annual salary in installments during 12 months of each

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academic year, SURS will also calculate average annual earnings during the 48 consecutive calendar month period ending with the last day of final termination of employment. The final rate of earnings for a participant identified under this subsection (b)(2)~~subsection (e)~~ will be the larger of the calculation under this subsection (b)(2)~~subsection (e)~~ or the calculation under subsection (b)(1).

c) Final Rate of Earnings for Tier 2 Members means:

- 1) For a Tier 2 Member who is paid on an hourly basis or who receives an annual salary in installments during 12 months of each academic year, the average annual earnings obtained by dividing by 8 the total earnings of the employee during the 96 consecutive months in which the total earnings were the highest within the last 120 months prior to termination.
- 2) For any other Tier 2 Member, the average annual earnings during the 8 consecutive academic years within the 10 years prior to termination in which the employee's earnings were the highest.
- 3) For an employee with less than 96 consecutive months or 8 consecutive academic years of service, whichever is necessary, the average earnings during his or her entire period of service. [40 ILCS 5/15-112(b)]

- d) A participant paid on an "hourly basis" is a participant who is paid per hour worked.
- e) An "annual salary" is a salary paid over 12 months for work to be performed during all 12 months of the academic year. SURS will determine if a participant receives an annual salary by looking at the period for which services were performed, not the period over which salary payments were received, and, in determining annual salary, will not consider payment for summer teaching or any additional contracts for summer school, overloads, or any other extra services. For example, an academic employee who receives a contract to teach 9 or 10 months of the academic year, but who chooses to be paid over 12 months, is not receiving an annual salary. For further example, an academic employee who receives a contract to teach less than 12 months of the academic year plus a contract to teach summer school is not receiving an annual salary even though he

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or she may perform work for 12 months and be paid over 12 months as a result of teaching summer school.

- f) In determining a participant's "earnings", the system allocates earnings to the period in which the corresponding work was performed. Earnings are not determined by when the payment is made. For example, a participant has a 9-month contract to teach from September through May and will be paid \$90,000. The participant has the option of receiving payment over 9 months (September through May at \$10,000 per month) or over 12 months (September through August at \$7,500 per month). The payment method chosen does not change the participant's earnings. If the participant chooses to receive payment over 9 months or over 12 months, the earnings and the period to which they are allocated does not change. For further example, the same participant receives a contract to teach summer school during the following June, July and August and will be paid \$15,000. The participant has earnings during each of those 3 months of \$5,000. If the participant was receiving the prior 9-month contract payments during the summer, as well as \$5,000 each month for the summer contract, the payments to the participant would be \$12,500 during June, July and August, but the earnings would be \$5,000 in each month. For further example, if the participant received a lump sum payment in October of \$15,000 for the summer contract, that payment is not "earnings" in October, but is "earnings" allocated to the summer months.
- g) This Section is effective beginning March 1, 2005, with respect to Tier 1 Members. However, a Tier 1 Member~~participant~~ who, on March 1, 2005, is within his or her final rate of earnings period prior to retirement may have his or her final earnings calculated under either subsection (b)(1) or (b)(2)(e), even if subsection (b)(2)(e) would not otherwise be applicable to that participant. The provisions of this Section applicable to Tier 2 Members are effective beginning January 1, 2011.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 1600.450 Overpayment Recovery

Purpose. Under Section 15-186.1 of the Code, SURS may recover amounts overpaid from the recipient, plus interest at the effective rate from the date of overpayment to the date of recovery, either directly or by deducting that amount from the remaining benefits payable to the recipient at a rate determined prudent and in the best interests of the System. This Section establishes

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procedures by which SURS' authority to collect overpayments under Section 15-186.1 is to be exercised.

- a) Demand and Statements. SURS will provide the overpaid recipient with a written demand upon discovery of the overpayment. The written demand shall specify the total amount of the overpayment, the month or months in which the overpayment occurred, a description of the nature of the overpayment, the interest rate to be assessed, and the option for installment payments or deduction from future benefits. The written demand shall also notify the recipient of the right to appeal and receive a hearing concerning the determination of overpayment status in accordance with Section 1600.500. SURS will send the recipient monthly statements indicating the overpayment balance and any installment balances and shall continue sending monthly statements until the total amount is fully repaid or SURS acts under subsection (c) ~~of this Section~~.
- b) Interest. Interest will compound monthly at 1/12 the current effective rate of interest per month starting ~~3530~~ days after the date of issuance of the written demand until collection is completed. Notwithstanding the foregoing, interest accrual shall be suspended during the pendency of a request for review of the overpayment under Section 1600.500. However, if the recipient does not prevail under administrative review, interest shall apply retroactively to the date 35 days after the date of issuance of the written demand until collection is completed.
- c) Actions for Recovery. If the recipient has not begun repayment or has not filed an appeal within ~~3530~~ days after the written demand, or a final non-appealable decision in favor of SURS issued subsequent to an appeal, SURS may take any, or any combination, of the following actions, as SURS deems appropriate and prudent, to collect the overpayment:
 - 1) Deduct from benefits, refunds and credits payable to the participant, annuitant or beneficiary. Under Section 15-185 of the Code, the Board may deduct from any benefit payable to participants, annuitants, survivors and beneficiaries amounts owed to SURS due to the participant's service. SURS may recover overpayments from any benefit payable due to the participant's service, including annuity benefits, survivor benefits, separation refunds, disability benefits and death benefits. If anyone receiving a benefit due to the participant's service is overpaid, the overpayment may be recovered from any current or future benefits paid to

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the same person or any other person receiving benefits due to the participant's service;

- 2) Engage a private collections agent;
 - 3) Initiate proceedings to obtain a civil judgment by attorneys retained by SURS or through the Attorney General; and/or
 - 4) Refer the overpayment to the Debt Collection Bureau of the Illinois Department of Revenue.
- d) Maintenance of Records. Records of overpayments shall be maintained for at least 36 months, except as provided under subsection (e), and shall contain the following:
- 1) A description of the cause for the overpayment;
 - 2) Correspondence concerning attempts to collect the overpayment; and
 - 3) Evidence of notice given for a hearing and review of the overpayment and any final outcome of the hearing and review.
- e) Uncollectible Accounts Receivable. If SURS is unable to collect all or part of an overpayment after 36 months, SURS' staff may request the Board, or its duly authorized representative, to certify the overpayment balance as uncollectible and no longer to be maintained as an account receivable in SURS' records. The request shall include the documentation required under subsection (d) and confirmation that the certification would be in the best economic interest of SURS. In determining the best economic interest of SURS, staff shall determine whether the total collection cost expended or anticipated will exceed the recoupment reasonably expected. However, the following exceptions may apply:
- 1) SURS' staff may deem an overpayment balance of \$100 or less to be uncollectible 6 months after the date of the demand without certification by the Board;

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- 2) SURS' staff may request certification for an overpayment balance of more than \$100 but less than \$5,000 after collection efforts have elapsed for at least 12 months.
- f) Reopening Uncollectible Accounts Receivable. Overpayments certified by the Board as uncollectible may be reopened for collection if the SURS' staff determines that it is in the best economic interest of SURS to do so.
- g) Past Overpayments. Overpayments incurred prior to January 1, 2008 may be certified as uncollectible under subsection (e) notwithstanding the lack of any of the documentation required under subsection (d).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

SUBPART E: DISABILITY CLAIMS AND ADMINISTRATIVE REVIEWSection 1600.550~~1600.320~~ Disability Claims Procedure

- a) Pursuant to Section 15-150 of the Code, a participant may be granted a disability benefit if, while a participating employee, he or she becomes physically or mentally incapacitated and unable to perform the duties of his or her assigned position for any period exceeding 60 consecutive calendar days and the employee had completed 2 years of service at the time of disability, unless the disability is a result of an accident. An employee shall be considered disabled only during the period for which the Board determines, based upon the evidence listed in this Section, that the employee is unable to reasonably perform the duties of his or her assigned position as a result of a physical or mental disability. This determination shall be based upon:
 - 1) a written certificate from one or more licensed and practicing physicians appointed by or acceptable to the Board, stating that the employee is disabled and unable to reasonably perform the duties of his or her assigned position;
 - 2) a written certificate from the employer stating that the employee is unable to perform the duties of his or her assigned position; and

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- 3) any other medical examinations, hospital records, laboratory results, or other information necessary for determining the employment capacity and condition of the employee.
- b) Application Filing Requirements
- 1) An application for disability benefits must include the certifications described in subsections (a)(1) and (a)(2), and supporting documentation described in subsection (a)(3), all as explained in more detail in this Section, for each disabling condition as well as for the entire period of disability.
 - 2) The application must be filed within one calendar year after the date on which the disability occurred. This limitation may be waived upon a showing of good cause, including, but not limited to, circumstances in which the applicant was under some physical, mental or medical infirmity or legal status that prevented the applicant from filing within the time period.
- c) Certification By Physicians. For purposes of subsection (a)(1), the following shall apply:
- 1) Physicians acceptable to the Board are attending physicians, physicians designated by the participant and physicians to whom the participant was referred by the attending or designated physician. Physicians appointed by SURS staff to examine the participant are deemed to be physicians appointed by the Board. The physician must be licensed to practice and be currently practicing in the field of expertise related to the underlying physical or mental condition for which disability benefits are sought.
 - 2) The certification must be signed by a physician described in subsection (c)(1) or an authorized representative of the physician and must state the following:
 - A) the medical diagnosis of the physical or mental condition;
 - B) the prognosis of the physical or mental condition;

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- C) the physical or mental limitations to which the participant should adhere; and
 - D) that the participant is disabled and is unable to reasonably perform the duties of his or her assigned position as a result of the physical or mental disability.
- 3) The certification must be accompanied by a report containing the following:
- A) the date of examination;
 - B) the medical history of the participant;
 - C) the results of any diagnostic tests used;
 - D) the diagnosis of the physical or mental condition;
 - E) the plan of treatment for the physical or mental condition and prognosis in response to the treatment plan;
 - F) an evaluation of the physical or mental condition as it bears upon the participant's ability to reasonably perform the duties of his or her assigned position; and
 - G) any existing documentation of objective medically demonstrable anatomical, physiological or psychological abnormalities manifested as test results or laboratory findings apart from self-reported symptoms.
- d) Certification by Employers. For purposes of subsection (a)(2), the certification must be signed by an officer authorized by the employer and must state the following:
- 1) the physical or mental performance requirements for the reasonable performance of the participant's assigned position;

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- 2) whether the participant is able to satisfy each physical or mental performance requirement for the reasonable performance of his or her assigned position to the best of the employer's knowledge or belief and the reason for that knowledge or belief; and
 - 3) whether the participant is able to reasonably perform the duties of his or her assigned position based on the provisions of subsections (d)(1) and (d)(2).
- e) **Determination of Disability.** If the participant establishes, by a preponderance of the evidence, that he or she is physically or mentally disabled and unable to perform the duties of his or her assigned position as a result of the disability, the participant shall be determined eligible for disability benefits under Section 15-150 of the Code.
- 1) SURS staff shall determine whether certifications made under subsections (a)(1) and (a)(2) and supporting documentation described in subsection (a)(3) establish eligibility for disability benefits.
 - 2) At the discretion of SURS staff, the participant may be required to submit to additional examinations by staff appointed physicians or specialists to aid in the determination process.
 - 3) Physical or mental conditions resulting from self-inflicted injuries, substance abuse, or any act for which the participant was convicted of a misdemeanor or felony are not the result of an accident for purposes of Section 15-150 of the Code.
- f) **Subsequent Re-examination of Disabled Participants**
- 1) SURS staff shall secure from one or more physicians, periodically, re-evaluation reports concerning the continued disability of the participant. The date of re-evaluation shall be determined by SURS staff on the basis of the medical reports received previously, the nature of the disability, and other relevant information.
 - 2) In the re-evaluation of disability claims, the examining physician shall be the attending physician or the physician designated by the participant, but,

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if the nature of the disability or other circumstances justifies the appointment of someone other than the participant's attending physician or designated physician as the examining physician, SURS staff shall make the appointment. All other procedures that may be applicable in processing the initial claim for disability benefits shall be followed in re-evaluation of the claim.

- g) Release of Medical Information. The participant may be required to authorize the release of all medical or other information related to the disability claim, including but not limited to medical reports, hospital records, Department of Employment Security earnings statements, income tax records, unemployment records, and any record deemed necessary to the administration of the disability claim. The failure of the participant to submit to a re-evaluation examination or a treatment plan, to produce records, or to approve release of information required may result in the suspension of disability benefit payments.

(Source: Section 1600.550 renumbered from Section 1600.320 at 38 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standard Information Requirements for Public Utilities and Telecommunications Carriers in Filing for an Increase in Rates
- 2) Code Citation: 83 Ill. Adm. Code 285
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
285.110	Amendment
285.111	Amendment
285.112	Amendment
285.160	New
285.165	New
285.300	Amendment
285.305	Amendment
285.310	Amendment
285.315	Amendment
285.320	Amendment
285.325	Amendment
285.400	Amendment
285.410	Amendment
285.5010	Amendment
285.5015	Amendment
285.5025	Amendment
285.5110	Amendment
285.5120	Amendment
285.5200	Repeal
285.5205	Repeal
285.5305	Amendment
285.6300	Amendment
285.6305	Amendment
285.6315	Amendment
285.7005	Amendment
285.7010	Amendment
285.7045	Amendment
285.7050	Amendment
285.7055	Amendment
285.7060	Amendment
285.7065	Amendment

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- 4) Statutory Authority: Implementing Sections 9-201, 16-108, and 16-108.5 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 9-201, 16-108, 16-108.5, and 10-101]
- 5) Effective Date of Rule: March 20, 2014
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: July 19, 2013; 37 Ill. Reg. 10903
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes have been made.
- 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 rule currently in effect? No
- 14) Are there any rulemaking pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments simplify the requirements governing the information that public utilities and telecommunications carriers must submit to the Commission in seeking rate increases, and clarify and update certain provisions in those rules. Specifically, the amendments make Part 285 applicable to rate increases under Sections 16-108 and 16-108.5 of the Public Utilities Act. In addition, the amendments update certain provisions in the rules by removing outmoded references, by making the requirements consistent with other provisions, and by reflecting changes that have occurred in the organization of Commission Staff. Finally, the amendments require that the information submitted to Commission Staff be transmitted in electronic form only.

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- 16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/558-2387

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN
ONE KIND OF UTILITY

PART 285

STANDARD INFORMATION REQUIREMENTS FOR PUBLIC UTILITIES AND
TELECOMMUNICATIONS CARRIERS IN FILING FOR AN INCREASE IN RATES

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AUTHORITY: Implementing Sections 9-201, 16-108, and 16-108.5 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-201, 16-108, 16-108.5 and 10-101].

SOURCE: Adopted at 5 Ill. Reg. 9029, effective August 28, 1981; amended and codified at 7 Ill. Reg. 15562, effective December 20, 1983; emergency amendment at 10 Ill. Reg. 760, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 8980, effective May 25,

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1986; amended at 14 Ill. Reg. 6000, effective May 1, 1990; amended at 15 Ill. Reg. 16050, effective November 1, 1991; amended at 18 Ill. Reg. 10684, effective July 1, 1994; old Part repealed, new Part adopted at 27 Ill. Reg. 12251, effective August 1, 2003; amended at 38 Ill. Reg. 7598, effective March 20, 2014.

SUBPART A: GENERAL INSTRUCTIONS

Section 285.110 Purpose

- a) These standard information requirements are designed to assist the Staff of the Illinois Commerce Commission (Commission, ICC, or ILCC) to review filings for tariffed rate increases under Sections 9-201, 16-108 and 16-108.5 of the Public Utilities Act (Act) [220 ILCS 5/9-201, 16-108 and 16-108.5].
- b) These standard information requirements do not bind the Commission to a decision based solely on data provided pursuant to this Part, and parties and Commission Staff may seek additional information through discovery.
- c) Information required by this Part does not become part of the record unless admitted into evidence under applicable Commission Rules of Practice (83 Ill. Adm. Code 200).

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.111 Information to be Provided to the Chief Clerk

- a) Notwithstanding any other provisions of this Part, a utility providing information to Commission Staff pursuant to this Part, except for information provided under subsection (b), shall also provide one copy of that information to the Chief Clerk in a format that complies with 83 Ill. Adm. Code 200.
- b) A utility providing information to the Chief Clerk under this Section may designate portions of that information as information for which it intends to seek a protective order. This designated information shall be separated from the remainder of the information provided to the Chief Clerk.
- c) Subject to subsections (c)(3) and (4), the Chief Clerk shall not provide any information designated for a protective order to parties in the rate case without

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utility permission, provided the utility requests a protective order for that information under 83 Ill. Adm. Code 200.430 by no later than the first status hearing in the rate case~~when the information is filed.~~

- 1) Any party shall have 21 days after the date of the request for a protective order to respond to the request, and the utility shall have ten days after the deadline date for filing responses to file its reply.
 - 2) If the utility's tariffs are not suspended, the designated information shall not be released to any individual or entity by the Chief Clerk without the utility's permission.
 - 3) The Staff of the Commission is entitled to review the designated information at any time.
 - 4) Pursuant to 15 ILCS 205/6.5(d), the Illinois Attorney General has a statutory right to review the designated information.
- d) Information provided to the Chief Clerk under this Section for which the utility has requested a protective order shall be treated by the Chief Clerk as directed in the protective order or other order or decision issued in response to the utility's request for a protective order.
 - e) The utility need not provide information to the Chief Clerk pursuant to this Section that is protected from disclosure by Illinois Supreme Court Rule 201(b)(2). However, in any case where a utility withholds information otherwise required to be provided by this Section, it shall provide the Chief Clerk a description of the information and a description of the basis for the assertion of the privilege claim.
 - f) Information provided to the Chief Clerk under this Section, for which a utility has indicated it will request a protective order, but for which no protective order is in fact requested by the utility, shall be released by the Chief Clerk to the parties to the rate case as if the utility had not indicated it would seek a protective order. However, any individual or entity other than a party to the rate case may gain access to that information only through a petition to the Commission in which the utility shall be named as the respondent.

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- g) Nothing in this Section shall be construed to prevent utilities and parties from entering into non-disclosure agreements in lieu of, or in addition to, the protective order process described in subsections (b) through (d).

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.112 Disclosure and Non-disclosure of Information

- a) A utility providing information to the Director of the Financial Analysis Division ~~or his/her designee, the Director of the Energy Division, and/or the Director of the Telecommunication Division~~ under this Part may, when the information is filed, designate portions of that information as information for which it intends to seek a protective order.
- b) Information that has been designated by a utility as that for which it intends to seek a protective order shall not be disclosed by Staff to any person outside the Commission other than representatives of the Illinois Attorney General pursuant to 15 ILCS 205/6.5(d) without utility permission, provided the utility requests a protective order for that information under 83 Ill. Adm. Code 200.430 by no later than the first status hearing in the rate case.
- c) Information provided to Staff under this Part for which the utility has requested a protective order shall be treated by Staff as directed in the protective order or other order or decision issued in response to the utility's request for a protective order. Information provided to Staff under this Part, for which the utility has indicated it will request a protective order, but for which information no protective order is in fact requested by the first status hearing in the rate case, shall be treated by Staff as if the utility had not indicated it would seek a protective order.
- d) The utility need not provide information to Commission Staff pursuant to this Part that is protected from disclosure by Illinois Supreme Court Rule 201(b)(2). However, in any case in which a utility withholds information otherwise required to be provided by this Part, by reason of assertion of a privilege, it shall provide a description of the information and a description of the basis for the assertion of the privilege claim.

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- e) Subject to the above limitations, Commission Staff is hereby authorized to prepare, from information provided under this Part, material for introduction into the record of any rate case and to disclose that information in connection with discharge of its responsibilities under the Act.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.160 Instructions for the Provision of Standard Information Requirements to Commission Staff

- a) Unless otherwise indicated, the utility shall deliver in electronic format to the Director of the Financial Analysis Division or his/her designee the standard information requirements listed in this Part, but not including the general information requirements to be made available pursuant to Section 285.150, on or before the day of filing proposed tariffs resulting in an increase in tariffed rates as defined in Section 285.120(a). If a standard information requirement was provided to the Commission Staff prior to the day of filing the proposed tariffs or in a prior case before the Commission, the utility shall indicate the submittal date and to whom the information requirement was submitted on Schedule A-1, Tariff Filing Summary. Future reports required by Section 285.305(k) through (p) shall also be delivered in electronic format to the Case Manager as the documents become available during the proceeding. The delivery may be, in whole or in part, by one or more of the following: by personal delivery; by mail including overnight courier; by electronic mail; and by making the material available by file transfer protocol (ftp) (the material delivered by ftp may, in whole or in part, be on a disc, including CD or DVD).
- b) The standard information requirements provided to the Staff of the Commission as described in subsection (a) shall be provided in an electronic format that adheres to the Office Open XML specification as defined by ISO/IEC 29500, which can be created in Microsoft Office 2007 or newer. Tariffs provided to Staff in Microsoft Word may contain draft watermarks or other non-substantive alterations from the official versions filed as Schedule E-1 and Schedule E-2. Information not able to be provided in Microsoft Word, PowerPoint or Excel electronic format with working formulae shall be provided in Adobe PDF version 1.7 or newer as defined by ISO 32000-1:2008, which can be created in Acrobat 8.0 or newer. The types of standard information requirements that may not be able to be provided in Microsoft Word, PowerPoint or Excel include the following:

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- 1) Contracts;
 - 2) Reports or documents submitted to a regulatory agency or a taxing authority;
 - 3) Reports or documents provided to an outside entity or to the investment community;
 - 4) Reports, documents or invoices received from an outside entity;
 - 5) Organizational charts;
 - 6) Maps;
 - 7) Managerial reports, including financial statements;
 - 8) Presentations;
 - 9) Company policies, guidelines or manuals;
 - 10) Advertising campaigns and scripts; and
 - 11) Budgets or forecasts and subsequent amendments.
- c) If requested, the utility shall also deliver to the Staff of the Commission up to three paper copies of the standard information requirements within seven days after the request.

(Source: Added at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.165 Instructions for the Provision of Standard Information Requirements to the Administrative Law Judge

Deliver one paper copy of the standard information requirements, but not including the general information requirements to be made available pursuant to Section 285.150, to the Bureau Chief of the Administrative Law Judges or his/her designee on or before the day of filing proposed tariffs resulting in an increase in tariffed rates as defined in Section 285.120(a).

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(Source: Added at 38 Ill. Reg. 7598, effective March 20, 2014)

SUBPART B: GENERAL INFORMATION REQUIREMENTS

Section 285.300 Instructions

~~a) Unless otherwise indicated, a utility shall deliver to the Director of the Financial Analysis Division a minimum of one copy of the most recent example of the documents and reports listed in Subpart B on or before the day of filing proposed tariffs resulting in an increase in tariffed rates as defined in Section 285.120(a). If the utility is requesting a change in electric and/or gas tariffs, the utility shall also deliver one copy of the above information to the Director of the Energy Division. If the utility is requesting a change in telecommunications tariffs, the utility shall also deliver one copy of the above information to the Director of the Telecommunications Division. If the general information requirement was provided to the Commission Staff prior to the day of filing the proposed tariffs or in a previous rate case, indicate the submittal date and to whom submitted on Schedule A-1, Tariff Filing Summary. Future reports required by Section 285.305(k)-(s) shall also be delivered to the Director of the Financial Analysis Division as they become available during the proceeding. b) Documents shall be labeled with the applicable Section and subsection designation. For example, the chart of accounts shall be labeled "285.305(d)".~~

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.305 General Information Requirements Applicable for All Utilities Subject to this Part

The information listed in this Section is required from all utilities subject to this Part.

- a) Company description, including:
 - 1) A corporate history including dates of incorporation and subsequent acquisitions and mergers;
 - 2) An organizational chart depicting inter-company relationships; and
 - 3) A system map indicating all cities, counties, and any other government subdivision to which service is provided.

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- b) Docket number for the most recent rate order from each regulatory entity, other than this Commission, having jurisdiction over the utility, for each type of regulated service offered by the utility.
- c) Each monthly managerial report providing financial results of operations for each of the past 12 months and each of the eight subsequent months as it becomes available.
- d) Current corporate chart of accounts and subaccounts, listing Commission account numbers, utility account numbers (if different), and description.
- e) Summary of the depreciation study supporting the rates used to calculate depreciation expense reflected on Schedule C-1. If no depreciation study exists, provide an explanation of the depreciation rates.
- f) Each labor contract, union and non-union, to which the utility is currently a party and any labor contract that has been signed but has a future effective date.
- g) Most recent actuarial report supporting post-retirement benefits, including pensions and post-retirement benefits other than pensions.
- h) A list of all private letter rulings received from the Internal Revenue Service since the utility's last rate filing before the Commission.
- i) A list of any reports or studies prepared for the utility by outside professional consultants or analysts during the last three years with a cost the lesser of .1% of the total utility annual revenues or \$500,000. The list shall include the report/study date, consultant name, subject of the report/study, cost of the report/study, and accounts charged.
- j) Most recent presentation to securities analysts by the utility and any parent company. The utility may exclude any portion of that presentation that neither directly nor indirectly relates to the utility and its subsidiaries.
- k) Most recent ~~annual~~ report for investors that presents operating and financial statistics to shareholders and statistical supplements of the utility ~~or~~ and any parent company or both and is not elsewhere described in this Section.

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- ~~t)~~ ~~Quarterly reports to shareholders issued subsequent to the last annual report to shareholders of the utility and any parent company.~~
- ~~l)m)~~ Most recent Securities and Exchange Commission (SEC) Form 10-K of the utility and any parent company in paper copy.
- ~~m)n)~~ All SEC Form 8-Ks ~~issued subsequent to~~referenced in the SEC Form 10-K (subsection (~~l)m~~)) of the utility and any parent company in paper copy.
- ~~n)o)~~ All SEC Form 10-Qs issued subsequent to the SEC Form 10-K of the utility and any parent company as referenced in subsection (~~m)n~~) in paper copy.
- ~~o)p)~~ Most recent prospectuses of common stock, preferred stock, and bond offerings of the utility and any parent company in paper copy.
- ~~p)q)~~ Most recent proxy statement of the utility and any parent company in paper copy.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.310 General Information Requirements Applicable for Electric Utilities

The information listed is required of electric utilities only.

- ~~a)~~ ~~Most recent ILCC Form 21 (three copies).~~
- ~~b)~~ ~~Most recent FERC Form 1.~~
- ~~a)e)~~ For utilities with generating plants included in rate base in the test year, inventory policies on coal and oil that will be in effect during the test year.
- ~~b)d)~~ For utilities with generating plants included in rate base in the test year, all studies performed by the utility or relied upon by the utility to determine its optimal fossil fuel inventory level. Include the economic justification for the fossil fuel inventory level that is being requested.
- ~~c)e)~~ Each electric utility subject to this Part using a future test year shall prepare an analysis of historical and forecasted levels of peak demand and energy usage that includes:

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- 1) System peak demand and total energy usage (actual and weather adjusted) for the previous five years;
- 2) Forecasted peak demand and energy usage for the future test year;
- 3) An historical and projected analysis of the utility's typical daily load shape by season for the previous five years and for the forecasted test year;
- 4) Disaggregation of historical data and forecasts by customer class and end-use where information permits;
- 5) An analysis of actual and expected interruptible demand, including actual interruptions occurring during the last five years;
- 6) An analysis of the expected impact of cogenerators and self-generators on peak demand and energy usage for the forecasted test year. ~~The~~Such an analysis shall include the number of customers with ~~this~~ueh capacity, their capacity rating, and their contracted peak and total energy demand; and
- 7) An assessment of the impact on actual and forecasted peak demand and energy usage from existing company-sponsored and government-sponsored or mandated conservation or load management programs. This assessment shall attempt to separate conservation and load management due to ~~thesesueh~~ programs from those that would have occurred in the absence of ~~thesesueh~~ programs.

~~d)F~~ Each electric utility subject to this Part using a historic test year shall prepare an analysis of historical levels of peak demand and energy usage that includes:

- 1) System peak demand and total energy usage (actual and weather adjusted) for the previous five years;
- 2) A historical analysis of the utility's typical daily load shape by season for the previous five years;

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- 3) Disaggregation of historical data by customer class and end-use where information permits;
- 4) An analysis of actual interruptible demand, including actual interruptions occurring during the last five years;
- 5) An analysis of the impact of cogenerators and self-generators on peak demand and energy usage. ~~The~~~~Such an~~ analysis shall include the number of customers with ~~this~~~~such~~ capacity, their capacity rating, and their contracted peak and total energy demand; and
- 6) An assessment of the impact on actual peak demand and energy usage from existing company-sponsored and government-sponsored or mandated conservation or load management programs. This assessment shall attempt to separate conservation and load management due to ~~these~~~~such~~ programs from those that would have occurred in the absence of ~~these~~~~such~~ programs.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.315 General Information Requirements Applicable for Gas Utilities

The information listed in this Section is required of gas utilities only. ~~a)Most recent ILCC Form 21 (three copies).b)Most recent FERC Form 2.e)~~ Provide forecasted peak design day, the estimated amount of available peak day supply and the reserve margin during the test year. List and explain all criteria used by the utility as a basis for each of these values and provide all associated workpapers.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.320 General Information Requirements Applicable for Telecommunications Carriers Subject to this Part

The information listed in this Section is required of telecommunications carriers only.

- ~~a) Most recent ILCC Form 23A (two copies).~~

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~~a)b)~~ A list of all filings with outside regulatory agencies, such as the Federal Communications Commission (FCC), during the last three years, the date, and description of the filing.

~~b)e)~~ Most recent FCC Form M.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.325 General Information Requirements Applicable for Water and/or Sewer Utilities

The information listed in this Section is required of water and/or sewer utilities.

~~a) Most recent ILCC Form 22 (two copies).~~

~~a)b)~~ Monthly flows received at the sewage treatment plant for the last three years.

~~b)e)~~ Peak day and peak hour (if available) water flows for the last three years.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

SUBPART C: GENERAL INSTRUCTIONS FOR SCHEDULES AND WORK PAPERS**Section 285.400 Schedules**

~~a) In addition to filing the required schedules in a compatible electronic format, the minimum number of copies of the schedules listed in Subparts D through K, inclusive, submitted to the Director of the Financial Analysis Division at the time of filing proposed tariffs resulting in an increase in tariffed rates as defined in Section 285.130 shall be as follows:~~

~~1) Seven copies of Subpart D (A Schedules), Subpart E (B Schedules), Subpart F (C Schedules), Subpart I (F Schedules), and Subpart J (H Schedules); and~~

~~2) Two copies of Subpart G (D Schedules), Subpart H (E Schedules), and Subpart J (G Schedules).~~

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- ~~a) b)~~ Schedules shall convey the information required by the standard information requirements. Schedules shall not be handwritten. Additional schedules shall be submitted as necessary to support the utility's request for a general rate increase; these schedules shall be identified by the next unassigned schedule number in the appropriate Section.
- ~~b) e)~~ Applicable Data data
- 1) The schedules shall show total company data and applicable service data unless otherwise specified.
 - ~~2)~~ ~~A telecommunications carrier, at its option, may provide data on a total company basis (i.e., interstate and intrastate) or on an intrastate basis only. In the event the telecommunications carrier provides data on an intrastate basis, the determination of such data shall be in accordance with 47 CFR 36, "Standard Procedures for Separating Telecommunications Property Costs, Revenues, Expenses, Taxes and Reserves" (as of October 1, 2002). This incorporation does not include any later amendment or edition.~~
 - ~~2) 3)~~ The description of each schedule indicates the periods for which information shall be provided. The utility may provide the data on the number of pages necessary to provide the information.
 - ~~3) 4)~~ The prior year is defined as the 12 month period immediately preceding the test year. If a future test year is selected, the schedule shall indicate by footnote the number of months of actual and forecasted data included within the first prior year.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.410 Work Papers

- ~~a)~~ ~~A minimum of one copy, unless otherwise specified, of the work papers supporting the standard information requirements schedules shall be submitted to the Director of the Financial Analysis Division at the time of filing proposed tariffs resulting in an increase in tariffed rates as defined in Section 285.120. If the utility is requesting a change in electric and/or gas tariffs, the utility shall also deliver one copy of the above information to the Director of the Energy Division.~~

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~~If the utility is requesting a change in telecommunications tariffs, the utility shall also deliver one copy of the above information to the Director of the Telecommunications Division. To the extent workpapers exist in electronic form, workpapers shall be submitted in electronic form.~~

- ~~a)~~b) The requirements of each schedule establish the minimum information to be provided as work papers. If additional information supports the testimony, exhibits, or schedules, the requirements of this Part shall not limit the information submitted.
- ~~b)~~e) It is not necessary that workpapers be prepared specifically to satisfy the requirements of this Part.
- ~~c)~~d) If the required information is provided in testimony, it is appropriate to reference by footnote on the schedule the citation for the required information. Work papers reflecting duplicative information are not necessary.
- ~~d)~~e) All work papers shall:
- 1) Be referenced to the appropriate standard information requirement schedules in accordance with the work paper reference system described in Appendix A;
 - 2) Contain the name of the person responsible for the work paper and the date prepared; and
 - 3) Be cross-referenced wherever possible to minimize duplication of data.
- ~~e)~~f) When assumptions are made in determining work paper schedule amounts, narrative or other support shall be included so that the reasonableness of the work paper can be reviewed.
- ~~f)~~g) The referencing system described in Appendix A of this Part shall be used for all work papers. A maximum of six position codes shall be used; when positions 5 and 6 are not required, they shall be left blank.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

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SUBPART H: RATE AND TARIFF SCHEDULES

Section 285.5010 Schedule E-1: ~~Copy of Proposed~~ Tariff Sheets

Provide ~~one copy of~~ all proposed tariff sheets. Identify each page with "Schedule E-1, page (insert number) of (insert total number of pages)" in the upper right hand corner.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.5015 Schedule E-2: Proposed Revisions to~~Revised Copies of~~ Existing Tariff Sheets

Provide ~~current one copy of present~~ tariff sheets~~rate tariffs~~ for all tariff sheets that the utility proposes to change~~rate classes~~ that show~~shows~~, in strikeout form, all existing rates and tariff language the utility proposes to remove and show~~shows~~, in underline form, all new rates and tariff language the utility proposes to add.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.5025 Schedule E-4: Billing Units – Electric, Gas, Water, and Sewer Utilities

- a) Provide jurisdictional "Billing Units" by rate classifications that make up the total test year revenue for each designated rate in combination with its accompanying riders to the rates, if any.
 - 1) Report all billing units beginning with those actually experienced in the historical year and setting forth each adjustment for items such as weather (see subsection (a)(2)) and growth to arrive at pro forma test year billing units supporting pro forma revenues at present and proposed rates reflected on Schedule C-1. If the test year billing units are not derived in this manner, provide an explanation of the methodology and identify each of the key assumptions used to develop the billing determinants from actual data and provide all the associated work papers.
 - 2) (Electric and Gas Utilities Only) Provide quantitative weather normalization data consistent with utility's service area. Include a full explanation of the normalization method selected and explain why it is appropriate. Provide the number of monthly heating degree days and/or

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cooling degree days assumed. Identify and explain each of the key assumptions in the methodology. Also, if an ~~historical~~historie test year is used, provide the number of monthly heating degree days and/or cooling degree days actually experienced by the utility in the test year and state the source of that data (i.e., location of weather station). Provide ~~the 30 year~~ monthly and annual averages using the heating degree day data and/or cooling degree day data from the same weather station previously mentioned for the time period used to derive billing units.

- 3) Test year billing units for each rate schedule (or type of service), each rate block and each rate element are to be reported, whether changed or not.
- b) Categorize the test year billing units for each rate and rate element by the following components:
- 1) Customer charges (service charges);
 - 2) Minimum bills if applicable;
 - 3) Energy or usage sales units (Note: provide billing units for each current and proposed energy or usage block);
 - 4) Demand units (Note: billing units shall be provided for each current and proposed demand block);
 - 5) Purchased gas adjustment units, fuel adjustment units, purchased water units, or purchased sewage treatment units; and
 - 6) All other units that give rise to revenues, including detailed billing units for public and private fire protection services where applicable.
- c) Any utility that prepares an elasticity of demand study to support adjustments to test year billing units shall submit ~~a copy of~~ the study as work papers supporting Schedule E-4 in addition to the other information required by this Section.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

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Section 285.5110 Schedule E-6: Embedded Class ~~Cost-of-Service~~ Cost of Service Studies – Electric and Gas Utilities

Each electric and gas utility with \$5 million or more in total jurisdictional annual revenues shall submit, at a minimum, an embedded cost-of-service study for each rate increase application based on costs for the proposed test year. This submission shall consist of two parts:

- a) Schedule E-6: A full set of cost-of-service results that presents the functionalization, classification and allocation to the utility's rate classes of all Illinois jurisdiction costs on the utility system as follows:
 - 1) All costs broken down by ICC Account or group of similar ICC Accounts that are allocated on the same basis;
 - 2) Test year costs shall be consistent with the costs presented in Section 285.3005.
 - 3) A list of all externally generated allocation factors in the study;
 - 4) Rates-of-return by customer classes under both present and proposed rates; and
 - 5) A full narrative description of the allocation methodology used in the cost-of-service study that explains in detail:
 - A) The derivation of all externally generated allocators; and
 - B) The basis for all direct assignments of costs in the study.
- b) Schedule E-6 work papers: the utility shall provide ~~a copy of~~ all materials relied on in developing the cost-of-service study. This shall include:
 - 1) ~~All~~ All a hard copy of all work papers relied on to develop the cost-of-service study ~~and a copy on floppy disk or CD-ROM or by e-mail in spreadsheet format where available;~~
 - 2) The following data on demand and/or energy loss factors used in the cost-of-service study:

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- A) A list of all demand and/or energy loss factors by customer class used in the study; and
- B) ~~All a copy of all~~ studies or analyses relied on to develop these loss factors;
- 3) ~~All a copy of all~~ other studies and analyses relied on by the utility to develop cost-of-service study results; and
- 4) A working model of the utility's cost-of-service study ~~on floppy disk or CD-ROM or by e-mail in spreadsheet or database format where available~~. If the utility is prevented from fulfilling this requirement by an agreement with an outside vendor, provide the following:
- A) ~~The a copy of the~~ contract provisions that prevent the utility from distributing a working "unprotected" version ~~copy~~ of the study;⁵ and
- B) Either allow intervenors access to a computer that contains a working ~~"protected black box"~~ version ~~copy~~ of the model, i.e., formulas may be hidden to prevent viewing, where they can generate alternative cost-of-service study results; or have the utility's vendor and individual intervenors enter into an agreement to provide the intervenors with a working "unprotected" version ~~copy~~ of the model to use for a fixed and limited time period at the end of which that right to use the program would expire.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.5120 Schedule E-7: Load Research – Electric Utilities

Each electric utility with more than \$50 million in total jurisdictional annual revenue shall provide a set of load research results that were developed no more than four years before the filing date. This submission shall consist of two parts:

- a) Schedule E-7: a full set of load research results based on statistical samples of the utility's rate classes. This shall include the following information:

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- 1) Monthly class and Illinois jurisdictional loads at the time of the system coincident peaks, along with the date and time of ~~this~~ peak;
 - 2) The monthly maximum non-coincident peak demands for each customer class, along with the date and time of each peak for each customer class;
 - 3) Class and jurisdictional load factors; and
 - 4) The statistical confidence level achieved for each set of load data developed.
- b) Schedule E-7 ~~work papers~~~~supporting materials~~. The utility shall provide the following materials in support of its load research results:
- 1) The time period over which the data was collected;
 - 2) A full description of the statistical methods used by the utility to derive load research results, including accuracies and confidence levels its load research samples were designed to achieve; and
 - 3) A full explanation of the usage strata into which customers in the utility's load research sample are distributed. For each usage stratum, the utility must provide the following:
 - A) Identify the number of customers and the customer types (by class) in that particular usage stratum;
 - B) Average monthly usage;
 - C) Average demand in kW at the time of the system peak; and
 - D) Average non-coincident peak demand.
 - 4) An explanation of how the load research sample was derived and justification for the appropriateness of the sample used.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

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Section 285.5200 Schedule E-5: Long-Run Service Incremental Cost Studies – Telecommunications Carriers (Repealed)

- a) ~~Each telecommunications carrier (carrier) subject to the requirements of this Part shall provide long-run service incremental cost studies (LRSIC) in accordance with 83 Ill. Adm. Code 791.~~
- b) ~~Each telecommunications carrier shall provide a listing of all proposed rate/ratemaking changes with corresponding available LRSIC information for each rate or element also listed.~~

(Source: Repealed at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.5205 Schedule E-6: Imputation Tests – Telecommunications Carriers (Repealed)

~~Each carrier subject to the requirements of this Part shall provide imputation tests in accordance with 83 Ill. Adm. Code 792.~~

(Source: Repealed at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.5305 Schedule E-6: Embedded Cost of Service Studies – Water and Sewer

- a) Each water and sewer utility may submit an embedded cost-of-service study for each rate increase application based on costs for the proposed test year. Each cost-of-service study submitted must include (at a minimum) the information listed in subsections (b), (c), and (d). If a cost-of-service study is not submitted, the utility must provide the necessary data in subsections (b), (c), and (d) to enable Staff to perform a cost-of-service study.
- b) Schedule E-6: A full set of cost-of-service results that presents the functionalization, classification and allocation of all jurisdictional costs on the utility system. Present all non-jurisdictional costs separately from jurisdictional costs in the study.
 - 1) All costs broken down in detail to allow a full cost-of-service study to be performed in accordance with the Uniform System of Accounts (83 Ill. Adm. Code 605 and 650). The breakdown of expenses by Uniform System

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of Accounts shall also include the following additional transmission and distribution expenses: Mains, Meters, Services, Meter Installations, Hydrants, and Distribution Reservoirs and Standpipes. Additionally, customer accounts expense shall include meter reading in its breakdown of expenses.

- 2) A listing of all externally generated allocation factors in the study.
- 3) A full narrative description of the allocation methodology used in the cost-of-service study that explains in detail:
 - A) The derivation of all externally generated allocators; and
 - B) The basis for all direct assignments of costs in the study.
- c) Work papers supporting Schedule E-6 shall include all materials relied on in developing the cost-of-service study. This shall include, but not be limited to, the following:
 - 1) ~~AllA hard copy of all~~ work papers relied on to develop the cost-of-service study ~~and a copy on floppy disk~~ in spreadsheet format, when where applicable;
 - 2) The following data on load factors used in the cost-of-service study:
 - A) A listing of all load factors used in the study by rate class and/or customer class; and
 - B) ~~AllA copy of all~~ studies and analyses relied on to develop these load factors.
 - 3) ~~AllA copy of all~~ studies and/or analyses relied on by the utility to develop cost-of-service study results.
 - 4) The amount of plant in service, contributions in aid of construction, and customer advances for:
 - A) Mains larger than eight inches in diameter; and

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- B) Mains eight inches and smaller in diameter.
- d) Customer usage structured as follows for the utility's rate groups:
 - 1) For water utilities:
 - A) Number of customers by meter size for each customer class; and
 - B) Water usage for each customer class by rate block (1,000 gallon or 100 cubic foot).
 - 2) For sewer utilities:
 - A) For flat rate customers, the number of billing units by rate;
 - B) For customers billed on water usage:
 - i) Number of customers by meter size for each customer class; and
 - ii) Water usage for each customer class by rate block (1,000 gallon or 100 cubic foot).

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

SUBPART I: PLANNING AND OPERATIONS SCHEDULES
FOR GAS AND/OR ELECTRIC UTILITIES

Section 285.6300 Schedule F-8: Gas Stored Underground – Gas Utilities

- a) Provide information, whenwhere applicable, for the portion of each underground gas storage facility owned, contracted, leased, etc., during the test year and for the period directly after the test year to the present. WhenWhere the underground storage is provided by a natural gas pipeline or other service provider, including services provided pursuant to a purchased storage service on file with the Federal Energy Regulatory Commission, the utility shall note this on the schedule and provide the information that is available. References to storage facility shall be

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construed to include storage services that are not defined by a specific storage facility.

- b) Information to be provided shall include:
- 1) Location and operator of the storage facility;
 - 2) Date that each contract, lease, etc., expires;
 - 3) Maximum working gas inventory volume for the portion of the storage facility owned, contracted, leased, etc., by the utility;
 - 4) Method of inventory valuation used by the utility (i.e., average, FIFO (first in, first out), LIFO (last in, first out));
 - 5) Maximum daily deliverability on a typical peak day for the portion of the storage facility owned, contracted, leased, etc., by the utility;
 - 6) Expected daily deliverability on a typical peak day for the portion of the storage facility owned, contracted, leased, etc., by the utility (differs from subsection (b)(5) only if derations are expected);
 - 7) Injection limitations, such as time of year constraints, source of injection gas, etc., for the portion of the storage facility owned, contracted, leased, etc., by the utility; and
 - 8) Method of dispatch (i.e., peak shaving, base loading, etc.); ~~and~~
 - 9) ~~Monthly price for injections and withdrawals (including volumes) applied to the utility's storage inventory levels for each of the three consecutive years immediately preceding the test year and the test year.~~
- c) Supporting work papers shall include the following information for the portion of the storage facility owned, contracted, leased, etc., by the utility:
- 1) An explanation of the calculation of each storage facility's maximum daily deliverability on a typical peak day;

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- 2) An explanation of the calculation of each storage facility's expected daily deliverability on a typical peak day;
- 3) An explanation of the type of transportation used in conjunction with each leased or contracted storage agreement; and
- 4) An explanation of how the utility accounts for its storage inventory levels (one central pool or specific information for each storage field).

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.6305 Schedule F-9: Underground Gas Storage Activity – Gas Utilities

- a) Provide information, if applicable, for the portion of all underground gas storage facilities either owned or leased by the utility for each of the five consecutive years immediately preceding the test year and the test year. Where the underground storage is provided by a natural gas pipeline or other service provider, including services provided pursuant to a purchased storage service on file with the Federal Energy Regulatory Commission, the utility shall note this on the schedule and provide the information that is available. References to storage facility shall be construed to include storage services that are not defined by a specific storage facility.
- b) Information shall be provided only for that portion of the storage facility that is owned, leased or contracted by the utility and shall include:
 - 1) End of month~~Monthly average~~ inventory of cushion gas and working gas in dollars and millions of cubic feet or decatherms;
 - 2) Monthly injection and withdrawal quantities; and
 - 3) Date and reason for any instances where the withdrawal capacity of a facility was limited due to unforeseen circumstances, such as equipment breakdowns, within the five consecutive years immediately preceding the test year~~last five years~~.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

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Section 285.6315 Schedule F-11: Propane, Liquefied Natural Gas, and Synthetic Natural Gas Facilities – Gas Utilities

- a) Provide information for each propane, liquefied natural gas (LNG) and synthetic natural gas (SNG) facility.
- b) Information to be provided shall include:
 - 1) Rate at which the propane/LNG inventory can be replenished during the winter months;
 - 2) Feedstock consumption rate in gallons per hour for the plant at rated capacity;
 - 3) Expected peak day capacity of the plant;
 - 4) Last three dates on which the facility was required to serve load on the utility's system. Explain the situation that caused each of these three occurrences and how much load was served by the facility;
 - 5) Date and reason for any instances where the withdrawal capacity of a facility was limited due to unforeseen circumstances, such as equipment breakdowns, within the ~~last~~ five consecutive years immediately preceding the test year.
- c) Supporting work papers shall include:
 - 1) An explanation of how the replenishment rate will change for different levels of inventory; and
 - 2) Basis for replenishment rates.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

SUBPART J: FUTURE TEST YEAR REQUIREMENTS

Section 285.7005 Schedule G-1: Comparison of Prior Forecasts to Actual Data – Prior Three Years

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- a) Schedule G-1 shall compare forecast period data to actual data to demonstrate the reliability and accuracy of the utility's forecast for each of the ~~prior~~ three most recent consecutive years preceding the test year for which actual data exist. The prior years' forecast data are to represent the original approved budget for the period.
- b) Work papers supporting Schedule G-1 shall include:
- 1) The original, and all amendments, of operating and capital budgets or forecasts for each of the three consecutive years ~~immediately~~ preceding the test year for which actual data exist and those in support of the test year; and
 - 2) A budget manual or formalized budget guidelines and procedures used to develop the utility's most recent budget.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.7010 Schedule G-2: Statement from the Independent Certified Public Accountant

- a) Schedule G-2 shall be a statement from an independent certified public accountant that the preparation and presentation of the applicable schedules comply with the ~~Guide for~~ Prospective Financial Information, November 1, 2012 as of April 1, 1999 (copyright 2013~~1999~~) by the American Institute of Certified Public Accountants (1211 Avenue of the Americas, New York NY 10036-8775). No later amendment or edition is included in this incorporation.
- b) The work papers of the independent certified public accountant supporting the statement required in subsection (a) shall be made available to the Commission Staff at the utility's office. The work papers shall also include the engagement letter, representation letter, and any additional correspondence between the utility and the independent certified public accountant regarding the engagement.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

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Section 285.7045 Schedule G-8: Actual Gross Additions and Retirements Compared to Original Budget

Provide a comparison by plant function of the original budget of capital additions and retirements to actual capital additions and retirements for each of the three most recent consecutive years preceding the test year for which actual data exist.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.7050 Schedule G-9: Comparison of Budgeted Non-Payroll Expense to Actual

- a) Provide, by ICC Account number, with operation and maintenance shown by individual operation and maintenance expense account (or utility account number or budget item, if utility account numbers or budget items are in similar detail or greater detail when compared to ICC Account numbers), actual non-payroll expense compared with budgeted non-payroll expense for each of the three most recent consecutive years immediately preceding the test year for which actual data exist. The budgeted non-payroll expense shall represent the originally approved budget. If budgeted amounts are not available by ICC Account number, utility account number or budget, provide the comparison by function (for example, power production – operation, power production – maintenance, distribution – operation, distribution – maintenance, etc.).
- b) Information provided shall include:
 - 1) Account number;
 - 2) Account description;
 - 3) Actual non-payroll expense in third prior year;
 - 4) Budgeted non-payroll expense in third prior year;
 - 5) Difference between actual and budgeted non-payroll expense in third prior year;
 - 6) Percentage change for difference between budgeted and actual non-payroll expense in third prior year;

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- 7) Actual non-payroll expense in second prior year;
 - 8) Budgeted non-payroll expense in second prior year;
 - 9) Difference between actual and budgeted non-payroll expense in second prior year;
 - 10) Percentage change for difference between budgeted and actual non-payroll expense in second prior year;
 - 11) Actual non-payroll expense in prior year;
 - 12) Budgeted non-payroll expense in prior year;
 - 13) Difference between actual and budgeted non-payroll expense in prior year; and
 - 14) Percentage change for difference between budgeted and actual non-payroll expense in prior year.
- c) Supporting work papers shall include explanations for percentage differences of 15% or more identified in subsection (b)(14).

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.7055 Schedule G-10: Budgeted Payroll Expense

- a) Provide, by ICC Account number, operation and maintenance by individual operation and maintenance expense account (or utility account number or budget item, if utility account numbers or budget items are in similar detail or greater detail when compared to ICC Account numbers), actual direct payroll expense as defined by Section 285.115 compared with the budgeted payroll expense for each of the three ~~most recent consecutive~~~~consecutive budget~~ years immediately preceding the test year for which actual data exist and the test year. The budgeted payroll expense shall represent the originally approved budget. If budgeted amounts are not available by ICC Account number, utility account number or budget, provide the comparison by function (for example, power production –

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operation, power production maintenance, distribution – operation, distribution – maintenance, etc.).

- b) Information provided shall include:
- 1) Account number;
 - 2) Account description;
 - 3) Actual payroll expense in third prior year;
 - 4) Budgeted payroll expense in third prior year;
 - 5) Difference between actual and budgeted payroll expense in third prior year;
 - 6) Percentage change for difference between budgeted and actual payroll expense in third prior year;
 - 7) Actual payroll expense in second prior year;
 - 8) Budgeted payroll expense in second prior year;
 - 9) Difference between actual and budgeted payroll expense in second prior year;
 - 10) Percentage change for difference between budgeted and actual payroll expense in second prior year;
 - 11) Actual payroll expense in the year prior to the test year;
 - 12) Budgeted payroll expense in the year prior to the test year;
 - 13) Difference between actual and budgeted payroll expense in the year prior to the test year;
 - 14) Percentage change for difference between budgeted and actual payroll expense in the year prior to the test year; and

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- 15) Payroll expense reflected in test year.
- c) Supporting work papers shall include:
- 1) Explanations for percentage differences of 15% or more identified in subsection (b)(14);
 - 2) Actual direct payroll expense for each month of the three consecutive years identified in subsections (b)(3), (b)(7), and (b)(11); and
 - 3) Direct payroll expense included within the original budget for each month of the three consecutive years identified in subsections (b)(4), (b)(8), and (b) (12) and identified in subsection (b)(15) for the test year.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.7060 Schedule G-11: Budgeted Number of Employees

- a) Schedule G-12 shall list the number of employees by department included within the original, approved budget in each month of the three **most recent** consecutive years ~~immediately~~ preceding the test year, for which actual data exist, and the test year.
- b) Information shall include:
 - 1) Number of full time employees;
 - 2) Number of part time employees;
 - 3) Number of full time equivalents for part time employees (i.e., if a full time employee is defined as working 40 hours per week, then part time, non-overtime hours divided by 40 would yield the number of full time equivalents); and
 - 4) Total full time equivalents (sum of amounts in subsections (b)(1) and (b)(3)).

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(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

Section 285.7065 Schedule G-12: Forecasted Property Taxes

- a) Provide information on the forecasted property taxes for the test year. If the information for the year immediately preceding the test year reflected on Schedule C-19 represents a combination of actual and forecasted data, provide information for the year preceding the test year also.
- b) Information provided shall include:
 - 1) Description of the methodology used to derive forecasted amounts reflected on Schedule C-19;
 - 2) Equalized assessed value by county; and
 - 3) Effective tax rate by county with the basis for the escalation rate used.
- c) Provide the amount of property tax recoveries obtained from any appeals process for each of the three most recent consecutive years ~~immediately~~ preceding the test year for which actual data exist.

(Source: Amended at 38 Ill. Reg. 7598, effective March 20, 2014)

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NOTICE OF ADOPTED RULE

- 1) Heading of the Part: Guidelines for Carbon Dioxide Transportation and Sequestration
- 2) Code Citation: 83 Ill. Adm. Code 302
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
302.10	New
302.20	New
302.30	New
302.40	New
302.50	New
302.60	New
302.APPENDIX A	New
302.APPENDIX B	New
- 4) Statutory Authority: Implementing Section 20(e) of the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75/20(e)] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]
- 5) Effective Date of Rule: March 21, 2014
- 6) Does this rule contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: June 21, 2013; 37 Ill. Reg. 8076
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Nonsubstantive changes in wording were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR suggested a number of stylistic changes, and these have been made.

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- 13) Will this rule replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75] creates a process through which owners or operators of carbon dioxide pipelines seek route certification by the Illinois Commerce Commission. Section 20(e) of the Act [220 ILCS 75/20(e)] requires that rules of the Illinois Commerce Commission ensure that notice is provided to landowners along a proposed pipeline route. Part 302 creates notice requirements, which are based in part on Commission rules applicable in analogous proceedings involving Illinois public utilities and pipeline carriers [83 Illinois Adm. Code 300].
- 16) Questions or requests for information about this adopted rule shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/558-2387

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULE

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 302

GUIDELINES FOR CARBON DIOXIDE TRANSPORTATION AND SEQUESTRATION

Section

- 302.10 Definitions
- 302.20 Certificate of Authority
- 302.30 Application for Certificate of Authority
- 302.40 Negotiation of the Acquisition of an Easement in Property or any Interest in Property
- 302.50 Application of this Part
- 302.60 Revocation of Existing Certificate
- 302.APPENDIX A Statement of Information from the Illinois Commerce Commission Concerning Applications for a Certificate of Authority by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act
- 302.APPENDIX B Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Easement in Property or any Interest in Property by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act

AUTHORITY: Implementing Section 20(e) of the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75/20(e)] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

SOURCE: Adopted at 38 Ill. Reg. 7637, effective March 21, 2014.

Section 302.10 Definitions

As used in this Part:

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"Act" means the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75].

"Commission" means the Illinois Commerce Commission created by Section 2-101 of the Public Utilities Act [220 ILCS 5/2-101].

"Owner" or "Operator" means any *Owner or Operator of a pipeline designed, constructed, and operated to transport and to sequester carbon dioxide produced by a clean coal facility, by a clean coal SNG facility, or by any other source that will result in the reduction of carbon dioxide emissions from that source.* [220 ILCS 75/15]

Section 302.20 Certificate of Authority

This Part shall apply whenever any Owner or Operator seeks to construct, operate or maintain a carbon dioxide pipeline under the Act.

Section 302.30 Application for Certificate of Authority

- a) Prior to any Owner or Operator or its agent initiating contact with any landowner (the record owner of the land as disclosed by the records of the tax collector of the county where the land is located) to negotiate the acquisition of an easement in property or any interest in property, it shall file with the Illinois Commerce Commission an application containing, in addition to the matters set forth in Section 20(b) of the Act, a brief description of the proposed project, a map of the route or route width showing either *the specific route for the carbon dioxide pipeline* (including size of site and width of easement to be sought), or *the project route width that identifies the areas in which the pipeline would be located, with such route ranging from the minimum width required for the pipeline right-of-way up to 200 feet in width* [220 ILCS 75/20(d)], and pipeline length and diameter, and the location of any above ground facilities (compressor stations, valves, etc.).
- b) *When an applicant files its application for a certificate of authority with the Commission, it shall provide notice to each local government where the proposed pipeline will be located and include a map of the proposed pipeline route. The applicant shall also publish notice in a newspaper of general circulation in each county where the proposed pipeline is located.* [220 ILCS 75/20(c)]

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- c) The applicant shall include with the application, when filed with the Commission, a list containing the name and address of each owner of record of the land along the proposed route, or within a proposed project route width, as disclosed by the records of the tax collector of the county in which the land is located, as of not more than 30 days prior to the filing of the application. *Notice of the filing of an application for a certificate of authority shall be provided by the Commission within 30 days after filing to the landowners along the proposed route, or to the potentially affected landowners within a proposed project route width.* [220 ILCS 75/20(e)] Notice shall include the time and place scheduled for the initial hearing on the application, and shall include the information required by Appendix A. This subsection's requirements for notice to owners of record shall not be deemed jurisdictional and the omission of the name and address of an owner of record from the list or lack of notice shall in no way invalidate a subsequent order of the Commission relating to the application.

Section 302.40 Negotiation of the Acquisition of an Easement in Property or Any Interest in Property

This Section shall govern the actions of every person acting on behalf of an Owner or Operator when negotiating the acquisition of an easement in any property or interest in property for the construction, operation or maintenance of a carbon dioxide pipeline:

- a) At least 14 days before an Owner or Operator initiates telephone or personal contact with the landowner to negotiate the acquisition of an easement in any property or interest in property, the Owner or Operator or representative shall send a letter to the landowner by certified mail, return receipt requested, containing the information set forth in subsection (c), together with the "Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Easement in Property or any Interest in Property by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act" (see Appendix B).
- b) Owner or Operator representatives shall keep and maintain a permanent record of all letters sent in compliance with this Section.
- c) Any letter sent by the Owner or Operator representative shall be on that representative's letterhead or on the letterhead of the utility, and it shall clearly set forth:

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- 1) The identity, address and telephone number of the utility representative;
 - 2) The identity of the Owner or Operator attempting to acquire easement in the property or interest in property;
 - 3) The general purpose of the proposed project;
 - 4) A description of the proposed carbon dioxide pipeline, including pipeline length, pipeline diameter, and the location of any above ground facilities (compressor stations, valves, etc.);
 - 5) The general description of the easement in property or interest in property that the Owner or Operator seeks to acquire and the type of structures, if any, the Owner or Operator seeks to build;
 - 6) A statement that the Owner or Operator or its representative seeks to negotiate with the landowner to arrive at a fair and reasonable agreement for the easement in property or interest in property; and
 - 7) An invitation to the landowner to contact the Owner or Operator representative to arrange a mutually agreeable time for an appointment to further discuss the matter.
- d) If the landowner does not contact the Owner or Operator representative within two weeks after the mailing of the original letter, the representative may contact the landowner to attempt to establish a mutually convenient time and date for a meeting to discuss the matter.
- e) Each Owner or Operator representative shall carry, and show to every landowner contacted, an identification card with the name and address of the Owner or Operator and a recent picture of the Owner or Operator representative. All contacting persons shall provide their telephone numbers to landowners.
- f) Upon the initial personal contact with the landowner, each Owner or Operator representative shall be prepared to discuss, with specificity, the project for which the easement in property or interest in property is sought and shall more specifically inform and advise the landowner of the following:

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- 1) By oral statement, the reason for the contact; e.g., the general purpose of the proposed project and the type of facilities to be constructed.
- 2) Technical information regarding the proposed project. This shall include, among other things: to the extent that is then known to the Owner or Operator, a written statement briefly outlining the purpose of the proposed project; a small-scale map of the proposed project route or route width; sketches indicating types of facilities; the approximate location of facilities; the compensation and basis for compensation; if applicable, the types of structures; and the amount (length and width) of the easement in property or interest in property deemed necessary for the proposed project. This information shall also include a statement that the law provides that easements in property or interests in property ranging from the minimum width required for a pipeline right-of-way up to 200 feet in width may be sought for carbon dioxide pipelines. This information shall be furnished to the landowner for the landowner's review, along with any proposed agreement or contract proposed by the Owner or Operator.

Section 302.50 Application of this Part

This Part shall be prospectively applied. The Part shall not affect the following:

- a) The validity of any existing Commission certificate.
- b) The validity of any easement or subsequent order of the Commission under the Act.

Section 302.60 Revocation of Existing Certificate

This Part shall not cause the revocation of any existing Commission certificate.

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Section 302.APPENDIX A Statement of Information from the Illinois Commerce Commission Concerning Applications for a Certificate of Authority by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act

[Name of Owner or Operator], the Owner or Operator of a carbon dioxide pipeline, has filed an application with the Illinois Commerce Commission for a certificate of authority to construct, operate or maintain a carbon dioxide pipeline under the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75]. According to information filed with the application, the Owner or Operator proposes to construct, operate and maintain certain facilities on or near your land.

The purpose of this Statement is to provide you with general information regarding the Illinois Commerce Commission's ("Commission") regulatory process governing a company's proposed project, including the procedures that companies must follow before they can exercise their limited grant of authority to take and acquire an easement in any property or interest in property for construction, operation or maintenance of a carbon dioxide pipeline in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act [735 ILCS 30]. This Statement covers several questions that landowners commonly pose to Commission staff members about proceedings at the Commission that relate to a company's proposed project when a company seeks to place facilities on or near the landowner's property. This Statement, however, is not a legal opinion concerning your rights under the law or the Commission's rules. It also is not a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Requests for a Certificate of Authority under the
Carbon Dioxide Transportation and Sequestration Act

Before constructing, operating or maintaining a carbon dioxide pipeline, an Owner or Operator must obtain a certificate of authority from the Commission under Section 20 of the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75/20]. To obtain a certificate, the Owner or Operator files an application with the Commission describing the proposed project. The Commission then initiates a proceeding to consider evidence regarding the application and notifies the potentially affected landowners of the date, time and place of the initial hearing regarding the proposed project. The courts, not the Commission, make the final decision as to whether the company can acquire the easement in property or in any interest in property and, if so, the compensation that the company will pay to the landowner.

Attempts by Owners and Operators to Acquire Property Rights

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An Owner or Operator may seek to purchase land or acquire a right for use of the land. Alternatively, an Owner or Operator representative may seek to obtain an option to purchase land or land rights at a future date. A company representative will provide affected or potentially affected landowners with information regarding the price and other terms that the Owner or Operator intends to offer for the easement in property or any interest in property. The Owner or Operator uses its own forms for this type of transaction. The Commission does not require a company seeking to acquire an easement in property or any interest in property to use any particular form.

The price and other terms for the easement in property or any interest in property are matters of negotiation between each landowner and an Owner or Operator. The Commission does not participate in the negotiation. The Commission also does not establish or approve the negotiated price and other terms for the acquisition of an easement in property or any interest in property. Negotiation involves discussion and bargaining in an effort to reach a mutual agreement. During the negotiations, and at any time, you may be represented by an attorney. However, you are under no obligation to retain anyone to provide legal counsel. Further, you are under no obligation to negotiate or reach an agreement with the company that is seeking to acquire an easement in property or any interest in property. The Commission does not require the Owner or Operator to obtain an easement by negotiating a fixed amount or percentage of property or any interest in property necessary for the project before it seeks Commission authorization to acquire an easement in property or any interest in property.

The Commission will make its final decision regarding a project's route in certificate proceedings. Once an Owner or Operator obtains a certificate of authority, issues such as the specific route of the project are not typically reconsidered in subsequent proceedings before the Commission or addressed before the courts. You should not delay in taking whatever action that you believe is, or may be, necessary to protect your property interests. If you elect to negotiate with a company, the Commission encourages you or your representative to negotiate vigorously.

If you have any questions about this Statement or Commission rules and procedures, please contact:

Director, Safety & Reliability Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULE

Please address specific questions concerning your individual property to the company representative.

ILLINOIS COMMERCE COMMISSION

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Section 302.APPENDIX B Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Easement in Property or any Interest in Property by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act

A representative of an Owner or Operator of a carbon dioxide pipeline is contacting you to negotiate the purchase of an easement in property or in any interest in property over or through property that you own, or in which you have an interest as an owner. The company proposes to construct, operate and maintain certain facilities on your land, as set forth in the accompanying letter. The company representative contacting you will further explain the proposed project.

The purpose of this Statement is to provide you with general information regarding the Illinois Commerce Commission's ("Commission") regulatory process governing a company's proposed project, including the procedures that companies must follow before they can exercise their limited grant of authority to take and acquire an easement in any property or interest in property for construction, operation or maintenance of a carbon dioxide pipeline in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act [735 ILCS 30]. This Statement covers several questions that landowners commonly pose to Commission staff members about proceedings at the Commission that relate to a company's proposed project when a company seeks to place facilities on or near the landowner's property. This Statement, however, is not a legal opinion concerning your rights under the law or the Commission's rules. It also is not a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

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Carbon Dioxide Transportation and Sequestration Act

Before constructing, operating or maintaining a carbon dioxide pipeline, an Owner or Operator must obtain a certificate of authority from the Commission under Section 20 of the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75/20]. To obtain a certificate, the Owner or Operator files an application with the Commission describing the proposed project. The Commission then initiates a proceeding to consider evidence regarding the application and notifies the potentially affected landowners of the date, time and place of the initial hearing regarding the proposed project. The courts, not the Commission, make the final decision as to whether the company can acquire the easement in property or in any interest in property and, if so, the compensation that the company will pay to the landowner.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULE

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The price and other terms for the easement in property or any interest in property is a matter of negotiation between each landowner and an Owner or Operator. The Commission does not participate in the negotiation. The Commission also does not establish or approve the negotiated price and other terms for the acquisition of an easement in property or any interest in property. Negotiation involves discussion and bargaining in an effort to reach a mutual agreement. During the negotiations, and at any time, you may be represented by an attorney. However, you are under no obligation to retain anyone to provide legal counsel. Further, you are under no obligation to negotiate or reach an agreement with the company that is seeking to acquire an easement in property or any interest in property. The Commission does not require the Owner or Operator to obtain an easement by negotiating a fixed amount or percentage of property or any interest in property necessary for the project before it seeks Commission authorization to acquire an easement in property or any interest in property.

The Commission will make its final decision regarding a project's route in certificate proceedings. Once an Owner or Operator obtains a certificate of authority, issues such as the specific route of the project are not typically reconsidered in subsequent proceedings before the Commission or addressed before the courts. You should not delay in taking whatever action that you believe is, or may be, necessary to protect your property interests. If you elect to negotiate with a company, the Commission encourages you or your representative to negotiate vigorously.

If you have any questions about this Statement or Commission rules and procedures, please contact:

Director, Safety & Reliability Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULE

Please address specific questions concerning your individual property to the company representative.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
120.10	Amend
120.12	Amend
120.32	Amend
120.64	Amend
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], 305 ILCS 5/5-2(2) and Article 7 of PA 98-104
- 5) Effective Date: March 24, 2014
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: March 24, 2014
- 8) A copy of the emergency rulemaking, 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: PA 98-104 authorizes emergency rulemaking pursuant to 5 ILCS 100/5-45(q), which provides for the expeditious and timely implementation of the provisions of Article 7 of PA 98-104 as necessary for the public interest, safety and welfare.
- 10) Complete Description of the Subjects and Issues Involved: Article 7 of PA 98-104 establishes eligibility for the newly eligible adults and former foster care children under the Affordable Care Act (ACA) and financial eligibility methodology mandated by the ACA for newly eligible adults and certain existing Medicaid eligible groups.

This emergency rulemaking replaces the rulemaking to Sections 120.10 and 120.32, effective January 1, 2014, which appeared in 38 Ill. Register 1139 and repealed effective March 24, 2014 in the March 28, 2014 issue of the Illinois Register. This emergency rulemaking also replaces the rulemaking to Sections 120.10, 120.32, and 120.64,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

effective January 10, 2014, which appeared in 38 Ill. Register 2925 and repealed effective March 24, 2014, in the March 28, 2014 issue of the Illinois Register.

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

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
120.324	Amendment	37 Ill. Reg. 12302; August 2, 2013

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate affecting units of local government.

- 13) Information and questions regarding these emergency amendments 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 Amendments begins on the next page:

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section

120.10 Eligibility for Medical Assistance

| EMERGENCY

120.11 Eligibility for Pregnant Women and Children

120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women

| EMERGENCY

120.14 Presumptive Eligibility for Children

120.20 MANG(AABD) Income Standard

120.30 MANG(C) Income Standard

120.31 MANG(P) Income Standard

120.32 FamilyCare Assist

| EMERGENCY

120.34 FamilyCare Share and FamilyCare Premium Level 1 (Repealed)

120.40 Exceptions To Use Of MANG Income Standard (Repealed)

120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section

120.60 Community Cases

120.61 Long Term Care

120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643 (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings (Repealed)
- 120.64 Determination of Eligibility for Cases Subject to Modified Adjusted Gross
Income (MAGI) Methodology

EMERGENCY

- 120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements (Repealed)

SUBPART D: MEDICARE PREMIUMS

Section

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

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section

- 120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section

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

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section

- 120.200 Elimination Of Aid To The Medically Indigent
- 120.208 Client Cooperation (Repealed)
- 120.210 Citizenship (Repealed)
- 120.211 Residence (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

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

Section	
120.308	Client Cooperation
120.309	Caretaker Relative

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.328	Compliance with Employment and Work Activity Requirements (Suspended; Repealed)
120.329	Compliance with Non-Economic Eligibility Requirements of Article IV (Suspended; Repealed)
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts and Annuities
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In-Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Provisions for the Prevention of Spousal Impoverishment
- 120.380 Resources
- 120.381 Exempt Resources
- 120.382 Resource Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spenddown of Resources
- 120.385 Factors Affecting Eligibility for Long Term Care Services
- 120.386 Property Transfers Occurring On or Before August 10, 1993
- 120.387 Property Transfers Occurring On or After August 11, 1993 and Before January 1, 2007
- 120.388 Property Transfers Occurring On or After January 1, 2007
- 120.390 Persons Who May Be Included In the Assistance Unit
- 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
- 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
- 120.395 Payment Levels for MANG (Repealed)
- 120.399 Redetermination of Eligibility
- 120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

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

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg.

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10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency

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amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051,

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effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg.

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10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; preemptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; preemptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; preemptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; preemptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; preemptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December 30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 379, effective December 27, 2010; amended at 35 Ill. Reg. 979, effective January 1, 2011; amended at 35 Ill. Reg. 18645, effective January 1, 2012; amended at 36 Ill. Reg. 4133, effective March 1, 2012; amended at 36 Ill. Reg. 9095, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 10253, effective July 1, 2012 through June 30, 2013; amended at 36 Ill. Reg. 17044, effective November 26, 2012; emergency amendment at 36 Ill. Reg. 17549, effective December 3, 2012 through June 30, 2013; amended at 37 Ill. Reg. 10208, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 1139, effective January 1, 2014, for a maximum of 150 days; emergency amendment to emergency rule at 38 Ill. Reg. 2925, effective January 10, 2014, for a maximum of 150 days; emergency amendments effective January 1 and January 10, 2014 repealed by emergency rule at 38 Ill. Reg. 7368, effective March 24, 2014, for the remainder of the 150 day effective periods of each of the emergency rules; amended at 38 Ill. Reg. 5967, effective February 26, 2014; emergency amendment at 38 Ill. Reg. 7650, effective March 24, 2014, for a maximum of 150 days.

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SUBPART B: ASSISTANCE STANDARDS

Section 120.10 Eligibility for Medical Assistance**EMERGENCY**

- a) Eligibility for medical assistance exists when a person meets the non-financial requirements of the program and the person's countable nonexempt income (see Sections 120.64, 120.330 and 120.360) is equal to or less than the applicable Medical Assistance – No Grant (MANG) standard and, for AABD MANG, countable nonexempt resources are not in excess of the applicable resource disregards (Section 120.382). Persons receiving basic maintenance grants under Article III or IV of the Public Aid Code are eligible for medical assistance. Financial eligibility for medical assistance for other persons living in the community is determined according to Section 120.60, unless otherwise specified. Financial eligibility for medical assistance for persons receiving long-term care services, as defined in Section 120.61(a), is determined according to that Section, unless otherwise specified.
- b) For AABD MANG, a person's countable income and resources include the person's countable income and resources and the countable income and resources of all persons included in the Medical Assistance standard. The person's responsible relatives living with the child must be included in the standard. The person has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.
- c) For applications received on or after October 1, 2013, eligibility for pregnant women and children, as set forth in Section 120.11, 120.12 and 120.14, and parents and other caretaker relatives, as set forth in Section 120.32, shall be determined as set forth in Section 120.64.
- d) For AABD MANG, if a person's countable nonexempt income is greater than the applicable MANG standard and/or countable nonexempt resources are over the applicable resource disregard, the person must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance.
- e) Effective January 1, 2014, for pregnant women and children, if countable nonexempt income is greater than the applicable standard, a child or pregnant

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~~woman~~~~the person~~ must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance.

- f) A one month eligibility period is used for persons receiving long-term care services (as defined in Section 120.61(a)). Nonexempt income and nonexempt resources over the resource disregard are applied toward the cost of care on a monthly basis, as provided in Section 120.61.
- g) Newborns
- 1) When the Department becomes aware of the birth of a child to a recipient of medical assistance, the child shall be deemed to have applied for medical assistance, without written request, if the mother had been receiving medical assistance on the date of birth of the child.
 - 2) The newborn shall be eligible to receive medical assistance for a period of time as determined in Section 120.400.
- h) ACA Adults
Persons not otherwise eligible under this Section, who are no younger than age 19 and no older than age 64 in households with income that is at or below 133 percent% of the Federal Poverty Level (FPL) are eligible for medical assistance. Eligibility under this subsection (h) shall be determined as set forth in Section 120.64, except that no coverage for medical services under this subsection (h) shall begin prior to January 1, 2014. Notwithstanding any other provision of this Title 89, effective January 1, 2014, a person may not spend down to become eligible under this subsection (h).
- i) Former Foster Care
Persons older than age 18 and younger than age 26 who reside in Illinois, who are not eligible under subsections (a), (b), (c), (f) and (g), who were in foster care under the responsibility of the State of Illinois on the date of attaining age 18 or on the date of attaining age 21 for whom a court has continued wardship for good cause and who received medical assistance under the Illinois Medicaid State Plan or State Plan waiver while in foster care are eligible for medical assistance. No coverage for medical services under this subsection (i) shall begin prior to January 1, 2014. Notwithstanding any other provision of this Title 89, effective January 1, 2014, a person may not spend down to become eligible under this subsection (i).

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(Source: Amended by emergency rulemaking at 38 Ill. Reg. 7650, effective March 24, 2014, for a maximum of 150 days)

Section 120.12 Healthy Start – Medicaid Presumptive Eligibility For Pregnant Women**EMERGENCY**

The purpose of the Healthy Start – Medicaid Presumptive Eligibility (MPE) Program is to encourage early and continuous prenatal care to low income pregnant women who otherwise may postpone or do without such care. Presumptively eligible pregnant women shall receive ambulatory prenatal care before completing an application for medical assistance.

- a) Eligibility: To be eligible for the Healthy Start-Medicaid Presumptive Eligibility, effective October 1, 2013, the woman must have family income not exceeding 200% of FPL as determined pursuant to Section 120.64.
- b) Qualified providers shall make all determinations as to eligibility in the MPE Program (42 USC 1396).
- c) The presumptive eligibility period shall be the period that:
 - 1) begins with the date on which a qualified provider determines, on the basis of preliminary information, that the family income does not exceed 200% of FPL as determined pursuant to Section 120.64; and
 - 2) ends with (and includes) the earlier of:
 - A) the day on which a determination is made with respect to the eligibility of the woman for medical assistance under the State Plan; or
 - B) in the case of a woman who does not file an application by the last day of the month following the month during which the provider makes the determination, the last day.
- d) Duties of the State Agency, Qualified Providers, and Presumptively Eligible Pregnant Women

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- 1) The Department shall provide qualified providers with:
 - A) such forms or information on other allowable application methods as described in 89 Ill. Adm. Code 110.5 as are necessary for a pregnant woman to make application for medical assistance under the State Plan; and
 - B) information on how to assist pregnant women in completing and filing the forms.
 - 2) A qualified provider who determines that a pregnant woman is presumptively eligible for medical assistance under a State Plan shall:
 - A) notify the Department of the determination within 5 working days after the date on which the determination is made;
 - B) inform the woman at the time the determination is made that she is required to make application for medical assistance under the State Plan by no later than the last day of the month following the month during which the determination is made; and
 - C) assist the woman to apply for medical assistance.
 - 3) A pregnant woman who is determined by a qualified provider to be presumptively eligible for medical assistance under a State Plan shall make application for medical assistance under the State Plan by no later than the last day of the month following the month during which the determination is made.
- e) Ambulatory prenatal care consists of all outpatient medical care covered by the State Plan.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 7650, effective March 24, 2014, for a maximum of 150 days)

Section 120.32 FamilyCare Assist**EMERGENCY**

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- a) A caretaker relative (see Section 120.390) who is 19 years of age or older qualifies for medical assistance when countable income is at or below the appropriate income standard.
- b) The appropriate income standard is 133 percent% of the Federal Poverty Level (FPL) for the appropriate family size.
- c) For applications received on or after October 1, 2013, eligibility under this Section shall be determined as set forth in Section 120.64.
- d) Notwithstanding any other provision of this Title 89, effective January 1, 2014, a person may not spend down to become eligible under this Section.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 7650, effective March 24, 2014, for a maximum of 150 days)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.64 Determination of Eligibility for Cases Subject to Modified Adjusted Gross Income (MAGI) Methodology**EMERGENCY**

- a) The eligibility period for a client shall begin with:
 - 1) the first day of the month of application; or
 - 2) the first day of any month prior to the month of application, if the client so desires, up to three months prior to the month of application; or
 - 3) the first day of the month after the month of application; or
 - 4) the first day of a month a pregnant woman and/or child under age 19 meets the requirements of Sections 120.11 and 120.31.
- b) The pregnant woman shall be eligible to receive medical assistance until 60 days following the last day of pregnancy. The 60 day medical coverage continues through the last day of the calendar month in which the 60 day period ends. The 60 day medical coverage period shall be provided for all women determined

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eligible for medical assistance under Section 120.11(a)(1), including women who are no longer pregnant at the time of application because the woman gave birth or had a miscarriage or an abortion, and including women who signed an adoption agreement.

- c) Children shall be eligible to receive medical assistance as determined pursuant to Section 120.400.
- d) Covered services received during the entire eligibility period will be paid by the Department (see 89 Ill. Adm. Code 140.3).
- e) A redetermination of eligibility will be made every 12 months.
- f) The client is responsible to report any changes that occur during the eligibility period that might affect eligibility for medical assistance. If changes in income or family composition occur that would make the client ineligible for medical assistance, appropriate action shall be taken by the Department, including evaluation of eligibility for other programs or termination of eligibility for medical assistance. Income changes occurring after a pregnant woman is determined eligible for coverage are not considered through the 60 day postpartum period following the last day of pregnancy.
- g) A review of case eligibility will be conducted for a pregnant woman during the second month of the 60 day extended medical coverage period. If eligible, the case shall be transferred by the Department to the appropriate program without interruption in benefit eligibility. If ineligible, the Department shall notify the client in writing.
- h) A review of case eligibility will be conducted when a child is determined ineligible for medical assistance as a child. If the child is otherwise eligible for medical assistance, the case shall be transferred by the Department without interruption in benefit eligibility. If ineligible, written notification shall be provided to the client.
- i) For applications received on or after October 1, 2013, the determination of eligibility under this Section shall comply with the Modified Adjusted Gross Income (MAGI) methodology established at section 1902(e)(14) of the Social Security Act (42 USC 1396a(e)(14)) and federal regulations established at 42

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CFR 435.110 ([77 FR 17204, March 3, 2012, as amended at 78 FR 42302, July 15, 2013](#)) regarding parents and other caretaker relatives, 42 CFR 435.116 ([77 FR 17204, March 23, 2012, as amended at 78 FR 42302, July 15, 2013](#)) regarding pregnant women, 42 CFR 435.118 ([77 FR 17205, March 23, 2012](#)) regarding infants and children under age 19, 42 CFR 435.119 ([77 FR 17205, March 23, 2012, as amended at 78 FR 42302, July 15, 2013](#)) regarding ACA adults, and 42 CFR 435.603 ([77 FR 17206, March 23, 2012, as amended at 78 FR 42302, July 15, 2013](#)) regarding application of MAGI methodologies .

- 1) For the purpose of determining whether a person is a parent or caretaker relative of a "dependent child", a "dependent child" means a child who is younger than age 18.
- 2) For purposes of determining household size:
 - A) the total number of children a pregnant woman is expected to deliver shall be counted in the determination of the household size of any person in the household seeking benefits (42 CFR 435.603(b)).
 - B) For applicants who expect to file a tax return and who are not claimed as a dependent, household size shall be determined in accordance with 42 CFR 435.603(f)(1).
 - C) For applicants who expect to be claimed as a tax dependent and who do not meet an exception under 42 CFR 435.603(f)(2), household size shall be determined in accordance with 42 CFR 435.603(f)(2).
 - D) For applicants who do not file a tax return nor expect to be claimed as a tax dependent, or who are tax dependents who meet an exception under 42 CFR 435.603(f)(2), household size shall be determined in accordance with 42 CFR 435.603(f)(3).
 - E) For purposes of determining household size in accordance with 42 CFR 435.603(f)(3), the specified age is 19.

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- j) This Section 120.64 shall apply to the initial determination of eligibility and, for renewals effective April 1, 2014, and later pursuant to 42 CFR 435.603(a)(3), for persons eligible under Section 5-2(5), (6)(a), ~~(7)~~, (8), (15), (17) and (18) of the Public Aid Code.
- k) The provisions in this subsection are intended to comport with federal requirements related to eligibility for long term care, in particular, requirements under 42 U.S.C. 1396p (Section 1917 of the Social Security Act), federal regulations and guidance from the US Department of Health and Humana Services related to those statutory requirements for cases under this Section 120.64. Interpretation and application of this subsection shall be made in light of those requirements. Effective January 1, 2014, for the purposes of determining long term care eligibility for cases under this Section 120.64, the following provisions shall apply: 89 Ill. Adm. Code 120.61, except 120.61(e) and (f) until such time as federal rules are promulgated expanding post-eligibility treatment of income to cases under this Section, and those Sections of Subpart H of this Part 120 relating to long term care eligibility, including Sections 120.346, 120.347, 120.379, 120.385 except 120.385(c), and 120.388.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 7650, effective March 24, 2014, for a maximum of 150 days)

APRIL AGENDA

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
APRIL 7, 2014
10:00 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSChief Procurement Officer for Capital Development Board

1. Chief Procurement Officer for the Capital Development Board (Repealer) (44 Ill. Adm. Code 8)
 - First Notice Published: 37 Ill. Reg. 12120 – 8/2/13
 - Expiration of Second Notice: 5/4/14
2. Chief Procurement Officer for the Capital Development Board (44 Ill. Adm. Code 8)
 - First Notice Published: 37 Ill. Reg. 12143 – 8/2/13
 - Expiration of Second Notice: 4/28/14

Commerce Commission

3. Annual Reports (83 Ill. Adm. Code 210)
 - First Notice Published: 37 Ill. Reg. 17127 – 11/1/13

APRIL AGENDA

-Expiration of Second Notice: 5/9/14

4. Uniform System of Accounts for Telecommunications Carriers (83 Ill. Adm. Code 710)
 - First Notice Published: 37 Ill. Reg. 17134 – 11/1/13
 - Expiration of Second Notice: 5/9/14

Education

5. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 38 Ill. Reg. 00001 – 1/3/14
 - Expiration of Second Notice: 4/26/14
6. Educator Licensure (23 Ill. Adm. Code 25)
 - First Notice Published: 38 Ill. Reg. 61 – 1/3/14
 - Expiration of Second Notice: 4/26/14
7. Programs for the Preparation of Principals in Illinois (23 Ill. Adm. Code 30)
 - First Notice Published: 38 Ill. Reg. 161 – 1/3/14
 - Expiration of Second Notice: 4/26/14

Healthcare and Family Services

8. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
 - First Notice Published: 37 Ill. Reg. 18005 – 11/15/13
 - Expiration of Second Notice: 4/26/14
9. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
 - First Notice Published: 37 Ill. Reg. 18951 – 12/2/13
 - Expiration of Second Notice: 4/26/14
10. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 37 Ill. Reg. 18959 – 12/2/13
 - Expiration of Second Notice: 4/26/14

Human Rights

11. Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)
 - First Notice Published: 38 Ill. Reg. 1765 – 1/17/14
 - Expiration of Second Notice: 5/7/14

APRIL AGENDA

Human Services

12. Provider Requirements, Type Services, and Rates of Payment (89 Ill. Adm. Code 686)
 - First Notice Published: 38 Ill. Reg. 2560 – 1/24/14
 - Expiration of Second Notice: 5/3/14

Independent Tax Tribunal

13. Organization, Information, Rulemaking and Hearings (86 Ill. Adm. Code 5000)
 - First Notice Published: 38 Ill. Reg. 2597 – 1/24/14
 - Expiration of Second Notice: 4/24/14

Insurance

14. IRS Qualification Status Requirements for Article 3 Police Pension Funds (50 Ill. Adm. Code 4440)
 - First Notice Published: 38 Ill. Reg. 679 – 1/10/14
 - Expiration of Second Notice: 5/7/14
15. IRS Qualification Status Requirements for Article 4 Firefighter Pension Funds (50 Ill. Adm. Code 4445)
 - First Notice Published: 38 Ill. Reg. 686 – 1/10/14
 - Expiration of Second Notice: 5/7/14

Labor

16. Health and Safety (56 Ill. Adm. Code 350)
 - First Notice Published: 38 Ill. Reg. 1634 – 1/24/14
 - Expiration of Second Notice: 5/9/14
17. Health and Safety (Repealer) (56 Ill. Adm. Code 350)
 - First Notice Published: 38 Ill. Reg. 2599 – 1/24/14
 - Expiration of Second Notice: 5/9/14

Natural Resources

18. Commercial Fishing and Musseling in Certain Waters of the State (17 Ill. Adm. Code 830)
 - First Notice Published: 38 Ill. Reg. 2713 – 1/24/14
 - Expiration of Second Notice: 5/1/14

APRIL AGENDA

Pollution Control Board

19. Standards and Limitations for Certain Sources of Lead (35 Ill. Adm. Code 226)
 - First Notice Published: 37 Ill. Reg. 19490 – 12/6/13
 - Expiration of Second Notice: 5/7/14
20. Primary Drinking Water Standards (35 Ill. Adm. Code 611)
 - First Notice Published: 38 Ill. Reg. 693 – 1/10/14
 - Expiration of Second Notice: 4/24/14

Public Health

21. Children's Community-Based Health Care Center Code (77 Ill. Adm. Code 260)
 - First Notice Published: 37 Ill. Reg. 6135 – 5/10/13
 - Expiration of Second Notice: 5/3/14
22. Food Service Sanitation Code (77 Ill. Adm. Code 750)
 - First Notice Published: 38 Ill. Reg. 2787 – 1/24/14
 - Expiration of Second Notice: 5/3/14
23. Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)
 - First Notice Published: 38 Ill. Reg. 1794 – 1/17/14
 - Expiration of Second Notice: 5/3/14
24. Tanning Facilities Code (77 Ill. Adm. Code 795)
 - First Notice Published: 38 Ill. Reg. 1801 – 1/17/14
 - Expiration of Second Notice: 5/3/14
25. Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - First Notice Published: 37 Ill. Reg. 5309 – 4/26/13
 - Expiration of Second Notice: 5/8/14

Secretary of State

26. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)
 - First Notice Published: 38 Ill. Reg. 1850 – 1/17/14
 - Expiration of Second Notice: 4/30/14

State Toll Highway

APRIL AGENDA

27. State Toll Highway Rules (92 Ill. Adm. Code 2520)
-First Notice Published: 37 Ill. Reg. 20630 – 12/27/13
-Expiration of Second Notice: 4/24/14

EMERGENCY RULEMAKINGSGaming Board

28. Video Gaming (General) (Emergency Repeal) (11 Ill. Adm. Code 1800)
-Notice Published: 38 Ill. Reg. 7337 – 3/28/14

Healthcare and Family Services

29. Medical Assistance Programs (89 Ill. Adm. Code 120)
-First Notice Published: 38 Ill. Reg. 7368 – 3/28/14

Human Services

30. Program Description (89 Ill. Adm. Code 676)
-Notice Published: 38 Ill. Reg. 6453 – 3/14/14
31. Eligibility (89 Ill. Adm. Code 682)
-Notice Published: 38 Ill. Reg. 6463 – 3/14/14
32. Service Planning and Provision (89 Ill. Adm. Code 684)
-Notice Published: 38 Ill. Reg. 6468 – 3/14/14
33. Provider Requirements, Type Services, and Rates of Payment (89 Ill. Adm. Code 686)
-Notice Published: 38 Ill. Reg. 6473 – 3/14/14

PEREMPTROY RULEMAKINGCentral Management Services

34. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 38 Ill. Reg. 6725 – 3/21/14

EXEMPT RULEMAKINGS

APRIL AGENDA

35. Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
 - Notice Published: 37 Ill. Reg. 20003 – 12/20/13
 - Adopted Date: 4/28/14

36. Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a RCRA Standardized Permit (35 Ill. Adm. Code 727)
 - Notice Published: 37 Ill. Reg. 20035 – 12/20/13
 - Adopted Date: 4/28/14

37. Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)
 - Notice Published: 37 Ill. Reg. 20067 – 12/20/13
 - Adopted Date: 4/28/14

38. Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)
 - Notice Published: 37 Ill. Reg. 20073 – 12/20/13
 - Adopted Date: 4/28/14

39. Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)
 - Notice Published: 37 Ill. Reg. 20108 – 12/20/13
 - Adopted Date: 4/28/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF FILING PROHIBITION
OF PROPOSED RULEMAKING

HEALTH FACILITIES AND SERVICES REVIEW BOARD

Heading of the Part: Processing, Classification Policies and Review Criteria

Code Citation: 77 Ill. Adm. Code 1110

<u>Section Numbers:</u>	1110.10	1110.630	1110.1535	1110.2610	1110.2930
	1110.40	1110.730	1110.1540	1110.2640	1110.3030
	1110.130	1110.1430	1110.2330	1110.2710	Appendix A
	1110.210	1110.1510	1110.2430	1110.2730	
	1110.230	1110.1520	1110.2510	1110.2740	
	1110.530	1110.1530	1110.2540	1110.2750	

Date Originally Published in the Illinois Register: 4/5/13
37 Ill Reg. 3982

Date Filing Prohibition Published in Illinois Register: 12/6/13
37 Ill. Reg. 19759

Date Filing Prohibition Became Effective: 11/19/13

Date Filing Prohibition Withdrawn: Contingent upon, and effective with HFSRB adopting the agreed-upon modifications to the rulemaking

Pursuant to Section 5-115 of the Illinois Administrative Procedure Act, the Joint Committee, at its meeting on 3/19/14, has withdrawn the prohibition against the filing of the Health Facilities and Services Review Board's above-referenced rulemaking contingent upon, and effective with, HFSRB adopting the agreed-upon modifications. The Committee originally issued this Filing Prohibition at its November 19, 2013 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking with the Secretary of State, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules and the modifications submitted in response to the Objection and Filing Prohibition, and from enforcing or invoking the rule.

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 March 18, 2014 through March 24, 2014. The rulemakings are scheduled for review at the Committee's April 7, 2014 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>
5/3/14	<u>Department of Human Services</u> , Provider Requirements, Type Services, and Rates of Payment (89 Ill. Adm. Code 686)	1/24/14 38 Ill. Reg. 2560	4/7/14
5/3/14	<u>Department of Public Health</u> , Grade A Pasteurized Milk and Milk Products (77 Ill. Adm. Code 775)	1/17/14 38 Ill. Reg. 1794	4/7/14
5/3/14	<u>Department of Public Health</u> , Tanning Facilities Code (77 Ill. Adm. Code 795)	1/17/14 38 Ill. Reg. 1801	4/7/14
5/3/14	<u>Department of Public Health</u> , Food Service Sanitation Code (77 Ill. Adm. Code 750)	1/24/14 38 Ill. Reg. 2787	4/7/14
5/3/14	<u>Department of Public Health</u> , Children's Community-Based Health Care Center Code (77 Ill. Adm. Code 260)	5/10/13 37 Ill. Reg. 6135	4/7/14
5/7/14	<u>Pollution Control Board</u> , Standards and Limitations for Certain Sources of Lead (35 Ill. Adm. Code 226)	12/6/13 37 Ill. Reg. 19490	4/7/14
5/7/14	<u>Department of Insurance</u> , IRS Qualification Status Requirements for Article 4 Firefighter Pension Funds (50 Ill. Adm. Code 4445)	1/10/14 38 Ill. Reg. 686	4/7/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

5/7/14	<u>Department of Insurance</u> , IRS Qualification Status Requirements for Article 3 Police Pension Funds (50 Ill. Adm. Code 4440)	1/10/14 38 Ill. Reg. 679	4/7/14
5/7/14	<u>Department of Human Rights</u> , Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520)	1/17/14 38 Ill. Reg. 1765	4/7/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Home Rule County Retailers' Occupation Tax

Code Citation: 86 Ill. Adm. Code 220

Section Numbers: 220.115

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4047

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Home Rule Municipal Retailers' Occupation Tax

Code Citation: 86 Ill. Adm. Code 270

Section Numbers: 270.115

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4060

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Regional Transportation Authority Retailers' Occupation Tax

Code Citation: 86 Ill. Adm. Code 320

Section Numbers: 320.115

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4073

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Metro East Mass Transit District Retailers' Occupation Tax

Code Citation: 86 Ill. Adm. Code 370

Section Numbers: 370.115

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4086

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Metro-East Park and Recreation District Retailers' Occupation Tax

Code Citation: 86 Ill. Adm. Code 395

Section Numbers: 395.115

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4099

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: County Water Commission Retailers' Occupation Tax

Code Citation: 86 Ill. Adm. Code 630

Section Numbers: 630.120

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4112

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Special County Retailers' Occupation Tax for Public Safety

Code Citation: 86 Ill. Adm. Code 670

Section Numbers: 670.115

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4125

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Salem Civic Center Retailers' Occupation Tax

Code Citation: 86 Ill. Adm. Code 690

Section Numbers: 690.115

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4138

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: Non-Home Rule Municipal Retailers' Occupation Tax

Code Citation: 86 Ill. Adm. Code 693

Section Numbers: 693.115

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4151

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF REVENUE

Heading of the Part: County Motor Fuel Tax

Code Citation: 86 Ill. Adm. Code 695

Section Numbers: 695.115

Date Originally Published in the Illinois Register: 2/7/14
38 Ill. Reg. 4164

At its meeting on March 19, 2014, the Joint Committee on Administrative Rules considered the above-cited emergency rule and recommended that, with respect to the Department of Revenue's sales sourcing rules, DOR continue to work with the affected taxpayers and local governments in an attempt to establish, in the permanent rulemaking, standards for determining the situs of sales tax liability that are enforceable and that are understandable by the entities that are affected by them.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF HEARING

On January 17, 2014, the Illinois Environmental Protection Agency (Illinois EPA) provided notice that the Bureau of Air was accepting public comment on a variance granted by the Illinois Pollution Control Board to Illinois Power Holdings, LLC, and AmerenEnergy Medina Valley Cogen, LLC, under PCB 14-10, for the purpose of submitting such variance to the United States Environmental Protection Agency as a revision to the Illinois State Implementation Plan (SIP) under the Clean Air Act, 42 USC § 7401 *et seq.* See, 38 Ill. Reg. 2464. The notice also provided that if a timely request for a public hearing was received by February 18, 2014, a public hearing would be scheduled through a separate notice and held to receive comments regarding the proposed SIP revision. By separate notice, a public hearing was previously scheduled by the Bureau of Air on April 7, 2014, at 9:00 am in the Sangamo Room at the Illinois Environmental Protection Agency, 1021 North Grand Avenue East, Springfield, Illinois. See, 38 Ill. Reg. 6493.

The hearing has been rescheduled to May 20, 2014, at 9:00 am in the Sangamo Room at the Illinois Environmental Protection Agency, 1021 North Grand Avenue East, Springfield, Illinois.

The hearing will be held in accordance with the provisions of the Illinois EPA's "Procedures for Informational and Quasi-Legislative Public Hearings," set forth at 35 Ill. Adm. Code 164. Requests to address special needs must be made to the Illinois EPA Hearing Officer by April 29, 2014. Such requests or any questions about the hearing procedures are to be sent to:

Dean Studer, Hearing Officer
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/558-8280 or TDD: 217/782-9143

Written comments must be sent to the Hearing Officer and be postmarked by midnight, June 20, 2014, unless otherwise specified by the Hearing Officer. Written comments need not be notarized. Comments should be mailed to Dean Studer, Hearing Officer, at the address listed above.

Copies of the proposed SIP revision may be viewed by the public during regular business hours (Monday through Friday 8:30 a.m. until 4:30 p.m, except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield, Illinois; 9511 W. Harrison St., Des Plaines, Illinois; and 2009 Mall Street, Collinsville, Illinois. No walk-in requests for copies of this material will be accommodated, unless advance notice is provided. Requests and public inquiries should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed above.

PROCLAMATIONS

**2014-66 (Revised)
Child Abuse Prevention Month**

WHEREAS, every child deserves to grow up in a nurturing environment, free from abuse, neglect, violence or endangerment of any kind; and,

WHEREAS, child abuse prevention is a shared responsibility and finding solutions requires the involvement and collaboration of citizens, organizations, and government entities throughout Illinois; and,

WHEREAS, child abuse and neglect causes serious harm to child development and has lifelong effects that reduce well-being and productivity and create greater demands on society; and,

WHEREAS, Illinoisans have made more than 235,000 calls to the Illinois Child Abuse Hotline each year, offer temporary safe haven for more than 14,000 children as foster families, and have provided permanent, loving homes for more than 17,000 children through adoption over the last decade; and,

WHEREAS, child abuse prevention programs in Illinois are effective because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse Illinois, Strengthening Families Illinois, Children's Home + Aid Society of Illinois, Children's Advocacy Centers of Illinois, Voices for Illinois Children, and other government entities, social service agencies, schools, religious organizations, law enforcement agencies, businesses and individual citizens; and,

WHEREAS, in 2014, the Illinois Department of Children and Family Services is celebrating 50 years of protecting children, supporting families and preventing abuse and neglect; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim April 2014 as CHILD ABUSE PREVENTION MONTH in Illinois, and encourage all citizens to support child abuse prevention programs and report suspected cases of abuse to the Illinois Child Abuse Hotline at (800) 25-ABUSE.

Issued by the Governor February 10, 2014
Filed by the Secretary of State March 21, 2014

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 38, Issue 14 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.

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**JOINT COMMITTEE ON
ADMINISTRATIVE RULES
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**JCAR REVIEW OF EXISTING RULES
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**EXECUTIVE ORDERS AND
PROCLAMATIONS**

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