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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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 III. Adm. Code 300

3) Section Number: 300.Appendix B — Proposed Action: Amend

4) Statutory Authority: 325 ILCS 5

5) A Complete Description of the Subjects and Issues Involved: The revised language in Allegation 60 - Environment Injurious, codifies language from ANCRA defining "environment injurious" and "blatant disregard" and provides examples of "environment injurious" and "blatant disregard".

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other amendments pending on this Part? Yes

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand the state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

Section Numbers:	Proposed Action:	*Illinois Register* citation:
300.20	Amend	37 Ill. Reg. 5207; April 26, 2013
300.30	Amend	37 Ill. Reg. 5207; April 26, 2013
300.130	Amend	37 Ill. Reg. 5207; April 26, 2013

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. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
TDD: 217/524-3715

Fax: 217/557-0692
E-Mail: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.

14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent regulatory agendas because the need for the rulemaking was not anticipated.

The full text of the proposed rulemaking is identical to the emergency rulemaking which begin on page 1100.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Use of Department Facilities and Grounds

2) Code Citation: 89 Ill. Adm. Code 433

3)

Section Numbers:	Proposed Action:
433.4	Repeal
433.6	Amend

4) Statutory Authority: 20 ILCS 505/5c and 5d

5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part in response to an OIG Report which recommends that DCFS facilities no longer be used for non-State business and only during normal hours of operation when DCFS staff are present.

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 proposed rulemaking contain incorporations by reference? No

10) Are there any proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: The amended rule sections do not expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].

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. Comments should be submitted to:

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

ph: 217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
email: cfpolicy@idcfs.state.il.us

The Department will fully consider all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments do not have an economic impact on small business.

14) Regulatory Agenda on which this rulemaking was summarized: The need for the rulemaking was not anticipated at the time the Agendas were published.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 433
USE OF DEPARTMENT FACILITIES AND GROUNDS

Section

433.1 Purpose
433.2 Definitions
433.3 Employee Organization Requests
433.4 Community Citizen Group Requests (Repealed)
433.5 Solicitation of Employees by For-Profit Organizations or Individuals
433.6 Request Approval

AUTHORITY: Implementing and authorized by Section 4 of the Children and Family Services Act [20 ILCS 505/4].

SOURCE: Adopted and codified at 5 Ill. Reg. 5495, effective May 27, 1981; amended at 38 Ill. Reg. _____, effective _____.

Section 433.4 Community Citizen Group Requests (Repealed)

~~Community citizen groups may request permission from a facility administrator to use assembly halls, auditoriums, and similar meeting rooms for religious, fraternal, educational or social activities on a temporary basis, free of charge.~~

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

Section 433.6 Request Approval

The facility administrator shall grant employee organizations ~~or community citizen groups~~ permission to use facility space on a non-discriminatory first come, first serve basis when:

a) The meetings do not interfere with the Department's operation and use of the facilities; and

b) The meeting will not disrupt the Department services offered in the facility; and

c) The meeting will be conducted during the hours when the facility is usually open for business; and

d~~c~~) The Department will incur no additional cost as a result of the meeting. Some examples of additional costs are additional overtime for security guards or supervisory personnel required to assure the facility is locked, and unreasonable energy costs to maintain heating or air conditioning; and

e~~d~~) The organization or group will leave the facility in the same condition as it was found.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Preservation of Records of Telephone Utilities (General Order 188)

2) Code Citation: 83 Ill. Adm. Code 705

3)

Section Numbers:	Proposed Action:
705.5	New
705.10	Amend
705.20	Amend
705.30	Amend
705.40	Amend
705.50	Repeal
705.60	Amend
705.80	Repeal
705.90	Repeal
705.100	Repeal
705.APPENDIX A	Repeal

4) Statutory Authority: Implementing Section 5-107 and authorized by Section 4-101 and 7-205 of the Public Utilities Act [220 ILCS 5/5-107 and 4-101 and 7-205].

5) A Complete Description of the Subjects and Issues Involved: Part 705 took effect in 1962 and has not been revised since that time. A number of changes that have occurred since the Part was adopted make revision of the rules appropriate. Technological advances have transformed record creation and retention practices, while competitive changes in the telecommunications field have altered the types and numbers of records that need to be retained to ensure that Commission requirements are met. Advances in industry practices allow the Commission to rely more on telecommunications carriers' own policies to ensure retention of required records. In addition, the Federal Communications Commission has revised its own record retention policies and rules, and updating Part 705 in a similar fashion would reduce unnecessary burdens on carriers.

The rulemaking proposes to repeal Appendix A, which lists a large number of records in a variety of categories, each having a required retention period. Replacing the Appendix would be a revised Section 705.40, which would streamline recordkeeping requirements while maintaining specified retention periods for documents necessary for Commission purposes. New Section 705.5 would clarify that Commission record retention requirements apply to all telecommunications carriers subject to Commission jurisdiction under Article XIII of the Public Utilities Act. In accordance with the new Section,

references throughout the rules would be modernized, reflecting the scope of the Part. The rulemaking would repeal Section 705.50, Preservation of Records on Microfilm, as outmoded. Other sections that would be rendered superfluous by the repeal of Appendix A would also be repealed. Finally, additional, minor revisions to language in the Part would be made to maintain consistency with the principal revisions.

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 Objectives: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking:

Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No.13-0594 with:

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

217/782-7434

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are

also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping and filing procedures

C) Types of professional skills necessary for compliance: Managerial and accounting skills

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

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

PART 705
THE PRESERVATION OF RECORDS OF
TELECOMMUNICATIONS CARRIERS ~~TELEPHONE UTILITIES~~
(GENERAL ORDER 188)

Section

705.5 Applicability
705.10 Scope of This Part
705.20 Designation of Supervisory Official
705.30 Protection and Storage of Records
705.40 Preservation ~~Index~~ of Records
705.50 Preservation of Records on Microfilm (Repealed)
705.60 Destruction of Records
705.70 Premature Destruction or Loss of Records
705.80 Retention Periods Designated "Destroy at Option" (Repealed)
705.90 Schedule of Records and Periods of Retention (Repealed)
705.100 "Commission" (Repealed)
705.APPENDIX A Schedule of Records and Periods of Retention (Repealed)

AUTHORITY: Implementing Section 5-107 and authorized by Sections 4-101 and 7-205 of the Public Utilities Act [220 ILCS 5/5-107, 4-101 and 7-205].

SOURCE: Effective September 1, 1962; codified at 8 Ill. Reg. 13665; amended at 38 Ill. Reg. _____, effective _____.

Section 705.5 Applicability

This Part applies to all telecommunications carriers subject to regulation by the Illinois Commerce Commission (Commission) under the provisions of Article XIII of the Public Utilities Act [220 ILCS 5/Art. XIII].

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

Section 705.10 Scope of This Part

a) This Part applies to all books of account and other records prepared by or on behalf of a telecommunications carrier~~the public utility~~. ~~See Item 73 of Appendix A for those records which come into possession of the public utility in connection with the acquisition of property, such as purchase, consolidation, merger, etc.~~

b) This Part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed in this Part~~herein~~.

c) This Part shall not be construed as requiring the preparation of accounts, records or memoranda not required to be prepared by other Parts, such as the Uniform System of Accounts, prescribed by the Illinois Commerce Commission (83 Ill. Adm. Code 415, 505, 605 and 710 – General Orders 179, 180, 183 and 199).

~~d) Records other than those listed in the annexed Appendix A may be destroyed at the option of the public utility; provided, however, that records which are used in lieu of those listed shall be preserved for the periods prescribed for the records used for substantially similar purposes; and, provided further, that retention of records pertaining to added services, functions, plant, etc., the establishment of which cannot be presently foreseen, shall conform to the principles embodied herein.~~

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

Section 705.20 Designation of Supervisory Official

Each telecommunications carrier ~~public utility~~ subject to this Part shall designate one or more persons with official responsibility to supervise the telecommunications carrier's ~~utility's~~ program for the preservation and the authorized destruction of its records.

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

Section 705.30 Protection and Storage of Records

The telecommunications carrier ~~public utility~~ shall:

a) provide reasonable protection for records using any form of recordable media subject to this Part from damage by fires, floods and other hazards; and~~,~~

b) in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness or lack of proper ventilation.

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

Section 705.40 Preservation ~~Index~~ of Records

a) Each telecommunications carrier subject to this Part shall keep a plan of its record management and retention policy at its principal place of business, which shall be readily identified and made available to representatives of the Illinois Commerce Commission. The Commission shall reserve the right to add records to the telecommunications carrier's retention policy or change retention periods through further amendment to this Part if, upon review, the records or retention periods are found to be insufficient for the Commission's purposes.

b) All records ~~which are herein~~ required to be preserved in accordance with the telecommunications carrier's record management and retention policies shall be so arranged~~, filed and currently indexed~~ by the telecommunications carrier ~~utility~~ that they may readily be identified and made available to representatives of the Illinois Commerce Commission.

c) Each telecommunications carrier subject to this Part shall keep, as part of its record management and retention policy, all records necessary to demonstrate the telecommunications carrier's compliance with the Act. All such records shall be retained for a period of not less than two years. Each telecommunications carrier also shall keep, as part of its record management and retention policy, the following records for the specified retention periods.

1) Minute books of shareholders' meetings, Board of Directors' meetings, and Board of Directors' committee meetings shall be retained permanently.

2) Supporting documentation for all reports provided to the Commission pursuant to statute, rule or Commission order shall be retained for a minimum period of 6 years.

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

Section 705.50 Preservation of Records on Microfilm (Repealed)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

~~a) Certain records indicated in Appendix A may be microfilmed and such film retained in lieu of the original records, provided the procedures prescribed herein are followed.~~

~~b) Indicators are used in Appendix A to designate those records for which microfilm will be accepted in lieu of original records. These indicators, listed following the retention period, are as follows:~~

~~M — Indicates that microfilms may be substituted for retention of the original records at any time after use of the records for current recording purposes.~~

~~M – (with a numeral following) Indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form for at least the number of years corresponding to the numeral following the "M." Thus, "M-10" indicates that a microfilm copy may be made of and substituted for the original record only after the original record has been retained for at least ten years.~~

~~ME – Indicates records for which microfilms may be substituted for retention of the original records only for the period subsequent to the expiration, cancellation, supersedure or other condition shown in the column "Period to be Retained." Thus, for Item 9(e) of Appendix A, microfilms are not acceptable for current contracts; however, they are acceptable for expired or cancelled contracts, the retention period for which is three years after expiration or cancellation.~~

~~c) Absence of an "M" indicator, as explained above, indicates that microfilms may not be substituted for retention of the records described.~~

~~d) Prior to photographing, the records shall be so prepared, arranged, classified and identified as to readily permit the subsequent location, examination and reproduction of the photographs thereof. Any significant characteristic, feature or other attribute of the original records which photography would not reflect clearly (e.g., that the record is a copy or that certain figures thereon are red) shall be so indicated on the records at the time of such arrangement, classification and identification. When a number of the records to be microfilmed have in common such a characteristic or attribute, an appropriate notation identifying the~~

~~characteristic or attribute may be indicated in a statement at the beginning of the roll of film instead of on each individual record.~~

~~e)~~ ~~Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.~~

~~f)~~ ~~The photographic matter on each roll shall commence and end with a statement as to the nature and arrangement of the records reproduced, the name of the photographer, and the date. The film shall not be cut between statements. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of a film found to be spoiled or illegible or of other matter, shall be attached to the beginning of the roll; and, in such event, the aforementioned certificate or certificates shall cover also such supplemental or retaken film and shall state the reasons for taking such films.~~

~~g)~~ ~~The film stock used and the processing thereof shall comply with the minimum standards of quality required by the Illinois State Records Commission. The utility shall be prepared to furnish, at its own expense, appropriate standard facilities for reading the microfilm; and, if the Illinois Commerce Commission so directs, furnish a facsimile of any record the original of which has been destroyed prior to the expiration of the retention period prescribed in Appendix A.~~

~~h)~~ ~~The microfilm shall be indexed and retained in such manner as will render them readily accessible and identifiable. They shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. The films should be cared for in such manner as to prevent cracking, breaking, splitting, etc.~~

~~i)~~ ~~Photographic reproduction is not limited to the microfilm process. With Illinois Commerce Commission approval, other reproduction techniques, comparable or better in quality than microfilming, may be used.~~

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

Section 705.60 Destruction of Records

The destruction of ~~the~~ records permitted to be destroyed under ~~the provisions of~~ this Part may be performed in any manner elected by the telecommunications carrier ~~public utility~~ concerned. Precautions should be taken, however, to macerate or otherwise destroy the legibility of records, the content of which is forbidden by law to be divulged to unauthorized persons.

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

Section 705.80 Retention Periods Designated "Destroy at Option" (Repealed)

~~Use of the retention period "Destroy at option" in this Part constitutes authorization for such optional destruction under the conditions specified for the particular types of records, unless such records are necessary to satisfy pending regulatory actions or directives.~~

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

Section 705.90 Schedule of Records and Periods of Retention (Repealed)

~~Appendix A annexed hereto shows the periods of time that designated records shall be preserved, and the records for which microfilms may be substituted therefor, in accordance with the foregoing instructions. It is not intended that more than one copy of any record be retained. See Item 74 of Appendix A for authority to destroy duplicates.~~

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

Section 705.100 "Commission" (Repealed)

~~"Commission," as used hereafter in Appendix A, refers to the Illinois Commerce Commission.~~

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 705.APPENDIX A Schedule of Records and Periods of Retention (Repealed)

~~Description of Records~~	~~Period to be Retained~~	
~~CORPORATE AND GENERAL~~		
~~1. Capital stock records:~~		
~~(a) Capital stock ledgers or other records showing the same information.~~	~~7 years after the stockholder's account is closed. (See NOTE 1.)~~	~~(M)~~
~~(b) Capital stock subscription accounts, warrants, requests for allotments and other essential papers related thereto.~~	~~3 years after settlement.~~	~~(M)~~
~~(c) Stubs or similar records of capital stock certificate issuance where not used as capital stock ledger records.~~	~~7 years after cancellation of certificate. If this record serves the purpose of a capital stock ledger, 1(a) is applicable.~~	~~(M)~~
~~(d) Stock transfer registers.~~	~~7 years after last entry on page or sheet of the record.~~	~~(M)~~
~~(e) Papers pertaining to or supporting transfers of capital stock.~~	~~3 years after transfer.~~	~~(M)~~
~~(f) Cancelled capital stock certificates, where not used as capital stock ledger records.~~	~~7 years after cancellation. If this record serves the purpose of a capital stock ledger, 1(a) is applicable.~~	~~(M)~~
~~(g) Change of address notices of stockholders.~~	~~Destroy at option after changes are recorded.~~	~~(M)~~
~~(h) Bonds of indemnity and~~	~~7 years after expiration of~~	~~(M)~~

	Description of Records	Period to be Retained	
	affidavits covering issuances of stock certificates to replace lost certificates.	bonds.	
(i)	Letters, notices, reports, statements and other communications distributed to all stock holders of a particular class:		
(1)	Formal communications addressed to all stockholders of a particular class, including notices of annual and special meetings of stockholders, and other notices, letters, reports or statements relating to corporate or stockholder actions.	10 years.	(M)
(2)	Interim reports of operations, speeches of corporate officers, notices of change of corporate address or telephone numbers, etc.	Destroy at option.	(M)
(j)	Dividend check registers, lists or similar records.	3 years.	(M)
(k)	Dividend checks.	3 years.	(M)
(l)	Third party dividend orders.	6 years after rescission order.	(M)

~~Description of Records~~	~~Period to be Retained~~

~~NOTE 1~~

~~For the purposes of this Part, a stockholder's account may be treated as a closed account at the time that such stockholder ceases to be a holder of record of the particular class of stock of the utility and the 7-year retention period prescribed herein shall run from that date. If such person subsequently acquires shares of capital stock of the utility and thus again becomes a stockholder of the utility, the record of such acquisition shall be treated as a new stockholder account.~~

~~Description of Records~~	~~Period to be Retained~~	
~~2. Debt security records: (See NOTE 2.)~~		
~~(a) Registered bond and debenture ledgers.~~	~~3 years after redemption.~~	~~(M)~~
~~(b) Bond and debenture subscription accounts, warrants, subscription notices, requests for allotment and essential papers related thereto.~~	~~3 years after settlement.~~	~~(M)~~
~~(c) Stubs or similar records of bond and debenture certificates issued.~~	~~3 years after redemption.~~	~~(M)~~
~~(d) Bond transfer registers and papers pertaining to or supporting transfers of registered bonds and debentures.~~	~~3 years after transfer.~~	~~(M)~~
~~(e) Records of bond and debenture interest coupons paid and unpaid.~~	~~Destroy at option in compliance with NOTE 3.~~	~~(M)~~
~~(f) Cancelled bonds and debentures and paid and unpaid interest coupons pertaining thereto.~~	~~Destroy at option in compliance with NOTE 3.~~	

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	Description of Records	Period to be Retained	
(g)	Authorization of holder to convert into other securities.	7 years after conversion	(M)
(h)	Trust indentures, loan agreements or other contracts or agreements securing debt securities issued.	7 years after redemption.	(ME)
(i)	Copy of reports, statements, letters or memoranda filed with Trustee(s) pursuant to provisions of trust indenture or other security instrument or agreement securing debt securities issued.	7 years after redemption, but see NOTE 4.	(M)
(j)	Paid or cancelled debt securities evidencing temporary borrowings.	Destroy at option.	(M)
(k)	Interest checks	3 years.	(M)

NOTE 2

The terms "bonds" and "debentures," as used in this Item, shall include all debt securities, such as bonds, debentures or notes other than debt securities which evidence temporary borrowings and which are expected to be repaid out of the proceeds of the sale of longer term securities. Typical of such temporary debt securities as described in Item 2(j) would be notes issued to banks evidencing temporary working capital and construction loans.

NOTE 3

Cancelled bonds and debentures and interest coupons pertaining thereto, and records of bond and debenture interest coupons, may be destroyed; provided that a certificate of destruction giving full descriptive reference to the destroyed, cancelled bonds and debenture and interest coupons pertaining thereto, and to the records of bond and debenture interest coupons, shall be

~~made by the person or persons authorized to perform such destruction, and such certificate of destruction shall be retained by the utility for the period herein prescribed.~~

~~The certificate evidencing the destruction of interest coupons pertaining to bonds or debentures need not contain a listing of the bond or debenture serial numbers pertaining to such interest coupons.~~

~~When documents represent debt secured by mortgage, the certificate of destruction shall also be authorized by a representative of the Trustee(s) acting in conjunction with the person or persons destroying the documents or shall have the Trustee(s') acceptance thereon.~~

~~While the certificate of destruction above described may not be destroyed earlier than 7 years after the payment and discharge of the bonds, debentures or interest coupons described in such certificate, it may be microfilmed at the option of the utility and such microfilm substituted for the original document.~~

~~NOTE 4~~

~~Destroy at option provided that the Trustee(s) under such indenture or security instrument is a National Bank, a member of the Federal Reserve System or a subsidiary of any such National Bank or Federal Reserve System member bank; and, provided further, that the Trustee(s) has certified to the utility that copies of all such documents will be available in the offices of the trustee(s) for inspection at any time prior to redemption by holders of debt securities to which such documents relate and for inspection by an Federal or State regulatory authority prior to redemption and for an additional period of 7 years after redemption.~~

~~Description of Records~~	~~Period to be Retained~~	
~~3. Authorizations from regulatory bodies for issuance of securities:~~		
~~(a) Copy of applications to regulatory bodies for authority to issue stocks, bonds and other securities, including a copy of exhibits in support of such applications.~~	~~Until all securities covered by a specific authorization are retired.~~	~~(M-10)~~
~~(b) Official copy of opinions and orders of regulatory bodies granting~~	~~Until all securities covered by a specific authorization are~~	~~(M-10)~~

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NOTICE OF PROPOSED AMENDMENTS

~~Description of Records~~	~~Period to be Retained~~	
~~authorize to issue securities.~~	~~retired.~~	
~~(c) Reports filed with regulatory bodies in compliance with authorizations to issue securities, including supporting papers. (Reports of sales of securities, application of proceeds, etc.)~~	~~Until all securities covered by a specific authorization are retired.~~	~~(M-10)~~
~~4. Copy of registration statements and other data filed with the Securities and Exchange Commission:~~		
~~(a) In connection with offerings of securities for sale to the public, or the listing of securities on exchanges, including supporting papers.~~	~~Until all securities covered by a specific authorization are retired.~~	~~(M-10)~~
~~(b) Copy of periodic reports and supporting papers filed in compliance with either the Securities Act of 1933 (15 U.S.C. 77a et seq.) or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).~~	~~Permanently.~~	~~(M-10)~~
~~5. Proxies and voting lists:~~		
~~(a) Proxies of holders of voting securities.~~	~~1 year.~~	~~(M)~~
~~(b) Corporate charters or certificates of incorporation.~~	~~1 year.~~	~~(M)~~
~~6. Minute books of stockholders', directors', and directors' committee meetings.~~	~~Permanently.~~	~~(M-25)~~

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~~Description of Records~~	~~Period to be Retained~~
~~7. Titles, franchises and licenses:~~	
~~(a) Deeds and other title (including abstracts of title and supporting data).~~	~~6 years after property is disposed of unless surrendered to transferee.~~
~~(b) Corporate charters or certificates of incorporation.~~	~~Permanently.~~
~~(c) Legal documents in connection with mergers, consolidations, reorganizations, receiverships, and similar actions, affecting the identity or organization of the utility.~~	~~Permanently.~~
~~(d) By-laws.~~	~~Permanently.~~
~~(e) Franchises and certificates authorizing operations as a public utility.~~	~~Permanently.~~
~~(f) Licenses (including amendments thereof) granted by Federal of State authorities for construction and operation of utility plant.~~	~~Permanently.~~
~~(g) Copy of formal orders of regulatory commissions served upon the utility.~~	~~Permanently.~~
~~8. Permits:~~	
~~(a) Permits and granted applications for the use of facilities of others.~~	~~6 years after expiration or cancellation.~~ ~~(ME)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~(b) Copy of permits and applications granted others for the use of the utility's facilities.~~	~~6 years after expiration or cancellation.~~	~~(ME)~~
~~(c) Applications for the use of facilities not granted and copy of such applications.~~	~~Destroy at option.~~	~~(M)~~
~~(d) Permits, and applications therefore, of a temporary nature from municipalities or others to perform specific work, such as permits to open streets.~~	~~Destroy at option.~~	~~(M)~~
~~9. Contracts and agreements (except contracts provided for elsewhere):~~		
~~(a) Service contracts, such as for management, accounting, financial, legal and other such services.~~	~~6 years after expiration or cancellation.~~	~~(ME)~~
~~(b) Not applicable.~~		
~~(c) Leases pertaining to rentals of property to or from others.~~	~~6 years after expiration or cancellation.~~	~~(ME)~~
~~(d) Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage rates, hours and similar matters.~~	~~3 years after expiration or cancellation.~~	~~(ME)~~
~~(e) Contracts, agreements and/or other essential records necessary to the carrying out of the functions of an~~	~~3 years after expiration or cancellation.~~	~~(ME)~~

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	Description of Records	Period to be Retained	
	~~employee's stock purchase or other type of employee's savings plan or pension plan.~~		
~~(f)~~	~~Memoranda essential to clarify or explain provisions of contracts and agreements.~~	~~For same periods as contacts to which they relate.~~	~~(ME)~~
~~(g)~~	~~Card or book records of contracts, leases and agreements made, showing dates of expirations and of renewals, memoranda of receipts and payments under such contacts, etc.~~	~~Destroy at option.~~	~~(M)~~
~~(h)~~	~~Summaries and abstracts of contracts, leases and agreements.~~	~~Destroy at option.~~	~~(M)~~
~~(i)~~	~~Contracts or agreements for the acquisition or disposal of investments. (Excluding temporary cash investments.)~~	~~6 years after expiration or cancellation.~~	~~(ME)~~
~~(j)~~	~~Contracts, agreements and records related thereto pertaining to patents, copyrights and licensing thereof.~~	~~6 years after expiation or cancellation.~~	~~(ME)~~
~~(k)~~	~~Contracts or agreements with other telephone companies for the joint handling of business and other traffic arrangements and settlements related thereto, together with associated memoranda, case files or other records identifying business or property subject to such contracts or agreements.~~	~~6 years after expiation or cancellation.~~	~~(ME)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~(l) Contracts or agreements for joint ownership or joint use of communication plant.~~	~~6 years after expiation or cancellation.~~	~~(ME)~~
~~10. General and subsidiary ledgers:~~		
~~(a) General ledgers and ledgers subsidiary or auxiliary to general ledgers, except ledgers provided for elsewhere.~~	~~Permanently.~~	~~(M-20)~~
~~(b) Indexes to general ledgers and subsidiary ledgers except ledgers provided for elsewhere.~~	~~Permanently.~~	~~(M-20)~~
~~(c) Trial balance sheets of general and subsidiary ledgers or equivalent records.~~	~~1 year.~~	~~(M)~~
~~11. Journals:~~		
~~General and subsidiary journals, including departmental and divisional journals.~~	~~Permanently.~~	~~(M-20)~~
~~12. Journal vouchers and journal entries:~~		
~~(a) General, departmental, divisional and petty journal vouchers.~~	~~Permanently.~~	~~(M-20)~~
~~(b) Materials and supplies disbursement, labor distribution, and other detail summarization and distribution records supporting journal vouchers journal entries: (See NOTE 5.)~~		

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~~Description of Records~~	~~Period to be Retained~~	
~~(1) Charging plant accounts.~~	~~7 years prior to date as of which original cost of plant has been unconditionally determined or approved by the Commission in (a) an order entered in proceedings initiated for the purpose of making such determination or seeking such approval; or (b) in an order entered in proceedings initiated pursuant to the provisions of Section 36, 41 or 64 of "An Act concerning public utilities", (Ill. Rev. Stat. 1981, ch. 111⅔, par. 1 et seq.); and, further, that continuing plant inventory records are maintained, and distributions appear in work order records or cost ledger; otherwise, permanently.~~	
~~(2) Charging all other accounts.~~	~~7 years.~~	~~(M)~~
~~(c) Papers forming a part of or necessary to explain journal vouchers or journal entries except as covered in Item 12(b) above.~~	~~See Item 12(b)(1) and (2).~~	
~~(d) Schedules for recurring journal entries~~	~~Destroy when superseded.~~	~~(M)~~
~~(e) Lists of standard journal entry numbers.~~	~~Destroy when superseded.~~	~~(M)~~

~~NOTE 5~~

~~Description of Records~~	~~Period to be Retained~~

~~Time tickets and material issued and material returned tickets may be destroyed at option if the basic information contained thereon is transcribed to other records, if such other records are retained in accordance with Item 12 of this Appendix. Basic information as regards time tickets includes, as a minimum, for the purposes of Item 12, hours worked and distribution of time to proper job or account. For material issued and material returned tickets, basic information includes, as a minimum, for the purposes of Item 12, identification of material by code or otherwise, quantity and distribution to proper job or account.~~

~~Description of Records~~	~~Period to be Retained~~	
~~13. Cash books:~~		
~~(a) Treasurers' and auditors' general cash books.~~	~~3 years.~~	~~(M)~~
~~(b) Cash books subsidiary or auxiliary to general cash books except those showing solely collections from customers.~~	~~3 years.~~	~~(M)~~
~~(c) Subsidiary cash records showing solely customers' collections.~~	~~2 years.~~	~~(M)~~
~~(d) Other cash records of a memorandum nature.~~	~~6 months.~~	~~(M)~~
~~14. Voucher registers of similar records showing the account distribution of payments made by voucher~~	~~See Items 12(b)(1) and (2).~~	
~~15. Vouchers:~~		
~~(a) Paid and cancelled vouchers, analysis sheets showing detailed distribution of charges on~~	~~See Item 12 (b)(1) and (2).~~	

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~~Description of Records~~	~~Period to be Retained~~	
~~individual vouchers and other supporting papers.~~		
~~(b) Original bills and invoices for materials, services, etc., paid by voucher or otherwise.~~	~~See Item 12(b)(1) and (2).~~	
~~(c) Checks and receipts for payments by voucher or otherwise.~~	~~3 years.~~	~~(M)~~
~~(d) Authorizations for the payment of specific vouchers.~~	~~See Item 12(b)(1) and (2).~~	
~~(e) Lists of unaudited bills (accounts payable), lists of vouchers transmitted, memoranda regarding changes in unaudited bills.~~	~~Destroy at option.~~	~~(M)~~
~~(f) Voucher indexes~~	~~6 years.~~	~~(M)~~
~~16. Accounts receivable: (See Item 42 for accounts with customers for telephone service.)~~		
~~(a) Records, registers, detail ledgers, related indexes thereto and summaries of distribution, including accounts receivable records pertaining to sales of utility plant.~~	~~6 years.~~	~~(M)~~
~~(b) Accounting department copy of invoices issued and supporting papers which do not accompany the original invoices and~~	~~3 years.~~	~~(M)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~authorizations for charges including supporting papers.~~		
~~(c) Periodic statements of unsettled accounts and trial balances.~~	~~1 year.~~	~~(M)~~
~~(d) Schedule of invoices to be issued.~~	~~Destroy at option.~~	~~(M)~~
~~17. Records of securities owned, in treasury, or with custodians.~~	~~6 years.~~	~~(M)~~
~~18. Insurance records:~~		
~~(a) Records of insurance policies in force, showing coverage, premiums paid and expiration dates.~~	~~Destroy at option after expiration of such policies.~~	~~(M)~~
~~(b) Records of self-insurance against losses from fire or other casualty, and damages to property of others or to persons.~~	~~Destroy at option.~~	~~(M)~~
~~(c) Detailed schedules or spread sheets of monthly insurance charges to operating expenses and other accounts.~~	~~Destroy at option.~~	~~(M)~~
~~(d) Detailed schedules of monthly accruals for self-insurance.~~	~~Destroy at option.~~	~~(M)~~
~~(e) Insurance policies.~~	~~Until liability of insurance company has expired.~~	~~(ME)~~
~~(f) Records of amounts recovered from insurance companies in connection with losses and of~~	~~1 year after settlement or recovery.~~	~~(M)~~

~~Description of Records~~	~~Period to be Retained~~	
~~claims against insurance companies, including reports of losses and supporting papers.~~		
~~(g) Inspectors' reports and records of condition of property.~~	~~1 year after supersedure.~~	~~(ME)~~
~~(h) Reports of minor losses not covered by insurance or less than minimum amount collectable.~~	~~Destroy at option.~~	~~(M)~~
~~(i) Insurance maps of property and structures erected thereon.~~	~~Until superseded or property is disposed of.~~	~~(ME)~~
~~(j) Records and statements relating to insurance requirements.~~	~~Destroy at option.~~	~~(M)~~
~~19. Tax Records:~~		
~~(a) Copy of schedules, returns and supporting working papers to taxing authorities and records of appeals:~~		
~~(1) Federal income, excess profits, undistributed income, and capital stock taxes.~~	~~10 years after settlement.~~	~~(ME)~~
~~(2) State income taxes and state or local property taxes.~~	~~10 years after settlement.~~	~~(ME)~~
~~(3) Other taxes.~~	~~10 years after settlement.~~	~~(ME)~~
~~(4) Schedule of allocation of consolidated federal income~~	~~10 years after allocation.~~	~~(ME)~~

~~Description of Records~~	~~Period to be Retained~~	
~~taxes to subsidiary companies.~~		
~~(5) Records of annual determinations of deferred taxes on income, annual determinations of accounting adjustments for "reserve deferrals" of deferred taxes on income together with basic computations and records of annual plant additions and retirements and adjustments on which deferred tax accounting entries are based. (See NOTE 6.)~~	~~6 years after absorption of deferred credits.~~	~~(ME)~~
~~(b) Tax bills from taxing authorities and receipts for payment.~~	~~See Item 12(b)(1) and (2).~~	
~~(c) Summaries of taxes paid by classes of taxes and by location.~~	~~6 years.~~	~~(M)~~
~~(d) Summaries of taxes paid by taxing districts.~~	~~6 years.~~	~~(M)~~
~~(e) Schedules of monthly accruals by classes of taxes and supporting papers showing how estimates of taxes to be paid were determined.~~	~~Destroy at option.~~	~~(M)~~
~~(f) Restatements of schedules of taxes paid after giving effect to refunds and additional assessments.~~	~~6 years.~~	~~(M)~~

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~~Description of Records~~	~~Period to be Retained~~

~~NOTE 6~~

~~For the purposes of this Part, "deferred taxes" and "deferred tax accounting" embrace provision for "future taxes on income," "prepaid taxes on income," or any other accounting procedure which attributes a tax on income to a year or years other than that of the specific year's tax return determining the tax liability.~~

~~Description of Records~~	~~Period to be Retained~~	
~~20. Accountants' and auditors' reports:~~		
~~(a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility. (Including reports of public accounting firms and Commission accountants.)~~	~~25 years.~~	~~(M-10)~~
~~(b) Internal audit reports and working papers.~~	~~3 years.~~	~~(M)~~
~~21. Tabulating machine and automatic data processing records (not including billing machine records):~~		
~~(a) Printed sheets or tapes showing the details and summaries of accounting data indicated on punched cards or tapes.~~	~~See Item 12(b)(1) and (2).~~	
~~(b) Punched cards or tapes including instructions and wiring diagrams used in assembling figures to be posted to an account.~~	~~Destroy at option if printed sheets or tapes are preserved; otherwise, see Item 12(b)(1) and (2).~~	

~~Description of Records~~	~~Period to be Retained~~	
~~PLANT AND ACCUMULATED PROVISION FOR DEPRECIATION, DEPLETION AND AMORTIZATION~~		
~~22. Plant ledgers:~~		
~~(a) Ledgers of utility plant accounts, including land and other ledgers, showing the cost of utility plant by prime accounts.~~	~~Permanently.~~	~~(M-20)~~
~~(b) Continuing plant inventory records showing description, location, quantity, cost, etc., of physical units (or items) of utility plant owned.~~	~~Until record is superseded or 6 years after plant is retired, provided mortality data are retained as provided in Item 31.~~	~~(M)~~
~~23. Construction work in progress ledgers, work orders and supplemental records:~~		
~~(a) Construction work in progress ledgers.~~	~~See Item 12(b)(1) and (2).~~	
~~(b) Work order sheets to which are posted, in summary form or in detail, the entries for labor, materials and other charges for utility plant additions and the entries closing the work orders to utility plant in service at completion.~~	~~See Item 12(b)(1) and (2).~~	
~~(c) Authorizations for expenditures for additions to utility plant, including memoranda showing~~	~~10 years.~~	~~(M)~~

~~Description of Records~~	~~Period to be Retained~~	
~~the detailed estimates of cost and the bases therefore. (Including original and revised or subsequent authorizations.)~~		
~~(d) Requisitions and registers authorizations for utility plant expenditures.~~	~~10 years.~~	~~(M)~~
~~(e) Completion or performance reports showing comparison between authorized estimates and actual expenditures for utility plant additions.~~	~~10 years.~~	~~(M)~~
~~(f) Analysis or cost reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction projects.~~	~~See Item 12(b)(1) and (2).~~	
~~(g) Records and reports pertaining to progress of construction work, the order in which jobs are to be completed, and similar records which do not form a basis of entries to the accounts.~~	~~Destroy at option.~~	~~(M)~~
~~24. Retirement work orders and supplemental records:~~		
~~(a) Work order sheets to which are posted the entries for removal cost, materials recovered, and credits to utility plant accounts~~	~~See Item 12(b)(1) and (2).~~	

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~~Description of Records~~	~~Period to be Retained~~	
~~for cost of plant retired (see Item 31).~~		
~~(b) Authorizations for retirement of utility plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs.~~	~~10 years.~~	~~(M)~~
~~(c) Registers of retirement work orders.~~	~~10 years.~~	~~(M)~~
~~25. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to utility plant accounts not covered by construction or retirement work orders and their supporting records.~~	~~25 years after clearance to plant account, provided continuing plant inventory records are maintained; otherwise, 6 years after plant is retired.~~	~~(M-15)~~
~~26. Appraisals and valuations made of the utility's property or investments, or of the property or investments of associated companies. (Including all records essential thereto.)~~	~~Until appraisal is superseded or property is disposed of.~~	~~(M)~~
~~27. Maps or map reproductions showing the location and physical characteristics of production, transmission and distribution systems of the utility.~~	~~Until map is superseded or 6 years after plant is retired, provided mortality data are retained as provided in Item 31.~~	~~(M)~~
~~28. Engineering records in connection with construction projects:~~		
~~(a) Maps or map reproductions, diagrams, profiles, plans,~~		

~~Description of Records~~	~~Period to be Retained~~	
~~photographs, records of engineering studies, and similar records in connection with proposed construction projects:~~		
~~(1) If construction of project results wholly or in part.~~	~~Until record is superseded or 1 year after plant is retired, provided mortality data are retained as provided in Item 31.~~	~~(M)~~
~~(2) If construction of project does not result.~~	~~Destroy at option after completely accounting for expenses incurred.~~	~~(M)~~
~~29. Contracts and other agreements relating to utility plant:~~		
~~(a) Contracts or agreements relating to acquisition, sale, or other disposition of operating units or system of utility plant.~~	~~Permanently.~~	~~(M-15)~~
~~(b) Contracts or agreements relating to services performed in connection with construction or removal of utility plant (including contracts for the construction of plant by others for the utility, and for supervision and engineering relating to construction work).~~	~~6 years after plant is retired.~~	~~(M-15)~~
~~(c) Contracts or agreements relating to maintenance of plant.~~	~~6 years after termination or cancellation of contract or agreement.~~	~~(ME)~~

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~~Description of Records~~	~~Period to be Retained~~
~~30. Records pertaining to reclassification of utility plant accounts to conform to prescribed Uniform System Accounts, including supporting papers showing the bases for such reclassification.~~	~~See Item 12(b)(1).~~
~~31. Records supporting computations of depreciation, depletion and amortization expense of utility plant, including accumulated provisions therefore, and such data as life and salvage studies.~~	~~See Item 12(b)(1) and (2).~~

~~TREASURY~~

~~32. Statements of working funds and deposits:~~		
~~(a) Summaries and periodic statements of cash balances on hand and with depositories.~~	~~Destroy at option after funds have been returned or accounted for.~~	~~(M)~~
~~(b) Statements of managers' and agents' cash balances on hand and with depositories.~~	~~Destroy at option after funds have been returned or accounted for.~~	~~(M)~~
~~(c) Authorizations for and statements of transfer of funds from one depository to another.~~	~~Destroy at option after funds have been returned or accounted for.~~	~~(M)~~
~~(d) Requisitions and receipts for funds furnished managers, agents and others.~~	~~Destroy at option after funds have been returned or accounted for.~~	~~(M)~~
~~(e) Records of fidelity bonds of employees and others~~	~~Until liability of bonding company has expired.~~	~~(M)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~responsible for funds of the utility.~~		
~~33. Records of deposits with banks and others:~~		
~~(a) Bank deposit books.~~	~~1 year.~~	~~(M)~~
~~(b) Copy of bank deposit slips.~~	~~1 year.~~	~~(M)~~
~~(c) Advice of deposits made when information thereon is shown on other records which are retained.~~	~~Destroy at option.~~	~~(M)~~
~~(d) Statements from depositories showing the details of funds received, disbursed, transferred, and balances on deposit.~~	~~Destroy at option.~~	~~(M)~~
~~(e) Bank reconcilement papers.~~	~~1 year.~~	~~(M)~~
~~(f) Statements from banks of interest credits.~~	~~1 year.~~	~~(M)~~
~~(g) Check stubs, registers or other records of checks issued.~~	~~3 years.~~	~~(M)~~
~~(h) Correspondence and memoranda relating to the stopping of payment of bank checks and to the issuance of duplicate checks.~~	~~Destroy at option.~~	~~(M)~~
~~34. Records of receipts and disbursements:~~		

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~~Description of Records~~		~~Period to be Retained~~	
~~(a)~~	~~Daily or other periodic statements of receipts or disbursements of funds.~~	~~2 years.~~	~~(M)~~
~~(b)~~	~~Records or periodic statements of outstanding vouchers, checks, drafts, etc., issued and not presented.~~	~~2 years.~~	~~(M)~~
~~(c)~~	~~Reports showing working funds transactions and summaries thereof.~~	~~Destroy at option.~~	~~(M)~~
~~(d)~~	~~Reports of revenue collections by field cashiers, pay stations, etc.~~	~~Destroy at option.~~	~~(M)~~

~~REVENUE ACCOUNTING AND COLLECTING~~

~~35.~~	~~Customers' service applications and contracts:~~		
~~(a)~~	~~Applications for communications service for which contracts have been executed.~~	~~Destroy at option.~~	~~(M)~~
~~(b)~~	~~Applications for communications service used in lieu of contacts.~~	~~1 year.~~	~~(M)~~
~~(c)~~	~~Contracts and card files or other records thereof with customers for communications service. (See also Item 9(b).)~~	~~1 year after expiration or cancellation.~~	~~(ME)~~

~~Description of Records~~		~~Period to be Retained~~	
~~(d)~~	~~Applications for communications service which were withdrawn by applicant or not granted by the utility.~~	~~1 year.~~	~~(M)~~
~~(e)~~	~~Applications and contracts for extension of facilities covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.~~	~~1 year after entire amount is refunded.~~	~~(M)~~
~~(f)~~	~~Applications and contracts for extension of facilities for which donations or contributions are made by customers or others.~~	~~Permanently.~~	~~(M-15)~~
~~36.~~	~~Rate schedules:~~		
	~~Official file copy of published rate sheets and schedules for communications service.~~	~~6 years after supersedure, suspension or expiration.~~	~~(ME)~~
~~37.~~	~~Customers' guarantee deposits:~~		
~~(a)~~	~~Customers' deposit ledgers or card records.~~	~~6 years after refund.~~	~~(ME)~~
~~(b)~~	~~Customers' deposit certificate books.~~	~~6 years after refund.~~	~~(ME)~~
~~(c)~~	~~Receipts for customers' deposits refunded.~~	~~6 years after refund.~~	~~(ME)~~
~~(d)~~	~~Receipts for interest on customers' deposits.~~	~~6 years after refund.~~	~~(ME)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~(e) Records of customers' deposits unclaimed.~~	~~7 years.~~	~~(M)~~
~~38. Not applicable.~~		
~~39. No applicable.~~		
~~40. Miscellaneous billing data:~~		
~~(a) Billing department's copy of contracts with customers (in addition to contracts in general file).~~	~~Destroy at option.~~	~~(M)~~
~~(b) Service and inspection orders on which customers are charged and sundry charge advices.~~	~~1 year.~~	~~(M)~~
~~(c) Authorizations for charges under communications service contracts.~~	~~1 year after expiration of contract.~~	~~(ME)~~
~~(d) Standard billing sheets or schedules (showing computed bills of varying consumption according to rates).~~	~~Destroy at option.~~	~~(M)~~
~~41. Revenue summaries:~~		
~~(a) Summaries of monthly operating revenues according to classes of service of entire telephone utility.~~	~~3 years.~~	~~(M)~~
~~(b) Summaries of monthly operating revenues according to classes of service by towns,~~	~~3 years.~~	~~(M)~~

~~Description of Records~~	~~Period to be Retained~~	
~~districts or divisions. (Including summaries of forfeited discounts and penalties.)~~		
~~42. Customers' ledgers and other records used in lieu thereof:~~		
~~(a) Customers' ledgers.~~	~~2 years.~~	~~(M)~~
~~(b) Records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, meter reading books, etc.~~	~~2 years.~~	~~(M)~~
~~(c) Copy of large bills:~~		
~~(1) If details are transcribed to ledgers covered by Item 42(a) above.~~	~~Destroy at option.~~	~~(M)~~
~~(2) If details are not transcribed to ledgers.~~	~~2 years.~~	~~(M)~~
~~(d) Trial balances of ledgers referred to above.~~	~~1 year.~~	~~(M)~~
~~(e) Indexes to customers' accounts.~~	~~2 years.~~	~~(M)~~
~~(f) Change of address notices from customers.~~	~~Destroy at option after changes are recorded.~~	~~(M)~~
~~(g) Cards and other records relating to forfeited discounts.~~	~~2 years.~~	~~(M)~~

~~Description of Records~~	~~Period to be Retained~~	
~~(h) Continuing settlement records of individual public and semi-public telephone accounts~~	~~1 year after record is superseded or retired from active file.~~	
~~(i) Work papers used by the telephone company in developing estimates of unbilled revenue and accounts receivable.~~	~~Until estimate is superseded~~	
~~43. Not applicable.~~		
~~44. Collection reports and records:~~		
~~(a) Periodic reports, lists and summaries of collections of operating revenues by collectors, agents and general, local, divisional or district offices. (See Item 34(d).)~~	~~Destroy at option.~~	~~(M)~~
~~(b) Bill stubs, copy of bills, collection slips and other records pertaining to collections, summarized or detailed in daily or periodic cash reports.~~	~~6 months.~~	~~(M)~~
~~(c) Memorandum records of remittances from local or branch offices. (See Item 33 which pertains to all bank accounts, whether at general, local, divisional or district offices.)~~	~~1 year.~~	~~(M)~~
~~45. Customers' account adjustments:~~		

~~Description of Records~~	~~Period to be Retained~~	
~~(a) Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records.~~	~~1 year.~~	~~(M)~~
~~(b) Detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts.~~	~~1 year.~~	~~(M)~~
~~46. Uncollectible accounts and customers' credit records:~~		
~~(a) Records of ratings, credit classifications, and investigations of customers.~~	~~Destroy at option.~~	~~(M)~~
~~(b) Ledger accounts and supporting details of customers' accounts considered to be uncollectible.~~	~~For period legally collectible.~~	~~(M)~~
~~(c) Reports and statements showing age and status of customer's accounts.~~	~~1 year.~~	~~(M)~~
~~(d) Data on unpaid final bills.~~	~~1 year.~~	~~(M)~~
~~(e) Authorizations for writing off customers' accounts.~~	~~3 years.~~	~~(M)~~

~~PAYROLL AND PERSONNEL RECORDS~~

~~47. Payroll Records:~~

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~~Description of Records~~		~~Period to be Retained~~	
~~(a)~~	~~Payroll sheets or registers of payments of salaries and wages to individual officers and employees. (See Item 47(k), below, for pension or annuity payrolls, and Item 23(b) for construction payrolls.)~~	~~4 years.~~	~~(M)~~
~~(b)~~	~~Records showing the distribution of salaries and wages paid to officers and employees for each payroll period and summaries or recapitulation statements of such distribution.~~	~~See Item 12(b)(1) and (2).~~	
~~(c)~~	~~Time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked, description of work, and accounts to be charged.~~	~~See Item 12(b)(1) and (2).~~	
~~(d)~~	~~Payroll checks, receipts for wages paid in cash, and other evidences of payment for services rendered by employees.~~	~~1 year.~~	~~(M)~~
~~(e)~~	~~Receipts for payrolls and pay checks delivered to paymasters or other employees for distribution.~~	~~Destroy at option.~~	~~(M)~~
~~(f)~~	~~Applications and authorizations for changes in wage and salary rates, summaries and reports of~~	~~3 years.~~	~~(M)~~

~~Description of Records~~		~~Period to be Retained~~	
	~~changes in payrolls, and similar records.~~		
~~(g)~~	~~Applications for payroll changes not authorized.~~	~~Destroy at option.~~	~~(M)~~
~~(h)~~	~~Payroll authorizations and records of authorized positions.~~	~~3 years.~~	~~(M)~~
~~(i)~~	~~Records of authorizations for deductions from payroll.~~	~~1 year after expiration or supersedure.~~	~~(ME)~~
~~(j)~~	~~Comparative or analytical statements of payrolls.~~	~~Destroy at option.~~	~~(M)~~
~~(k)~~	~~Pension or annuity payrolls.~~	~~4 years.~~	~~(M)~~
~~(l)~~	~~Pension or annuity pay checks.~~	~~1 year.~~	~~(M)~~
~~(m)~~	~~Employee's individual earnings record.~~	~~4 years.~~	~~(M)~~
~~48.~~	~~Assignments and wage deduction orders:~~		
~~(a)~~	~~Record of assignments and wage deduction orders, including files of orders, notices, etc., pertaining thereto.~~	~~Destroy at option.~~	~~(M)~~
~~(b)~~	~~Minor's salary releases.~~	~~Destroy at option.~~	~~(M)~~
~~49.~~	~~Personnel records:~~		
~~(a)~~	~~Employee's service records, length of service, and other pertinent data.~~	~~3 years after termination of employment.~~	~~(ME)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~(b) Applications for employment, requests for medical examination, medical examiner's report, photographs, and other identification records and other miscellaneous records pertaining to the hiring of employees.~~	~~Destroy at option.~~	~~(M)~~
~~50. Employees' welfare and pension records:~~		
~~(a) Records pertaining to costs of employees' recreational, educational, hospital benefit, accident prevention, and similar activities.~~	~~3 years.~~	~~(M)~~
~~(b) Detailed records showing computations of accruals for pension liabilities.~~	~~25 years.~~	~~(M-3)~~
~~51. Instructions to employees and others:~~		
~~(a) Bulletins or memoranda of general instructions issued by the utility to employees pertaining to changes in accounting, engineering, operating, maintenance and construction policies, methods and procedures.~~	~~6 years after expiration or supersedure.~~	~~(ME)~~
~~(b) Notices to employees on matters of discipline, deportment, and other similar subjects.~~	~~Destroy at option.~~	~~(M)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~52. Organization diagrams and charts.~~	~~Destroy at option.~~	~~(M)~~
~~PURCHASES AND STORES~~		
~~53. Purchases:~~		
~~(a) Advices or requisitions from storekeeper and others for the purchase of materials and supplies or services.~~	~~Destroy at option.~~	~~(M)~~
~~(b) Bids received from vendors in connection with the purchase of materials and supplies.~~	~~3 years.~~	~~(M)~~
~~(c) Purchase orders and specifications of materials ordered.~~	~~3 years.~~	~~(M)~~
~~(d) Contracts for the purchase of materials and supplies:~~		
~~(1) Contracts for materials directly charged to plant accounts.~~	~~See Item 12(b)(1).~~	
~~(2) Contracts for other material.~~	~~See Item 12(b)(2).~~	
~~(e) Purchasing department copy of invoices for materials and supplies.~~	~~Destroy at option.~~	~~(M)~~
~~(f) Registers or similar records of invoices.~~	~~3 years.~~	~~(M)~~

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~~Description of Records~~		~~Period to be Retained~~	
~~(g)~~	~~Price records or indexes of purchases.~~	~~Destroy at option.~~	~~(M)~~
~~(h)~~	~~Advices from vendors acknowledging receipt of orders for materials and supplies, notices of shipment, packing slips and copy of bills of lading.~~	~~Destroy at option.~~	~~(M)~~
~~(i)~~	~~Receipts or delivery tickets issued for materials and supplies received in installments and subsequently surrendered with and in support of invoices or bills covering complete purchases.~~	~~Destroy at option.~~	~~(M)~~
~~(j)~~	~~Demurrage or car records showing periods freight cars as held on company sidings.~~	~~Destroy at option.~~	~~(M)~~
~~(k)~~	~~Copy of notices to vendors for materials and supplies returned for credit or repair.~~	~~Destroy at option.~~	~~(M)~~
~~(l)~~	~~Lists or records of invoices transmitted to or from storekeepers.~~	~~Destroy at option.~~	~~(M)~~
~~(m)~~	~~Records and reports used for checking and tracing materials and supplies covered by invoices provided for in Item 53(e) above.~~	~~Destroy at option.~~	~~(M)~~

~~54.~~ ~~Material ledgers:~~

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~~Description of Records~~	~~Period to be Retained~~	
~~(a) Ledger sheets and card records of materials and supplies received, issued, and on hand.~~	~~3 years, except that material account distributions are to be preserved in accordance with Item 12(b)(1) and (2).~~	~~(M)~~
~~(b) Statements of materials and supplies on hand, per ledgers.~~	~~3 years.~~	~~(M)~~
~~55. Materials and supplies received and issued:~~		
~~(a) Records and reports pertaining to receipt of materials and supplies.~~	~~3 years.~~	~~(M)~~
~~(b) Records of inspecting and testing materials and supplies.~~	~~Destroy at option.~~	~~(M)~~
~~(c) Records showing the detailed distribution of materials and supplies issued during accounting periods.~~	~~See Item 12(b)(1) and (2).~~	
~~(d) Material disbursement tickets showing quantities, unit prices, and accounts to be charged for materials and supplies issued from stores for use.~~	~~See Item 12(b)(1) and (2).~~	
~~(e) Materials returned credit slips, showing details of materials returned to stock.~~	~~See Item 12 (b)(1) and (2).~~	
~~(f) Requisitions and receipts for materials and supplies issued, the details of the issue being set~~	~~Destroy at option.~~	~~(M)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~forth in the material disbursement tickets.~~		
~~(g) Records and reports of materials and supplies transferred from one department, storeroom or division to another.~~	~~Destroy at option.~~	~~(M)~~
~~(h) Records and reports of materials recovered and returned to stock if transcribed to records covered by Item 55(c) above.~~	~~Destroy at option.~~	~~(M)~~
~~(i) Records and reports of materials and supplies issued to individuals or gangs of employees to be accounted for when used or returned to stock.~~	~~Destroy at option after being accounted for.~~	~~(M)~~
~~(j) Minor records and reports pertaining to materials and supplies not involving costs or final disposition, such as reports of unfilled requisitions, authorizations for additions to stock and similar records; also, storeroom copy of purchase orders and price records, other copies being retained in files of purchasing department.~~	~~Destroy at option.~~	~~(M)~~
~~56. Records of sales of scrap and materials and supplies:~~		
~~(a) Authorizations for sale of scrap and materials and supplies.~~	~~3 years.~~	~~(M)~~

~~Description of Records~~	~~Period to be Retained~~	
~~(b) Contracts for sale of scrap and materials and supplies.~~	~~3 years.~~	~~(M)~~
~~(c) Memoranda pertaining to sale of scrap and materials and supplies.~~	~~Destroy at option.~~	~~(M)~~
~~57. Inventories of materials and supplies:~~		
~~(a) General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records into agreement with physical inventories.~~	~~3 years.~~	~~(M)~~
~~(b) Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories if abstracted into records covered by Item 57(a) above.~~	~~Destroy at option.~~	~~(M)~~
~~(c) Minor inventories of materials and supplies on hand if not reflected in adjustments of accounts.~~	~~Destroy at option.~~	~~(M)~~
~~OPERATIONS~~		
~~58. Telephone local and toll tickets:~~		
~~(a) Telephone toll tickets and statements forming basis of charges to subscribers and others.~~	~~6 months.~~	~~(M)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~(b) Uncompleted tickets, lost call tickets, switching tickets, messenger-service tickets, appointment tickets, and tickets for emergency calls, official calls and test calls..~~	~~Destroy at option.~~	~~(M)~~
~~(c) Records of receipt of local and toll tickets, toll statement stubs, toll ticket memoranda, relative to investigations and corrections of tickets.~~	~~Destroy at option.~~	~~(M)~~
~~(d) Statements and summaries of measured service tickets and register readings.~~	~~1 year.~~	~~(M)~~
~~(e) Measured service tickets, local message tickets and register reading tickets or statements if summarized in records covered by Item 58.1(d) above.~~	~~Destroy at option.~~	~~(M)~~
~~(f) Tickets and statements for check error purposes.~~	~~Destroy at option.~~	~~(M)~~
~~(g) Tickets covering free or concession service.~~	~~6 months.~~	~~(M)~~
~~(h) Automatic message accounting tapes, tabulating cards, and similar records:~~		~~(M)~~
~~(1) Central office tapes or other automatically produced basic detailed records of messages handled.~~	~~Destroy at option after basic data have been transferred to the printed or other written record used as a~~	~~(M)~~

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		Description of Records	Period to be Retained	
			basis for billing and accounting.	
		(2) Accounting office tapes, tabulating cards, or similar media used in sorting and assembling data from central office tapes or other basic message records, computing, printing or otherwise, producing printed tickets, statements, or other written detailed message records used for billing and accounting.	Destroy at option after basic data have been transferred to the printed or other written record used as a basis for billing and accounting.	(M)
	(i)	Continuing records of telephone local message or measured service usage by individual customers' accounts.	1 year after record is superseded or retired from active file.	(M)
58.2		Service and efficiency records:		
	(a)	Circuit assignments, log books, and reports of circuits working, interrupted, etc..	1 year.	(M)
	(b)	Trouble, inspection and testing records and reports.	1 year.	(M)
	(c)	Performance records, such as records and reports of traffic loads, lost and delayed calls, peg counts, test calls and service observation.	1 year.	(M)

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~~Description of Records~~	~~Period to be Retained~~	
~~58.3 Inspection records:~~		
~~Reports and records of condition of pay station signs and booths, central office quarters, buildings, elevators, meters, machinery, etc.~~	~~Destroy at option.~~	~~(M)~~
~~58.4 Detective and police service:~~		
~~Reports and records in connection with policing the company's property, detective service, stolen property, investigations of robberies, and attempts to defraud the company.~~	~~Destroy at option.~~	~~(M)~~
~~58.5 Service orders or contract work orders (used to establish, change or discontinue service to customers):~~		
~~(a) Plant copy as used to report labor hours and material used or retired.~~	~~See Item 12(b)(1).~~	
~~(b) Revenue accounting copy as used to prepare customer billing records.~~	~~2 years.~~	~~(M)~~
~~(c) Traffic copy.~~	~~Destroy at option.~~	
~~(d) Commercial copy.~~	~~Destroy at option.~~	
~~(e) Wire chief copy.~~	~~Destroy at option.~~	

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~~Description of Records~~	~~Period to be Retained~~	
~~(f) Directory copy.~~	~~Destroy at option.~~	
~~(g) All other copies.~~	~~Destroy at option.~~	
~~58.6 Telephone directories:~~		
~~(a) One file copy of each directory issued by the company for use by customers.~~	~~3 years after supersedure or discontinuance.~~	
~~59. Not applicable.~~		
~~60. Not applicable.~~		
~~(a) Reports of inspecting and testing on customer's premises.~~	~~1 year.~~	~~(M)~~
~~(b) Records and reports of customer's service complaints.~~	~~1 year.~~	~~(M)~~
~~(c) Survey of customers' premises to determine type of service and equipment to be installed.~~	~~Destroy at option.~~	~~(M)~~
~~62. Records of auxiliary and other operations:~~		
~~Records of operations other than communications operations.~~	~~For the same periods as prescribed in this Part for similar records pertaining to communications operations.~~	

~~STATISTICS~~

~~63. Statistics and Miscellaneous:~~

~~Description of Records~~	~~Period to be Retained~~	
~~(a) Periodic financial, operating and statistical reports regularly prepared in the course of business for internal administrative or operating purposes (and not used as the basis for entries to the accounts of the utility) to show the results of communications operations and the financial condition of the utility.~~	~~3 years.~~	~~(M)~~
~~(b) All other statistical reports (not covered elsewhere in this Part) prepared for internal administrative or operating purposes only and not used as the basis for entries to the accounts of the utility.~~	~~Destroy at option.~~	
~~64. Reports to stockholders:~~		
~~(a) Annual reports or statements to stockholders and essential supporting papers.~~	~~Permanently.~~	
~~(b) Written acknowledgments of receipts of reports to stockholders and written requests for copies of such reports.~~	~~Destroy at option.~~	~~(M)~~
~~65. Reports to Federal and State regulatory commissions:~~		

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~~Description of Records~~	~~Period to be Retained~~	
~~(a) Annual financial, operating and statistical reports and essential supporting papers.~~	~~Permanently.~~	
~~(b) Monthly and quarterly reports of operating revenues, expenses and statistics and essential supporting papers.~~	~~3 years after current year.~~	~~(M)~~
~~(c) Special or periodic reports and essential supporting papers on the following subjects:~~		
~~(1) Transactions with associated companies.~~	~~3 years.~~	~~(M)~~
~~(2) Budgets of expenditures.~~	~~3 years.~~	~~(M)~~
~~(3) Accidents.~~	~~3 years.~~	~~(M)~~
~~(4) Employees and wages.~~	~~3 years.~~	~~(M)~~
~~(5) Loans to officers and employees.~~	~~3 years after fully paid.~~	~~(ME)~~
~~(6) Issues of securities.~~	~~Until all securities covered are retired.~~	~~(M)~~
~~(7) Purchases and sales of company's properties.~~	~~Permanently~~	~~(M)~~
~~(8) Service interruptions.~~	~~1 year.~~	~~(M)~~
~~66. Tabulating cards, tapes, etc., used only in compilation of statistics, when the results are transcribed to other records covered by this Part. (See Item 21.)~~	~~Destroy at option after appropriate summaries have been made.~~	~~(M)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~MISCELLANEOUS~~		
~~67. Maintenance work orders and job orders:~~		
~~(a) Authorizations for expenditures for maintenance work to be covered by work orders, including memoranda showing the estimates of costs to be incurred.~~	~~3 years.~~	~~(M)~~
~~(b) Work order sheets to which are posted in detail the entries for labor, material and other changes in connection with maintenance and other work pertaining to the utility's operations.~~	~~3 years.~~	~~(M)~~
~~(c) Summaries of expenditures on maintenance work orders and job orders and clearances to operating and other accounts (exclusive of plant accounts).~~	~~3 years.~~	~~(M)~~
~~68. Budgets and other forecasts of estimated future income, receipts and expenditures in connection with financing, construction, operations, and acquisitions or dispositions of properties or investments by the utility and its associated companies, prepared for internal administrative or operating purposes, including revisions of such estimates and~~	~~Destroy at option.~~	~~(M)~~

~~Description of Records~~	~~Period to be Retained~~	
~~memoranda showing reasons for revisions; also records showing comparison of actual income and receipts and expenditures with estimates.~~		
~~69. Injuries and damages:~~		
~~(a) Claim registers, card or book indexes and similar records in connection with claims presented against the utility in connection with accidents resulting in damage to the property of others or personal injuries.~~	~~2 years after settlement.~~	~~(M)~~
~~(b) Papers, reports, statements of witnesses, etc., necessary to support or rejection of individual claims against the utility.~~	~~2 years after settlement.~~	~~(M)~~
~~(c) Other papers, reports or statements pertaining to accidents, resulting in property damages or personal injuries, not necessary to the support or rejection of claims.~~	~~Destroy at option.~~	~~(M)~~
~~(d) Detailed schedules or spread sheets of payments to others for personal injuries or for property damages.~~	~~2 years after settlement.~~	~~(M)~~
~~(e) Detailed schedules of periodic accruals to reserves for injuries~~	~~Destroy at option.~~	~~(M)~~

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~~Description of Records~~	~~Period to be Retained~~	
~~and damages or for self-insurance.~~		
~~70. Correspondence:~~		
~~(a) Correspondence and indexes thereto relating to subjects covered by other items of this Part.~~	~~For the period prescribed for the item to which it relates where necessary to a proper explanation of same; otherwise, destroy at option.~~	~~(M)~~
~~(b) Stenographers' notebooks and dictaphone or other mechanical device records.~~	~~Destroy at option.~~	~~(M)~~
~~71. Legal opinions and advice, pleadings, briefs, etc., relating to judicial proceedings; information furnished pursuant to subpoena or other legal requirements; copy of applications, complaints, etc., and other legal papers in proceedings before regulatory, taxing and other governmental authorities.~~	~~For the period prescribed for the item to which it relates.~~	
~~72. Other miscellaneous records:~~		
~~(a) Reports of unclaimed items such as customers' deposits, employees' wages, dividends, etc., paid to the State of Illinois.~~	~~3 years.~~	~~(M)~~
~~(b) Copy of advertisements by the utility in behalf of itself or any associated company in newspapers, magazines and~~	~~3 years.~~	~~(M)~~

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~~Description of Records~~		~~Period to be Retained~~	
	~~other publications including records thereof. (Excluding advertising of product, appliances, employment opportunities, services, territory, routine notices and invitations for bids for securities, all of which may be destroyed at option.)~~		
~~(c)~~	~~Receipts and records pertaining to delivery of articles to employees, such as badges, keys and material receipt books.~~	~~Destroy at option.~~	~~(M)~~
~~(d)~~	~~Records of building space occupied by various departments of the utility.~~	~~Destroy at option.~~	~~(M)~~
~~(e)~~	~~Indexes of forms used by the utility.~~	~~Destroy at option.~~	~~(M)~~
~~(f)~~	~~Transmittal lists or forms used for indicating papers and records forwarded from one department to another, provided such lists do not contain data affecting the accounts of the utility.~~	~~Destroy at option.~~	~~(M)~~
~~73.~~	~~Records of predecessors and former associates.~~	~~For the same periods as prescribed elsewhere in this Part for similar records of the utility, except that all such records may be destroyed at option after:~~	

~~Description of Records~~	~~Period to be Retained~~	
	~~(a) Records of utility plant acquired have been established.~~ ~~(b) Original cost of the acquired plant has been unconditionally approved by the Commission.~~ ~~(c) Acquisition adjustment entries, including proposed or required amortizations, have been approved by the Commission.~~	
~~74. Duplicate accounts, records and memoranda:~~		
~~Duplicates, either in whole or in part, of accounts, forms, reports, correspondence and other records listed herein, when all significant information on the duplicate is shown on the original or other copy or on other records retained for the period prescribed in this Part.~~	~~Destroy at option.~~	~~(M)~~

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Tariff Filings

2) Code Citation: 83 Ill. Adm. Code 745

3)

Section Numbers:	Proposed Action:
745.20	Amend
745.100	Amend
745.200	Amend
745.221	Amend

4) Statutory Authority: Implementing Sections 13-501, 13-502, 13-503, 13-504 and 13-505 of, and authorized by Section 10-101 of, the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-503, 13-504, 13-505 and 10-101]

5) A Complete Description of the Subjects and Issues Involved: Public Act 98-45 amended Section 13-505 of the Public Utilities Act to relax certain requirements for tariff filings by providers of competitive telecommunications services. Section 13-505 now allows changes in rates for competitive services to be effective upon either the filing of a tariff with the Commission or the posting of the information to a provider's website. Section 13-505 also makes newspaper publication of information about rate increases an optional, additional avenue for customer notification. Section 13-501 was amended similarly to allow website postings as an alternative for tariff filings for competitive services. The proposed amendments to Sections 745.20, 745.100, 745.200 and 745.221 are intended to reflect these statutory changes.

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

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11) Statement of Statewide Policy Objectives: The proposed rulemaking neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register*, in Docket No. 13-0593 with:

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

217/782-7434

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. This rulemaking will not affect any small municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping and filing procedures

C) Types of professional skills necessary for compliance: Managerial and accounting skills

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

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

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

PART 745
TARIFF FILINGS

SUBPART A: GENERAL PROVISIONS

Section
745.10 Applicability
745.15 Definitions
745.20 General Filing Requirements
745.30 Classification of Tariffs
745.40 Temporary Corrections

SUBPART B: NONCOMPETITIVE TARIFFS

Section
745.100 Filing Requirements for Noncompetitive Tariffs
745.110 Simplified Noncompetitive Tariff Filings Under Section 13-504

SUBPART C: COMPETITIVE TARIFFS

Section
745.200 Filing Requirements for Competitive Tariffs
745.210 Additional Provisions Concerning Tariffs Filed Under Section 13-502(e) (Repealed)
745.220 Post-filing Proceedings Under Section 13-502(e) (Repealed)
745.221 Rate Changes for Competitive Services
745.225 Interim Orders (Repealed)
745.230 Information Available to the Public

SUBPART D: RECLASSIFICATION OF SERVICES

Section
745.300 Reclassification

ILLINOIS COMMERCE COMMISSION

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745.EXHIBIT A	Notice of Competitive Tariff Filing Under Section 13-502(e) (Repealed)
745.EXHIBIT B	Notice of Simplified Noncompetitive Tariff Filing Under Section 13-504

AUTHORITY: Implementing Sections 13-501, 13-502, 13-503, 13-504 and 13-505 of, and authorized by Section 10-101 of, the Public Utilities Act [220 ILCS 5/13-501, 13-502, 13-503, 13-504, 13-505 and 10-101].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 765, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 10515, effective May 30, 1986; amended at 11 Ill. Reg. 8988, effective May 1, 1987; amended at 17 Ill. Reg. 10258, effective July 1, 1993; amended at 23 Ill. Reg. 1597, effective February 1, 1999; amended at 36 Ill. Reg. 15048, effective October 1, 2012; amended at 38 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 745.20 General Filing Requirements

a) *No telecommunications carrier shall offer or provide noncompetitive telecommunications service, telecommunications service subject to Section 13-506.2(g), 13-900.1 or 13-900.2 of* the *Act, or telecommunications service referred to in an interconnection agreement as a tariffed service, unless and until a tariff is filed with the Commission which* complies with this Part and which *describes the nature of the service, applicable rates and other charges, terms and conditions of service, and the exchange, exchanges or other geographical area or areas in which the service shall be offered or provided* (Section ~~Sections~~ 13-501(a) ~~and 13-506.2(i)~~ of the Act).

b) *A telecommunications carrier shall offer or provide telecommunications service that is not subject to* Section 13-501(a) of the Act and subsection (a) of this Section *pursuant to either a tariff filed with the Commission or a written service offering that shall be available on the telecommunications carrier's website as required by Section 13-503 of* the *Act and that describes the nature of the service, applicable rates and other charges, terms and conditions of service.* (Section 13-501(c) of the Act)

c~~b~~) As required by Section 13-503 of the Act, *with respect to rates or other charges*

made, demanded or received for any telecommunications service offered, provided or to be provided that is subject to Section 13-501(a) of the *Act* and subsection (a) of this Section, ~~*whether such service is competitive or noncompetitive, and with the exception of rates or other charges for competitive retail telecommunications services provided by Electing Providers pursuant to Section 13-506.2 of the Act,*~~ *telecommunications carriers shall comply with the publication and filing provisions of Sections 9-101, 9-102, 9-102.1 and 9-201*~~*9-103*~~ of the Act.

d~~c~~) As required by Section 13-503 of the Act, except for the provision of services offered or provided by payphone providers pursuant to a tariff, *telecommunications carriers shall make all tariffs and all written service offerings for competitive telecommunications service available electronically to the public without requiring a password or other means of registration.*

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

SUBPART B: NONCOMPETITIVE TARIFFS

Section 745.100 Filing Requirements for Noncompetitive Tariffs

a) In addition to the requirements imposed by Subpart A and Section 745.230, telecommunications carriers shall, with respect to tariffs for noncompetitive services, comply with the requirements imposed by Article XIII of the Public Utilities Act and by 83 Ill. Adm. Code 255.30 and 285.

b) With respect to tariffs for noncompetitive service, a telecommunications carrier shall provide notice of the filing of a general rate increase, as defined in 83 Ill. Adm. Code 255.10, by:

1) providing notice in accordance with 83 Ill. Adm. Code 255.20(f); or

2) providing notice, no later than 10 days following the filing, to potentially affected customers by letters, post cards, bill messages or electronic mail.

c) With respect to tariffs for noncompetitive service, a telecommunications carrier shall provide notice of the filing of a change other than a general rate increase, as defined in 83 Ill. Adm. Code 255.10, by:

1) providing notice in accordance with 83 Ill. Adm. Code 255.20(b);

2) providing notice to potentially affected customers by letters, post cards, bill messages, or electronic mail; or

3) posting notice of the change in a conspicuous location on the page of the carrier's website where the tariff is located.

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

SUBPART C: COMPETITIVE TARIFFS

Section 745.200 Filing Requirements for Competitive Tariffs

a) Telecommunications~~In addition to the requirements imposed by Subpart A of this Part, telecommunications~~ carriers shall, with respect to tariffs filed pursuant to Sections~~Section 13-502~~ of the Act under which competitive telecommunications services are to be offered or provided, comply with the requirements imposed on public utilities by 83 Ill. Adm. Code 255.30 (except subsections (i) and (j))~~ and with the remainder of this Section~~.

b) All tariffs classifying a service as competitive shall clearly state that they are being filed pursuant to Section 13-502(b) or 13-506.2 of the Act.

c) All such tariffs classifying a service as competitive, with the exception of competitive retail telecommunications services provided under~~by Electing Providers pursuant to~~ Section 13-506.2 of the Act, shall be accompanied by a verified statement (see 83 Ill. Adm. Code 200.130) that:

1) specifically alleges that, for some identifiable class or group of customers in an exchange, group of exchanges, or some other clearly defined geographical area, that service, or its functional equivalent, or a substitute service, is reasonably available from more than one provider, whether or not the provider is a telecommunications carrier subject to regulation under the Act;

2) specifically identifies, through the use of descriptions, maps or equivalent

means, the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area for which the classification is made;

3) specifically describes the service, its functional equivalent, or the substitute service for which classification is being made; and

4) specifies:

A) one or more entities that provide the same service, its functional equivalent, or a substitute service; and

B) the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area to whom the ~~such~~ service is offered by that ~~such~~ entity or entities.

~~d) If a telecommunications carrier which files a tariff *classifying a service as competitive or reclassifying a previously noncompetitive telecommunications service as competitive* also offers or provides noncompetitive telecommunications service, it shall file a study of the long-run service incremental cost for the service being classified as competitive at the time the tariff is filed, except when such service is a competitive retail telecommunications service provided by an Electing Provider pursuant to Section 13-506.2 of the Act (Section 13-502 of the Act).~~

de) Tariffs filed pursuant to Section 13-502(b) or 13-506.2 of the Act take effect immediately upon filing.

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

Section 745.221 Rate Changes for Competitive Services

a) Requirements for proposed changes in rates for competitive services are found in Section 13-505 of the Act.

b) *Notice of an increase shall be given, no later than the prior billing cycle, to all potentially affected customers by mail~~, publication in a newspaper of general circulation,~~ or equivalent means of notice, including electronic if the customer has elected electronic billing. Additional notice by publication in a newspaper of*

general circulation may also be given. (Section 13-505 of the Act).

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: IRS Qualification Status Requirements for Article 3 Police Pension Funds

2) Code Citation: 50 Ill. Adm. Code 4440

3) Section Number: 4440.240 — Proposed Action: Amendment

4) Statutory Authority: Implementing Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments are for the purpose of maintaining IRS compliance for retaining the qualified status of all Article 3 police pension funds. The IRS requires resubmission for qualified status every five years. The 415(c) amendment is required to prove to the IRS that the plan document or statutes pertaining to the Article 3 pension funds are keeping pace with federal requirements. If proof cannot be made that the Illinois plan document is being update to comply with Federal requirements, the Article 3 funds are at risk of losing the qualified status under the Internal Revenue Code (IRC).

Under Section 415, in order to remain a qualified plan under Section 401(a) of the IRC, certain limitations must be followed regarding the amount of benefits paid to the participant (DB Plan) or the amount of contributions that a participant can make in any year (DC Plan or after-tax employer contributions to a DC Plan). The proposed amendments to Sections 4440.240 address the requirement to comply with Section 415(c) and establish what constitutes either contributions or compensation.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, place and manner in which interested persons may comment on this rulemaking:

Simone Arthur	or	Susan Anders
Assistant General Counsel		Rules Coordinator
Illinois Department of Insurance		Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl		320 W. Washington St.
Chicago, IL 60603		Springfield, IL 62767
312/814-8580		217/558-0957

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Municipal police pension funds established under Article 3 of the Illinois Pension Code [40 ILCS 5 /Art. 3].

B) Reporting, bookkeeping or other procedures required for compliance: Please review all provisions of this Section.

C) Types of professional skills necessary for compliance: Administrative

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not receive a definite indication that the amendments would be required until October of this year.

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 aaa: PENSIONS

PART 4440
IRS QUALIFICATION STATUS REQUIREMENTS FOR
ARTICLE 3 POLICE PENSION FUNDS

SUBPART A: GENERAL PROVISIONS

Section
4440.10 Purpose
4440.20 Applicability
4440.30 Definitions

SUBPART B: RULE ON ROLLOVERS

Section
4440.40 General Rule
4440.50 Eligible Rollover Distribution
4440.60 Eligible Retirement Plan
4440.70 Distributee
4440.80 Direct Rollover
4440.85 Involuntary Lump Sum Distributions

SUBPART C: RULE ON REQUIRED DISTRIBUTIONS

Section
4440.90 General Rule
4440.100 Minimum Required Distributions
4440.110 Incidental Benefit Rule

SUBPART D: RULE ON 415 LIMITATIONS

Section
4440.120 Basic 415 Limitations
4440.130 Limitation Year
4440.140 Participation in Other Qualified Plans: Aggregation of Limits
4440.150 Basic 415(b) Limitation

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

4440.160 Definition of Annual Benefit
4440.170 Adjustments to Basic 415(b) Limitation for Form of Benefit
4440.180 Benefits Not Taken into Account for 415(b) Limit
4440.190 Other Adjustments in 415(b) Limitation
4440.200 Less than 10 Years of Service Adjustment for 415(b) Limitations
4440.210 $10,000 Limit
4440.220 Effect of COLA without a Lump Sum Component on 415(b) Testing
4440.230 Effect of COLA with a Lump Sum Component on 415(b) Testing
4440.240 415(c) Limit
4440.250 Service Purchases under IRC 415(n)
4440.260 Modification of Contributions for 415(c) and 415(n) Purposes
4440.270 Repayments of Cashouts
4440.280 Reduction of Benefits Priority

SUBPART E: RULE ON GENERAL COMPLIANCE

Section
4440.290 Compliance with Internal Revenue Code
4440.300 Plan Termination
4440.310 Vesting and Forfeitures

AUTHORITY: Implementing Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103].

SOURCE: Adopted at 34 Ill. Reg. 5874, effective April 9, 2010; amended at 38 Ill. Reg. _____, effective _____.

SUBPART D: RULE ON 415 LIMITATIONS

Section 4440.240 415(c) Limit

After-tax member contributions or other annual additions with respect to a member may not exceed the lesser of $40,000 (as adjusted pursuant to IRC section 415(d)) or 100% of the member's compensation.

a) Annual additions are defined to mean the sum (for any year) of employer contributions to a defined contribution plan, member contributions, and forfeitures credited to a member's individual account. Member contributions are determined without regard to rollover contributions and to picked-up employee contributions that are paid to a defined benefit plan.

b) For purposes of applying the 415(c) limits only and for no other purpose, the definition of compensation, where applicable, will be compensation actually paid or made available during a limitation year, except as noted in subsection (c) and as permitted by 26 CFR 1.415(c)-2; however, member contributions picked up under IRC section 414(h) shall not be treated as compensation.

c) Unless another definition of compensation that is permitted by 26 CFR 1.415(c)-2 is specified by the plan, compensation will be defined as wages within the meaning of IRC section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under IRC sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under IRC section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in IRC section 3401(a)(2)).

1) However, for limitation years beginning on and after January 1, 1998, compensation will also include amounts that would otherwise be included in compensation but for an election under IRC section 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For limitation years beginning on and after January 1, 2001, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of IRC section 132(f)(4).

2) For limitation years beginning on and after January 1, 2009, compensation for the limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:

A) the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; ~~or~~

B) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued; or.

C) payments pursuant to a nonqualified unfunded deferred compensation plan, but only if the payments would have been paid to the member at the same time if the member had continued employment with the employer and only to the extent that the payment is includible in the member's gross income.

3) Any payments not described in subsection (c)(2) are not considered compensation if paid after severance from employment, even if they are paid within 2½ months following severance from employment, except for payments to the individual who does not currently perform services for the employer by reason of qualified military service (within the meaning of IRC section 414(u)(1)) to the extent these 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.

4) An employee who is in qualified military service (within the meaning of IRC section 414(u)(1)) shall be treated as receiving compensation from the employer during that period of qualified military service equal to:

A) the compensation the employee would have received during that period if the employee were not in qualified military service, determined based on the rate of pay the employee would have received from the employer but for the absence during the period of qualified military service; or

B) if the compensation the employee would have received during that period was not reasonably certain, the employee's average compensation from the employer during the 12 month period immediately preceding the qualified military service (or, if shorter, the period of employment immediately preceding the qualified military service).

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

5) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this Section shall not exceed the annual limit under IRC section 401(a)(17).

6~~3~~) Back pay, within the meaning of 26 CFR 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this subsection (c).

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: IRS Qualification Status Requirements for Article 4 Firefighter Pension Funds

2) Code Citation: 50 Ill. Adm. Code 4445

3) Section Number: 4445.240 — Proposed Action: Amend

4) Statutory Authority: Implementing Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103]

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments are for the purpose of maintaining IRS compliance for retaining the qualified status of all Article 4 firefighter pension funds. The IRS requires resubmission for qualified status every five years. The 415(c) amendment is required to prove to the IRS that the plan document or statutes pertaining to the Article 4 pension funds are keeping pace with federal requirements. If proof cannot be made that the Illinois plan document is being update to comply with federal requirements, the Article 4 funds are at risk of losing the qualified status under the Internal Revenue Code (IRC).

Under Section 415, in order to remain a qualified plan under Section 401(a) of the IRC, certain limitations must be followed regarding the amount of benefits paid to the participant (DB Plan) or the amount of contributions that a participant can make in any year (DC Plan or after-tax employer contributions to a DC Plan). The proposed amendments to Sections 4445.240 address the requirement to comply with Section 415(c) and establish what constitutes either contributions or compensation.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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:

Simone Arthur	or	Susan Anders
Assistant General Counsel		Rules Coordinator
Illinois Department of Insurance		Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl		320 W. Washington St.
Chicago, IL 60603		Springfield, IL 62767
312/814-8580		217/558-0957
312/814-2862 (fax)		

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Municipal firefighters pension funds established under Article 4 of the Illinois Pension Code [40 ILCS 5 /Art. 4]

B) Reporting, bookkeeping or other procedures required for compliance: Please review all provisions of this Section

C) Types of professional skills necessary for compliance: Administrative

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because the Department did not receive a definite indication that the amendments would be required until October of this year.

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 aaa: PENSIONS

PART 4445
IRS QUALIFICATION STATUS REQUIREMENTS FOR
ARTICLE 4 FIREFIGHTER PENSION FUNDS

SUBPART A: GENERAL PROVISIONS

Section
4445.10 Purpose
4445.20 Applicability
4445.30 Definitions

SUBPART B: RULE ON ROLLOVERS

Section
4445.40 General Rule
4445.50 Eligible Rollover Distribution
4445.60 Eligible Retirement Plan
4445.70 Distributee
4445.80 Direct Rollover

SUBPART C: RULE ON REQUIRED DISTRIBUTIONS

Section
4445.90 General Rule
4445.100 Minimum Required Distributions
4445.110 Incidental Benefit Rule

SUBPART D: RULE ON 415 LIMITATIONS

Section
4445.120 Basic 415 Limitations
4445.130 Limitation Year
4445.140 Participation in Other Qualified Plans: Aggregation of Limits
4445.150 Basic 415(b) Limitation
4445.160 Definition of Annual Benefit

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

4445.170 Adjustments to Basic 415(b) Limitation for Form of Benefit
4445.180 Benefits Not Taken into Account for 415(b) Limit
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4445.200 Less than 10 Years of Service Adjustment for 415(b) Limitations
4445.210 $10,000 Limit
4445.220 Effect of COLA without a Lump Sum Component on 415(b) Testing
4445.230 Effect of COLA with a Lump Sum Component on 415(b) Testing
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4445.270 Repayments of Cashouts
4445.280 Reduction of Benefits Priority

SUBPART E: RULE ON GENERAL COMPLIANCE

Section
4445.290 Compliance with Internal Revenue Code
4445.300 Plan Termination
4445.310 Vesting and Forfeitures

AUTHORITY: Implementing Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103].

SOURCE: Adopted at 34 Ill. Reg. 5898, effective April 9, 2010; amended at 38 Ill. Reg. _____, effective _____.

SUBPART D: RULE ON 415 LIMITATIONS

Section 4445.240 415(c) Limit

After-tax member contributions or other annual additions with respect to a member may not exceed the lesser of $40,000 (as adjusted pursuant to IRC section 415(d)) or 100% of the member's compensation.

a) Annual additions are defined to mean the sum (for any year) of employer contributions to a defined contribution plan, member contributions, and forfeitures credited to a member's individual account. Member contributions are determined without regard to rollover contributions and to picked-up employee contributions that are paid to a defined benefit plan.

b) For purposes of applying the 415(c) limits only and for no other purpose, the definition of compensation, where applicable, will be compensation actually paid or made available during a limitation year, except as noted in subsection (c) and as permitted by 26 CFR 1.415(c)-2; however, member contributions picked up under IRC section 414(h) shall not be treated as compensation.

c) Unless another definition of compensation that is permitted by 26 CFR 1.415(c)-2 is specified by the plan, compensation will be defined as wages within the meaning of IRC section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under IRC sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under IRC section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in IRC section 3401(a)(2)).

1) However, for limitation years beginning on and after January 1, 1998, compensation will also include amounts that would otherwise be included in compensation but for an election under IRC section 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For limitation years beginning on and after January 1, 2001, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of IRC section 132(f)(4).

2) For limitation years beginning on and after January 1, 2009, compensation for the limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:

A) the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; ~~or~~

B) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued; or.

C) payments pursuant to a nonqualified unfunded deferred compensation plan, but only if the payments would have been paid to the member at the same time if the member had continued employment with the employer and only to the extent that the payment is includible in the member's gross income.

3) Any payments not described in subsection (c)(2) are not considered compensation if paid after severance from employment, even if they are paid within 2½ months following severance from employment, except for payments to the individual who does not currently perform services for the employer by reason of qualified military service (within the meaning of IRC section 414(u)(1)) to the extent these 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.

4) An employee who is in qualified military service (within the meaning of IRC section 414(u)(1)) shall be treated as receiving compensation from the employer during that period of qualified military service equal to:

A) the compensation the employee would have received during that period if the employee were not in qualified military service, determined based on the rate of pay the employee would have received from the employer but for the absence during the period of qualified military service; or

B) if the compensation the employee would have received during that period was not reasonably certain, the employee's average compensation from the employer during the 12 month period immediately preceding the qualified military service (or, if shorter, the period of employment immediately preceding the qualified military service).

5) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this Section shall not exceed the annual limit under IRC section 401(a)(17).

6~~3~~) Back pay, within the meaning of 26 CFR 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this subsection (c).

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3)

Section Numbers:	Proposed Action:
611.359	Amend
611.381	Amend
611.490	Amend
611.531	Amend
611.611	Amend
611.646	Amend
611.648	Amend
611.971	Amend
611.1005	Amend

4) Statutory authority: 415 ILCS 5/17, 17.5, and 27.

5) A Complete Description of the Subjects and Issues Involved: The following briefly describes the subjects and issues involved in the docket R14-9 rulemaking. A comprehensive description is contained in the Board's opinion and order of December 19, 2013, proposing amendments in docket R14-9, which opinion and order is available from the address below.

The Illinois Environmental Protection Agency (Agency) filed a proposal on September 20, 2013, requesting that the Board amend the Illinois Primary Drinking Water Standards relating to certification of laboratories analyzing drinking water samples. The Agency separately submitted the text of its proposed amendment on September 24, 2013. Specifically, the Agency requested that the Board allow a drinking water supplier to use a laboratory certified or accredited by a sister state for a parameter where no USEPA-certified or Illinois-certified laboratory exists for that parameter.

The Board accepted the Agency proposal for hearing on October 3, 2013. The Board conducted public hearings in Chicago on November 5, 2013 and in Springfield on November 13, 2013.

The Board hand-delivered a request for economic impact study to the Department of Commerce and Economic Opportunity on October 7, 2013. As of December 19, 2013, the Board has not received a response to this request.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

The Agency seeks amendment of 35 Ill. Adm. Code 611.490(a). Section 611.490(a) requires that a certified laboratory may perform chemical and physical analyses of source water and drinking water for the purposes of demonstrating compliance with the National Primary Drinking Water Regulations (NPDWRs). At present, 35 Ill. Adm. Code 611.490(a) requires that the laboratories used must be certified and approved by either USEPA or Illinois. The Agency states that its amendment is intended to allow the use of laboratories certified by sister states where the states fulfill certain specified requirements.

USEPA established NPDWRs pursuant to the federal Safe Drinking Water Act (SDWA). *See* 42 U.S.C. § 300g-1 (2011). SDWA provides for USEPA to grant a state primary enforcement authority if the state, *inter alia*, adopts drinking water regulations that are no less stringent than the NPDWRs. *See* 42 U.S.C. § 300g-2 (2011). The Board adopted drinking water regulations that were no less stringent than the federal NPDWRs in Amendments to the Public Water Supply Regulations, R77-13 (Mar. 1, 1979). USEPA granted primary enforcement authority to the State of Illinois effective September 28, 1979. *See* 44 Fed. Reg. 50648 (Aug. 29, 1979).

A state that has primary enforcement authority must maintain a program for certification of laboratories for drinking water analyses. *See* 40 CFR 142.10 (2013). The Environmental Protection Act grants the Agency authority to establish and maintain such a program and to issue certifications to entities that meet the minimum requirements under the program. *See* 415 ILCS 5/4(o) (2102).

The federal regulations require the use of certified laboratories to demonstrate compliance with the NPDWRs. The core federal requirement that a supplier must have analyses performed by a certified laboratory is 40 C.F.R. 141.28 (2013). This corresponds with 35 Ill. Adm. Code 611.490, which the Board adopted under the identical-in-substance mandate of Sections 7.2 and 17.5 of the Act [415 ILCS 5/7.2 and 17.5 (2013)]. Several other parallel provisions in the federal rules echo this core federal requirement for particular contaminants. *See* 41 C.F.R. 141.23(k)(3), 141.24(f)(17) and (h)(19), 141.28(a), 141.74(a), 141.89(b), 141.131(b)(2), 141.621(b), and 141.705(a) and (b) (2013). The Board has incorporated similar parallel requirements into corresponding Illinois requirements using the identical-in-substance rulemaking procedure. *See* 35 Ill. Adm. Code 611.359(a), 611.381(b)(2), 611.531(a), 611.611(c), 611.646(q), 611.648(s)(1), 611.971(b), and 611.1005(a) and (b)).

These several provisions require that any laboratory performing drinking water analyses for the purpose of demonstrating compliance must be a certified or accredited laboratory.

USEPA and primacy states evaluate laboratories and grant certification or accreditation on a contaminant-by-contaminant basis. The Illinois regulations require that USEPA or the State of Illinois have granted the certification of accreditation.

The record assembled to date in this matter indicates that there are no USEPA- or Illinois-accredited laboratories for radiochemical contaminants. Thus, there are no accredited laboratories that drinking water suppliers can use to demonstrate compliance with radiochemical parameters.

The Agency's initial proposal sought amendment only of the core provision of 35 Ill. Adm. Code 611.490. The Agency sought to amend this provision to allow use of a laboratory certified or accredited by a sister state where there is no laboratory certified or accredited by USEPA or the State of Illinois. After submission of a series of questions by the Board hearing officer, the Agency requested at hearing that the Board add amendments to the parallel provisions also. For this reason, the Board has included amendments to 35 Ill. Adm. Code 611.359, 611.381, 611.531, 611.611, 611.646, 611.648, 611.971, and 611.1005 together with those to Section 611.490.

Based on the record, the Board has made a number of changes in the Agency-proposed text. The major changes are intended to add clarity. Others of the changes are intended to accommodate identical-in-substance amendments that the Board proposed in November (*see* SDWA Update, USEPA Amendments (January 1, 2013 through June 30, 2013), R14-8 (Nov. 7, 2013)), that appeared in the November 22, 2013 issue of the *Illinois Register*. *See* 37 Ill. Reg. 18417 (Nov. 22, 2013). In today's proposed amendments, the Board has included the proposed R14-8 amendments as if the Board is also proposing those amendments in this proceeding also. The purpose is to ensure that none of the amendments from docket R14-8 are lost upon final adoption of the present amendments. In the Board's opinion and order of December 19, 2013 in this docket R14-9, those amendments appear as highlighted segments of text in 35 Ill. Adm. Code 611.381, 611.531, and 611.611. Persons interested in examining the highlighted amendments should refer to that December 19, 2013 opinion and order (available on-line at the Board's web page: www.ipcb.state.il.us).

Tables appear in the Board's opinion and order of December 19, 2013 in docket R14-9 that list numerous changes that the Board has made to the Agency-proposed amendments. The tables further identify corrections and amendments that are not based on the Agency's proposal and the presently pending amendments included from the currently pending SDWA update docket, R14-8. Persons interested in the details of those

corrections and amendments should refer to the December 19, 2013 opinion and order in docket R14-9.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rulemakings currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes

10) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2010)].

11) Are there any other rulemakings pending on this Part? Yes. Proposed amendments in the general rulemaking, SDWA Update, USEPA Amendments (January 1, 2013 through June 30, 2013), R14-8 (Nov. 7, 2013), which appeared in the November 22, 2013 issue of the *Illinois Register*, affect the text of Part 611.

Section Numbers:	Proposed Action:	*Illinois Register* citation:
611.101	Amend	37 Ill. Reg. 18417; November 22, 2013
611.102	Amend	37 Ill. Reg. 18417; November 22, 2013
611.111	Amend	37 Ill. Reg. 18417; November 22, 2013
611.112	Amend	37 Ill. Reg. 18417; November 22, 2013
611.232	Amend	37 Ill. Reg. 18417; November 22, 2013
611.325	Amend	37 Ill. Reg. 18417; November 22, 2013
611.351	Amend	37 Ill. Reg. 18417; November 22, 2013
611.355	Amend	37 Ill. Reg. 18417; November 22, 2013
611.356	Amend	37 Ill. Reg. 18417; November 22, 2013
611.360	Amend	37 Ill. Reg. 18417; November 22, 2013
611.381	Amend	37 Ill. Reg. 18417; November 22, 2013
611.382	Amend	37 Ill. Reg. 18417; November 22, 2013
611.526	Amend	37 Ill. Reg. 18417; November 22, 2013
611.528	Amend	37 Ill. Reg. 18417; November 22, 2013
611.531	Amend	37 Ill. Reg. 18417; November 22, 2013
611.532	Amend	37 Ill. Reg. 18417; November 22, 2013
611.533	Amend	37 Ill. Reg. 18417; November 22, 2013

611.611	Amend	37 Ill. Reg. 18417; November 22, 2013
611.612	Amend	37 Ill. Reg. 18417; November 22, 2013
611.645	Amend	37 Ill. Reg. 18417; November 22, 2013
611.720	Amend	37 Ill. Reg. 18417; November 22, 2013
611.802	Amend	37 Ill. Reg. 18417; November 22, 2013
611.805	Amend	37 Ill. Reg. 18417; November 22, 2013
611.883	Amend	37 Ill. Reg. 18417; November 22, 2013
611.885	Amend	37 Ill. Reg. 18417; November 22, 2013
611.901	Amend	37 Ill. Reg. 18417; November 22, 2013
611.902	Amend	37 Ill. Reg. 18417; November 22, 2013
611.903	Amend	37 Ill. Reg. 18417; November 22, 2013
611.904	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1007	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1051	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1052	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1053	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1054	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1055	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1056	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1057	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1058	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1059	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1060	Amend	37 Ill. Reg. 18417; November 22, 2013
611.1061	Amend	37 Ill. Reg. 18417; November 22, 2013
611.APPENDIX A	Amend	37 Ill. Reg. 18417; November 22, 2013
611.APPENDIX G	Amend	37 Ill. Reg. 18417; November 22, 2013
611.APPENDIX H	Amend	37 Ill. Reg. 18417; November 22, 2013
611.TABLE Z	Amend	37 Ill. Reg. 18417; November 22, 2013

12) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference docket R14-8 and be addressed to:

John T. Therriault, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

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Please direct inquiries to the following person and reference docket R14-8:

Michael J. McCambridge
Staff Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

Phone: 312/814-6924
E-mail: mccambm@ipcb.state.il.us

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at http:\\www.ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking may affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a public water supply or an analytical laboratory that performs drinking water analyses. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of reports, water analyses, and maintenance of operating records. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. These proposed amendments do not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3(b) (2012)].

14) Regulatory agenda on which this rulemaking was summarized: None

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NOTICE OF PROPOSED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

PART 611
PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

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611.101 Definitions
611.102 Incorporations by Reference
611.103 Severability
611.105 Electronic Reporting
611.107 Agency Inspection of PWS Facilities
611.108 Delegation to Local Government
611.109 Enforcement
611.110 Special Exception Permits
611.111 Relief Equivalent to SDWA Section 1415(a) Variances
611.112 Relief Equivalent to SDWA Section 1416 Exemptions
611.113 Alternative Treatment Techniques
611.114 Siting Requirements
611.115 Source Water Quantity
611.120 Effective Dates
611.121 Maximum Contaminant Levels and Finished Water Quality
611.125 Fluoridation Requirement
611.126 Prohibition on Use of Lead
611.130 Special Requirements for Certain Variances and Adjusted Standards
611.131 Relief Equivalent to SDWA Section 1415(e) Small System Variance
611.160 Composite Correction Program
611.161 Case-by-Case Reduced Subpart Y Monitoring for Wholesale and Consecutive Systems

SUBPART B: FILTRATION AND DISINFECTION

Section
611.201 Requiring a Demonstration
611.202 Procedures for Agency Determinations

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611.211 Filtration Required
611.212 Groundwater under Direct Influence of Surface Water
611.213 No Method of HPC Analysis
611.220 General Requirements
611.230 Filtration Effective Dates
611.231 Source Water Quality Conditions
611.232 Site-Specific Conditions
611.233 Treatment Technique Violations
611.240 Disinfection
611.241 Unfiltered PWSs
611.242 Filtered PWSs
611.250 Filtration
611.261 Unfiltered PWSs: Reporting and Recordkeeping
611.262 Filtered PWSs: Reporting and Recordkeeping
611.271 Protection during Repair Work
611.272 Disinfection Following Repair
611.276 Recycle Provisions

SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section
611.280 Point-of-Entry Devices
611.290 Use of Point-of-Use Devices or Bottled Water

SUBPART D: TREATMENT TECHNIQUES

Section
611.295 General Requirements
611.296 Acrylamide and Epichlorohydrin
611.297 Corrosion Control

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCLs) AND MAXIMUM RESIDUAL DISINFECTANT LEVELS (MRDLs)

Section
611.300 Old MCLs for Inorganic Chemical Contaminants
611.301 Revised MCLs for Inorganic Chemical Contaminants
611.310 State-Only Maximum Contaminant Levels (MCLs) for Organic Chemical Contaminants

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611.311 Revised MCLs for Organic Chemical Contaminants
611.312 Maximum Contaminant Levels (MCLs) for Disinfection Byproducts (DBPs)
611.313 Maximum Residual Disinfectant Levels (MRDLs)
611.320 Turbidity (Repealed)
611.325 Microbiological Contaminants
611.330 Maximum Contaminant Levels for Radionuclides
611.331 Beta Particle and Photon Radioactivity (Repealed)

SUBPART G: LEAD AND COPPER

Section
611.350 General Requirements
611.351 Applicability of Corrosion Control
611.352 Corrosion Control Treatment
611.353 Source Water Treatment
611.354 Lead Service Line Replacement
611.355 Public Education and Supplemental Monitoring
611.356 Tap Water Monitoring for Lead and Copper
611.357 Monitoring for Water Quality Parameters
611.358 Monitoring for Lead and Copper in Source Water
611.359 Analytical Methods
611.360 Reporting
611.361 Recordkeeping

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Section
611.380 General Requirements
611.381 Analytical Requirements
611.382 Monitoring Requirements
611.383 Compliance Requirements
611.384 Reporting and Recordkeeping Requirements
611.385 Treatment Technique for Control of Disinfection Byproduct (DBP) Precursors

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.480 Alternative Analytical Techniques

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611.490 Certified Laboratories
611.491 Laboratory Testing Equipment
611.500 Consecutive PWSs
611.510 Special Monitoring for Unregulated Contaminants (Repealed)

SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

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611.521 Routine Coliform Monitoring
611.522 Repeat Coliform Monitoring
611.523 Invalidation of Total Coliform Samples
611.524 Sanitary Surveys
611.525 Fecal Coliform and E. Coli Testing
611.526 Analytical Methodology
611.527 Response to Violation
611.531 Analytical Requirements
611.532 Unfiltered PWSs
611.533 Filtered PWSs

SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.560 Turbidity

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.591 Violation of a State MCL
611.592 Frequency of State Monitoring
611.600 Applicability
611.601 Monitoring Frequency
611.602 Asbestos Monitoring Frequency
611.603 Inorganic Monitoring Frequency
611.604 Nitrate Monitoring
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611.609 Determining Compliance
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611.612 Monitoring Requirements for Old Inorganic MCLs
611.630 Special Monitoring for Sodium
611.631 Special Monitoring for Inorganic Chemicals (Repealed)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

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611.640 Definitions
611.641 Old MCLs
611.645 Analytical Methods for Organic Chemical Contaminants
611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants
611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)
611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants
611.650 Monitoring for 36 Contaminants (Repealed)
611.657 Analytical Methods for 36 Contaminants (Repealed)
611.658 Special Monitoring for Organic Chemicals (Repealed)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section
611.680 Sampling, Analytical, and other Requirements (Repealed)
611.683 Reduced Monitoring Frequency (Repealed)
611.684 Averaging (Repealed)
611.685 Analytical Methods (Repealed)
611.686 Modification to System (Repealed)
611.687 Sampling for THM Potential (Repealed)
611.688 Applicability Dates (Repealed)

SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

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611.720 Analytical Methods
611.731 Gross Alpha
611.732 Beta Particle and Photon Radioactivity
611.733 General Monitoring and Compliance Requirements

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SUBPART R: ENHANCED FILTRATION AND DISINFECTION: SYSTEMS THAT SERVE 10,000 OR MORE PEOPLE

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611.740 General Requirements
611.741 Standards for Avoiding Filtration
611.742 Disinfection Profiling and Benchmarking
611.743 Filtration
611.744 Filtration Sampling Requirements
611.745 Reporting and Recordkeeping Requirements

SUBPART S: GROUNDWATER RULE

Section
611.800 General Requirements and Applicability
611.801 Sanitary Surveys for GWS Suppliers
611.802 Groundwater Source Microbial Monitoring and Analytical Methods
611.803 Treatment Technique Requirements for GWS Suppliers
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611.805 Reporting and Recordkeeping for GWS Suppliers

SUBPART T: REPORTING AND RECORDKEEPING

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611.830 Applicability
611.831 Monthly Operating Report
611.832 Notice by Agency (Repealed)
611.833 Cross Connection Reporting
611.840 Reporting
611.851 Reporting MCL, MRDL, and other Violations (Repealed)
611.852 Reporting other Violations (Repealed)
611.853 Notice to New Billing Units (Repealed)
611.854 General Content of Public Notice (Repealed)
611.855 Mandatory Health Effects Language (Repealed)
611.856 Fluoride Notice (Repealed)
611.858 Fluoride Secondary Standard (Repealed)
611.860 Record Maintenance
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SUBPART U: CONSUMER CONFIDENCE REPORTS

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611.881 Purpose and Applicability
611.882 Compliance Dates
611.883 Content of the Reports
611.884 Required Additional Health Information
611.885 Report Delivery and Recordkeeping

SUBPART V: PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

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611.901 General Public Notification Requirements
611.902 Tier 1 Public Notice: Form, Manner, and Frequency of Notice
611.903 Tier 2 Public Notice: Form, Manner, and Frequency of Notice
611.904 Tier 3 Public Notice: Form, Manner, and Frequency of Notice
611.905 Content of the Public Notice
611.906 Notice to New Billing Units or New Customers
611.907 Special Notice of the Availability of Unregulated Contaminant Monitoring Results
611.908 Special Notice for Exceedence of the Fluoride Secondary Standard
611.909 Special Notice for Nitrate Exceedences above the MCL by a Non-Community Water System
611.910 Notice by the Agency on Behalf of a PWS
611.911 Special Notice for Cryptosporidium

SUBPART W: INITIAL DISTRIBUTION SYSTEM EVALUATIONS

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611.920 General Requirements
611.921 Standard Monitoring
611.922 System-Specific Studies
611.923 40/30 Certification
611.924 Very Small System Waivers
611.925 Subpart Y Compliance Monitoring Location Recommendations

SUBPART X: ENHANCED FILTRATION AND DISINFECTION – SYSTEMS SERVING FEWER THAN 10,000 PEOPLE

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611.950 General Requirements
611.951 Finished Water Reservoirs
611.952 Additional Watershed Control Requirements for Unfiltered Systems
611.953 Disinfection Profile
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611.955 Combined Filter Effluent Turbidity Limits
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611.970 General Requirements
611.971 Routine Monitoring
611.972 Subpart Y Monitoring Plan
611.973 Reduced Monitoring
611.974 Additional Requirements for Consecutive Systems
611.975 Conditions Requiring Increased Monitoring
611.976 Operational Evaluation Levels
611.977 Requirements for Remaining on Reduced TTHM and HAA5 Monitoring Based on Subpart I Results
611.978 Requirements for Remaining on Increased TTHM and HAA5 Monitoring Based on Subpart I Results
611.979 Reporting and Recordkeeping Requirements

SUBPART Z: ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

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611.1000 General Requirements
611.1001 Source Water Monitoring Requirements: Source Water Monitoring
611.1002 Source Water Monitoring Requirements: Sampling Schedules
611.1003 Source Water Monitoring Requirements: Sampling Locations
611.1004 Source Water Monitoring Requirements: Analytical Methods
611.1005 Source Water Monitoring Requirements: Approved Laboratories
611.1006 Source Water Monitoring Requirements: Reporting Source Water Monitoring Results
611.1007 Source Water Monitoring Requirements: Grandfathering Previously Collected Data
611.1008 Disinfection Profiling and Benchmarking Requirements: Requirements When Making a Significant Change in Disinfection Practice

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611.1009	Disinfection Profiling and Benchmarking Requirements: Developing the Disinfection Profile and Benchmark
611.1010	Treatment Technique Requirements: Bin Classification for Filtered Systems
611.1011	Treatment Technique Requirements: Filtered System Additional Cryptosporidium Treatment Requirements
611.1012	Treatment Technique Requirements: Unfiltered System Cryptosporidium Treatment Requirements
611.1013	Treatment Technique Requirements: Schedule for Compliance with Cryptosporidium Treatment Requirements
611.1014	Treatment Technique Requirements: Requirements for Uncovered Finished Water Storage Facilities
611.1015	Requirements for Microbial Toolbox Components: Microbial Toolbox Options for Meeting Cryptosporidium Treatment Requirements
611.1016	Requirements for Microbial Toolbox Components: Source Toolbox Components
611.1017	Requirements for Microbial Toolbox Components: Pre-Filtration Treatment Toolbox Components
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611.1020	Requirements for Microbial Toolbox Components: Inactivation Toolbox Components
611.1021	Reporting and Recordkeeping Requirements: Reporting Requirements
611.1022	Reporting and Recordkeeping Requirements: Recordkeeping Requirements
611.1023	Requirements to Respond to Significant Deficiencies Identified in Sanitary Surveys Performed by USEPA or the Agency

611.APPENDIX A	Regulated Contaminants
611.APPENDIX B	Percent Inactivation of G. Lamblia Cysts
611.APPENDIX C	Common Names of Organic Chemicals
611.APPENDIX D	Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Eschericia Coli from Drinking Water
611.APPENDIX E	Mandatory Lead Public Education Information for Community Water Systems
611.APPENDIX F	Mandatory Lead Public Education Information for Non-Transient Non-Community Water Systems
611.APPENDIX G	NPDWR Violations and Situations Requiring Public Notice
611.APPENDIX H	Standard Health Effects Language for Public Notification
611.APPENDIX I	Acronyms Used in Public Notification Regulation

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611.TABLE A	Total Coliform Monitoring Frequency
611.TABLE B	Fecal or Total Coliform Density Measurements
611.TABLE C	Frequency of RDC Measurement
611.TABLE D	Number of Lead and Copper Monitoring Sites
611.TABLE E	Lead and Copper Monitoring Start Dates
611.TABLE F	Number of Water Quality Parameter Sampling Sites
611.TABLE G	Summary of Section 611.357 Monitoring Requirements for Water Quality Parameters
611.TABLE H	CT Values (mg·min/ℓ) for Cryptosporidium Inactivation by Chlorine Dioxide
611.TABLE I	CT Values (mg·min/ℓ) for Cryptosporidium Inactivation by Ozone
611.TABLE J	UV Dose Table for Cryptosporidium, Giardia lamblia, and Virus Inactivation Credit
611.TABLE Z	Federal Effective Dates

AUTHORITY: Implementing Sections 7.2, 17, and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 17, 17.5, and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective October 22, 1996; amended in R98-2 at 22 Ill. Reg. 5020, effective March 5, 1998; amended in R99-6 at 23 Ill. Reg. 2756, effective February 17, 1999; amended in R99-12 at 23 Ill. Reg. 10348, effective August 11, 1999; amended in R00-8 at 23 Ill. Reg. 14715, effective December 8, 1999; amended in R00-10 at 24 Ill. Reg. 14226, effective September 11, 2000; amended in R01-7 at 25 Ill. Reg. 1329, effective January 11, 2001; amended in R01-20 at 25 Ill. Reg. 13611, effective October 9, 2001; amended in R02-5 at 26 Ill. Reg. 3522, effective February 22, 2002; amended in R03-4 at 27 Ill. Reg. 1183, effective January 10, 2003; amended in R03-15 at 27 Ill. Reg. 16447, effective October 10, 2003; amended in R04-3 at 28 Ill. Reg. 5269, effective March 10, 2004; amended in R04-13 at 28 Ill. Reg. 12666, effective August 26, 2004; amended in R05-6 at 29 Ill. Reg. 2287, effective January 28, 2005; amended in R06-15 at 30 Ill. Reg. 17004, effective October 13, 2006; amended in R07-2/R07-11 at 31 Ill. Reg. 11757, effective July 27, 2007; amended in R08-7/R08-13 at 33 Ill. Reg. 633, effective December 30, 2008; amended in R10-1/R10-17/R11-6 at 34 Ill. Reg. 19848, effective December 7, 2010; amended in R12-4 at 36 Ill. Reg. 7110, effective April 25, 2012; amended in

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R13-2 at 37 Ill. Reg. 1978, effective February 4, 2013; amended in R14-9 at 38 Ill. Reg. _____, effective _____.

SUBPART G: LEAD AND COPPER

Section 611.359 Analytical Methods

Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature must be conducted using the methods set forth in Section 611.611(a).

a) Analyses for lead and copper performed for the purposes of compliance with this Subpart G must only be conducted by a certified laboratory in one of the categories listed in Section 611.490(a)~~laboratories that have been certified by USEPA or the Agency~~. To obtain certification to conduct analyses for lead and copper, laboratories must do the following:

1) Analyze performance evaluation samples that include lead and copper provided by USEPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Agency;

2) Achieve quantitative acceptance limits as follows:

A) For lead: ±30 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.005 mg/ℓ (the PQL for lead is 0.005 mg/ℓ);

B) For copper: ±10 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.050 mg/ℓ (the PQL for copper is 0.050 mg/ℓ);

3) Achieve the method detection limit (MDL) for lead (0.001 mg/ℓ, as defined in Section 611.350(a)) according to the procedures in 35 Ill. Adm. Code 186 and appendix B to 40 CFR 136: "Definition and Procedure for the Determination of the Method Detection Limit − Revision 1.11", incorporated by reference in Section 611.102(c). This need only be accomplished if the laboratory will be processing source water composite samples under Section 611.358(a)(1)(D); and

4) Be currently certified ~~by USEPA or the Agency~~ to perform analyses to the specifications described in subsection (a)(1) of this Section.

BOARD NOTE: Subsection (a) is derived from 40 CFR 141.89(a) and (a)(1) (2013)~~(2012)~~.

b) The Agency must, by a SEP issued pursuant to Section 611.110, allow a supplier to use previously collected monitoring data for the purposes of monitoring under this Subpart G if the data were collected and analyzed in accordance with the requirements of this Subpart G.

BOARD NOTE: Subsection (b) is derived from 40 CFR 141.89(a)(2) (2013)~~(2012)~~.

c) Reporting lead and copper levels.

1) All lead and copper levels greater than or equal to the lead and copper PQL (Pb ≥ 0.005 mg/ℓ and Cu ≥ 0.050 mg/ℓ) must be reported as measured.

2) All lead and copper levels measured less than the PQL and greater than the MDL (0.005 mg/ℓ > Pb > MDL and 0.050 mg/ℓ > Cu > MDL) must be either reported as measured or as one-half the PQL set forth in subsection (a) of this Section (i.e., reported as 0.0025 mg/ℓ for lead or 0.025 mg/ℓ for copper).

3) All lead and copper levels below the lead and copper MDL (MDL > Pb) must be reported as zero.

BOARD NOTE: Subsection (c) is derived from 40 CFR 141.89(a)(3) and (a)(4) (2013)~~(2012)~~.

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

SUBPART I: DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Section 611.381 Analytical Requirements

a) A supplier must use only the analytical methods specified in this Section, each of which is incorporated by reference in Section 611.102, or alternative methods approved by the Agency pursuant to Section 611.480 to demonstrate compliance with the requirements of this Subpart I and with the requirements of Subparts W and Y of this Part.

b) Disinfection byproducts (DBPs).

1) A supplier must measure disinfection byproducts (DBPs) by the appropriate of the following methods:

A) TTHM:

i) By purge and trap, gas chromatography, electrolytic conductivity detector, and photoionization detector: USEPA Organic Methods, Method 502.2 (rev. 2.1). If TTHMs are the only analytes being measured in the sample, then a photoionization detector is not required.

ii) By purge and trap, gas chromatography, mass spectrometer: USEPA Organic Methods, Method 524.2 (rev. 4.1).

iii) By liquid-liquid extraction, gas chromatography, electron capture detector: USEPA Organic Methods, Method 551.1 (rev. 1.0).

iv) By purge and trap, gas chromatography, mass spectrometry: USEPA OGWDW Methods, Method 524.3 (rev. 1.0) and 524.4.

BOARD NOTE: USEPA added USEPA OGWDW Methods, Method 524.3 (rev. 1.0) as an approved alternative method for TTHM in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348). USEPA added USEPA OGWDW Methods, Method 524.4 as approved alternative methods for total trihalomethanes in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

B) HAA5:

i) By liquid-liquid extraction (diazomethane), gas chromatography, electron capture detector: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 6251 B.

ii) By solid phase extractor (acidic methanol), gas chromatography, electron capture detector: USEPA Organic Methods, Method 552.1 (rev. 1.0).

iii) By liquid-liquid extraction (acidic methanol), gas chromatography, electron capture detector: USEPA Organic Methods, Method 552.2 (rev. 1.0) or USEPA OGWDW Methods, Method 552.3 (rev. 1.0).

iv) By ion chromatography, electrospray ionization, tandem mass spectrometry: USEPA OGWDW Methods, Method 557.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 6251 B as an approved alternative method for HAA5 in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA OGWDW Methods, Method 557 as approved alternative methods for HAA5 in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Method 6251 B as an approved alternative method for HAA5 in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

C) Bromate:

i) By ion chromatography: USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0).

ii) By ion chromatography and post-column reaction: USEPA OGWDW Methods, Method 317.0 (rev 2.0), or 326.0 (rev. 1.0).

iii) By inductively coupled plasma-mass spectrometer: USEPA Organic and Inorganic Methods, Method 321.8 (rev. 1.0).

iv) By two-dimensional ion chromatography: USEPA OGWDW Methods, Method 302.0.

v) By ion chromatography, electrospray ionization, tandem mass spectrometry: USEPA OGWDW Methods, Method 557.

vi) By chemically suppressed chromatography: ASTM Method D6581-08 A.

vii) By electrolytically suppressed chromatography: ASTM Method D6581-08 B.

BOARD NOTE: Ion chromatography and post column reaction or inductively coupled plasma-mass spectrometry must be used for monitoring of bromate for purposes of demonstrating eligibility of reduced monitoring, as prescribed in Section 611.382(b)(3)(B). For inductively-coupled plasma-mass spectrometry, samples must be preserved at the time of sampling with 50 mg ethylenediamine (EDA) per liter of sample, and the samples must be analyzed within 28 days.

BOARD NOTE: USEPA added USEPA OGWDW Methods, Methods 302.0 and 557 and ASTM Methods D6581-08 A and B as approved alternative methods for bromate in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908).

D) Chlorite:

i) By amperometric titration for daily monitoring pursuant to Section 611.382(b)(2)(A)(i): Standard Methods, 19th or 21st ed., Method 4500-ClO_2 E.

ii) By spectrophotometry: USEPA OGWDW Methods, Method 327.0 (rev. 1.1).

iii) By ion chromatography: USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1); USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0); USEPA OGWDW Methods, Method 317.0 (rev. 2.0), or 326.0 (rev. 1.0); or ASTM Method D6581-00.

iv) By chemically suppressed chromatography: ASTM Method D6581-08 A.

v) By electrolytically suppressed chromatography: ASTM Method D6581-08 B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-ClO_2 E as an approved alternative method for daily chlorite in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D6581-08 A and B as approved alternative methods for chlorite in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Method 4500-ClO_2 E as an approved alternative method for chlorite in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

BOARD NOTE: Amperometric titration or spectrophotometry may be used for routine daily monitoring of chlorite at the entrance to the distribution system, as prescribed in Section 611.382(b)(2)(A)(i). Ion chromatography must be used for routine monthly monitoring of chlorite and additional monitoring of chlorite in the distribution system, as prescribed in Section 611.382(b)(2)(A)(ii) and (b)(2)(B).

2) Analyses under this Section for DBPs must be conducted by a certified laboratory in one of the categories listed in Section 611.490(a)~~laboratories that have received certification by USEPA or the Agency~~ except as specified under subsection (b)(3) of this Section. To receive certification to conduct analyses for the DBP contaminants listed in Sections 611.312 and 611.381 and Subparts W and Y of this Part, the laboratory must fulfill

the requirements of subsections (b)(2)(A), (b)(2)(C), and (b)(2)(D) of this Section.

A) The laboratory must analyze performance evaluation (PE) samples that are acceptable to USEPA or the Agency at least once during each consecutive 12-month period by each method for which the laboratory desires certification.

B) This subsection corresponds with 40 CFR 141.131(b)(2)(ii), which has expired by its own terms. This statement maintains structural consistency with the corresponding federal rule.

C) The laboratory must achieve quantitative results on the PE sample analyses that are within the acceptance limits set forth in subsections (b)(2)(C)(i) through (b)(2)(B)(xi) of this Section, subject to the conditions of subsections (b)(2)(C)(xii) and (b)(2)(C)(xiii) of this Section:

i) Chloroform (a THM): ± 20% of true value;

ii) Bromodichloromethane (a THM): ± 20% of true value;

iii) Dibromochloromethane (a THM): ± 20% of true value;

iv) Bromoform (a THM): ± 20% of true value;

v) Monochloroacetic Acid (an HAA5): ± 40% of true value;

vi) Dichloroacetic Acid (an HAA5): ± 40% of true value;

vii) Trichloroacetic Acid (an HAA5): ± 40% of true value;

viii) Monobromoacetic Acid (an HAA5): ± 40% of true value;

ix) Dibromoacetic Acid (an HAA5): ± 40% of true value;

x) Chlorite: ± 30% of true value; and

xi) Bromate: ± 30% of true value.

xii) The laboratory must meet all four of the individual THM acceptance limits set forth in subsections (b)(2)(B)(i) through (b)(2)(B)(iv) of this Section in order to successfully pass a PE sample for TTHM.

xiii) The laboratory must meet the acceptance limits for four out of the five HAA5 compounds set forth in subsections (b)(2)(B)(v) through (b)(2)(B)(ix) of this Section in order to successfully pass a PE sample for HAA5.

D) The laboratory must report quantitative data for concentrations at least as low as the minimum reporting levels (MRLs) listed in subsections (b)(2)(D)(i) through (b)(2)(D)(xi) of this Section, subject to the limitations of subsections (b)(2)(D)(xii) and (b)(2)(D)(xiii) of this Section, for all DBP samples analyzed for compliance with Sections 611.312 and 611.385 and Subparts W and Y of this Part:

i) Chloroform (a THM): 0.0010 mg/ℓ;

ii) Bromodichloromethane (a THM): 0.0010 mg/ℓ;

iii) Dibromochloromethane (a THM): 0.0010 mg/ℓ;

iv) Bromoform (a THM): 0.0010 mg/ℓ;

v) Monochloroacetic Acid (an HAA5): 0.0020 mg/ℓ;

vi) Dichloroacetic Acid (an HAA5): 0.0010 mg/ℓ;

vii) Trichloroacetic Acid (an HAA5): 0.0010 mg/ℓ;

viii) Monobromoacetic Acid (an HAA5): 0.0010 mg/ℓ;

ix) Dibromoacetic Acid (an HAA5): 0.0010 mg/ℓ;

x) Chlorite: 0.020 mg/ℓ, applicable to monitoring as required by Section 611.382(b)(2)(A)(ii) and (b)(2)(B); and

xi) Bromate: 0.0050, or 0.0010 mg/ℓ if the laboratory uses USEPA OGWDW Methods, Method 317.0 or 326.0 or USEPA Organic and Inorganic Methods, Method 321.8.

xii) The calibration curve must encompass the regulatory MRL concentration. Data may be reported for concentrations lower than the regulatory MRL as long as the precision and accuracy criteria are met by analyzing an MRL check standard at the lowest reporting limit chosen by the laboratory. The laboratory must verify the accuracy of the calibration curve at the MRL concentration by analyzing an MRL check standard with a concentration less than or equal to 110% of the MRL with each batch of samples. The measured concentration for the MRL check standard must be ±50% of the expected value, if any field sample in the batch has a concentration less than five times the regulatory MRL. Method requirements to analyze higher concentration check standards and meet tighter acceptance criteria for them must be met in addition to the MRL check standard requirement.

xiii) When adding the individual trihalomethane or haloacetic acid concentrations, for the compounds listed in subsections (b)(2)(D)(v) through (b)(2)(D)(ix) of this Section, to calculate the TTHM or HAA5 concentrations, respectively, a zero is used for any analytical result that is less than the MRL concentration for that DBP, unless otherwise specified by the Agency.

3) A party approved by USEPA or the Agency must measure daily chlorite samples at the entrance to the distribution system.

c) Disinfectant residuals.

1) A supplier must measure residual disinfectant concentrations for free chlorine, combined chlorine (chloramines), and chlorine dioxide by the appropriate of the methods listed in subsections (c)(1)(A) through (c)(1)(D)

of this Section, subject to the provisions of subsection (c)(1)(E) of this Section:

A) Free Chlorine:

i) Amperometric titration: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl D, or ASTM Method D1253-86, D1253-96, D1253-03, or D1253-08;

ii) DPD ferrous titration: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl F;

iii) DPD colorimetric: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl G; ~~or~~

iv) Syringaldazine (FACTS): Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl H;~~.~~

v) Test strips: ITS Method D99-003 if approved by the Agency pursuant to subsection (c)(2) of this Section;~~.~~

vi~~v~~) Amperometric sensor: Palintest ChloroSense; or~~.~~

vii~~vi~~) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-Cl D, F, G, and H as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl D, F, G, and H as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

B) Combined Chlorine:

i) Amperometric titration: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl D, or ASTM Method D1253-86, D1253-96, D1253-03, or D1253-08;

ii) DPD ferrous titration: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl F; or

iii) DPD colorimetric: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl G.

BOARD NOTE: USEPA added Standard Methods, Methods 4500-Cl D, F, and G as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08 as an approved alternative method for combined chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl D, F, and G as approved alternative methods for combined chlorine in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

C) Total Chlorine:

i) Amperometric titration: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl D, or ASTM Method D1253-86, D1253-96, D1253-03, or D1253-08;

ii) Low-level amperometric titration: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl E;

iii) DPD ferrous titration: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl F;

iv) DPD colorimetric: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl G; or

v) Iodometric electrode: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl I.

vi) Amperometric sensor: Palintest ChloroSense.

vii) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.

BOARD NOTE: USEPA added Standard Methods, Methods 4500-Cl D, E, F, G, and I as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods for total chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl D, E, F, G, and I as approved alternative methods for total chlorine in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

D) Chlorine Dioxide:

i) DPD: Standard Methods, 19th, 20th, or 21st ed., Method 4500-ClO_2 D;

ii) Amperometric Method II: Standard Methods, 19th, 20th, or 21st, or 22nd ed., Method 4500-ClO_2 E; or

iii) Lissamine Green spectrophotometric: USEPA OGWDW Method 327.0 (rev. 1.1).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-ClO_2 D and E as approved alternative methods for chlorine dioxide in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Method 4500-ClO_2 E as an approved alternative method for chlorine dioxide in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

E) The methods listed are approved for measuring the specified disinfectant residual. The supplier may measure free chlorine or total chlorine for demonstrating compliance with the chlorine MRDL and combined chlorine, or total chlorine may be measured for demonstrating compliance with the chloramine MRDL.

2) Alternative methods available only ~~only~~upon specific approval by the Agency.

A) Test strips: ITS Method D99-003.

BOARD NOTE: USEPA added ITS Method D99-003 as an approved alternative method for free chlorine in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616), contingent upon specific state approval. The Board has opted to provide that the Agency can grant such approvals on a case-by-case basis using the SEP mechanism.

B) If approved by the Agency, by an SEP issued pursuant to Section 611.110, a supplier may also measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide by using DPD colorimetric test kits.

3) A party approved by USEPA or the Agency must measure residual disinfectant concentration.

d) A supplier required to analyze parameters not included in subsections (b) and (c) of this Section must use the methods listed below. A party approved by USEPA or the Agency must measure the following parameters:

1) Alkalinity. All methods allowed in Section 611.611(a)(21) for measuring alkalinity.

2) Bromide:

A) USEPA Inorganic Methods, Method 300.0 (rev. 2.1);

B) USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

C) USEPA OGWDW Methods, Method 317.0 (rev. 2.0) or Method 326.0 (rev. 1.0); or

D) ASTM Method D6581-00.

3) Total Organic Carbon (TOC), by any of the methods listed in subsection (d)(3)(A)(i), (d)(3)(A)(ii), (d)(3)(A)(iii), or (d)(3)(B) of this Section, subject to the limitations of subsection (d)(3)(C) of this Section:

A) High-temperature combustion:

i) Standard Methods, 19th (Supplement), 20th, ~~or~~ 21st, or 22nd ed., Method 5310 B; or

ii) USEPA NERL Method 415.3 (rev. 1.2).

B) Persulfate-ultraviolet or heated–persulfate oxidation:

i) Standard Methods, 19th (Supplement), 20th, ~~or~~ 21st, or 22nd ed., Method 5310 C; or

ii) USEPA NERL Method 415.3 (rev. 1.2).

C) Wet oxidation method:

i) Standard Methods, 19th (Supplement), 20th, ~~or~~ 21st, or 22nd ed., Method 5310 D; or

ii) USEPA NERL Method 415.3 (rev. 1.2).

D) Specific UV_{254} absorbance: USEPA NERL Method 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

E) Inorganic carbon must be removed from the samples prior to analysis. TOC samples may not be filtered prior to analysis. TOC samples must be acidified at the time of sample collection to achieve pH less than or equal to 2 with minimal addition of the acid specified in the method or by the instrument manufacturer. Acidified TOC samples must be analyzed within 28 days.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 5310 B, C, and D as approved alternative methods for total organic carbon in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA NERL Method 415.3 (rev. 1.2) as an approved alternative method for total organic carbon in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 5310 B, C, and D as approved alternative methods for total organic carbon in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

4) Specific Ultraviolet Absorbance (SUVA). SUVA is equal to the UV absorption at 254 nm (UV_{254}) (measured in m^{-1}) divided by the dissolved organic carbon (DOC) concentration (measured as mg/ℓ). In order to determine SUVA, it is necessary to separately measure UV_{254} and DOC. When determining SUVA, a supplier must use the methods stipulated in subsection (d)(4)(A) of this Section to measure DOC and the method stipulated in subsection (d)(4)(B) of this Section to measure UV_{254}. SUVA must be determined on water prior to the addition of disinfectants/oxidants by the supplier. DOC and UV_{254} samples used to determine a SUVA value must be taken at the same time and at the same location.

A) Dissolved Organic Carbon (DOC). Prior to analysis, DOC samples must be filtered through the 0.45 µm pore-diameter filter as soon as practical after sampling, not to exceed 48 hours. After filtration, DOC samples must be acidified to achieve pH less than or equal to 2 with minimal addition of the acid specified in the method or by the instrument manufacturer. Acidified DOC samples must be analyzed within 28 days after sample collection. Inorganic carbon must be removed from the samples prior to analysis. Water passed through the filter prior to filtration of the sample must serve as the filtered blank. This filtered blank must be analyzed using procedures identical to those used for analysis of the samples and must meet the following standards: DOC less than 0.5 mg/ℓ.

i) High-Temperature Combustion Method: Standard Methods, 19th ~~ed.~~ (Supplement), 20th ~~ed.~~, ~~or~~ 21st, or 22nd ed., Method 5310 B or USEPA NERL Methods 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

ii) Persulfate-Ultraviolet or Heated-Persulfate Oxidation Method, Standard Methods, 19th (Supplement), 20th, 21st, or 22nd ed., Method 5310 C or USEPA NERL Methods 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

iii) Wet-Oxidation Method: Standard Methods, 19th (Supplement) ~~ed.~~, 20th ~~ed.~~, ~~or~~ 21st, or 22nd ed., Method 5310 D or USEPA NERL Methods 415.3 (rev. 1.1) or 415.3 (rev. 1.2).

BOARD NOTE: USEPA added Standard Methods, Methods 5310 B, C, and D as approved alternative methods for dissolved organic carbon in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA NERL Method 415.3 (rev. 1.2) as an approved alternative method for dissolved organic carbon in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 5310 B, C, and D as approved alternative methods for dissolved organic carbon in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

B) Ultraviolet Absorption at 254 nm (UV_{254}) by spectrometry: Standard Methods, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 5910 B or USEPA NERL Method 415.3 (rev. 1.1) or 415.3 (rev. 1.2). UV absorption must be measured at 253.7 nm (may be rounded off to 254 nm). Prior to analysis, UV_{254} samples must be filtered through a 0.45 µm pore-diameter filter. The pH of UV_{254} samples may not be adjusted. Samples must be analyzed as soon as practical after sampling, not to exceed 48 hours; and

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 5910 B as an approved alternative method for ultraviolet absorption at 254 nm~~absorbtion~~ in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added USEPA NERL Method 415.3 (rev. 1.2) as an approved alternative method for ultraviolet absorbance in appendix A to subpart C of 40 CFR 141 on November (at 74 Fed. Reg. 57908). USEPA added

Standard Methods, 22nd ed., Method 5910 B as an approved alternative method for ultraviolet absorption at 254 nm in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

5) pH. All methods allowed in Section 611.611(a)(17) for measuring pH.

6) Magnesium. All methods allowed in Section 611.611(a) for measuring magnesium.

BOARD NOTE: Derived from 40 CFR 141.131 and appendix A to 40 CFR 141 (2013)~~(2009)~~.

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

SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.490 Certified Laboratories

a) For the purpose of determining compliance with Subparts G, K through O, Q and S of this Part, samples will be considered only under the following conditions ~~if they have been analyzed as follows~~:

1) The supplier submits the samples for analysis by~~By~~ a laboratory certified for that contaminant pursuant to Section 4(o) of the Act [415 ILCS 5/4(o)];

2) The supplier submits the samples for analysis by~~By~~ a laboratory certified for that contaminant by USEPA; ~~or~~

3) When no laboratory has been certified pursuant to subsection (a)(1) of this Section to analyze a particular contaminant, the supplier submits the samples for analysis by a laboratory certified, registered, accredited, licensed, or otherwise approved by another state with primary enforcement responsibility, or an agency of the federal government for that contaminant, unless the Agency has, by rule or written notice, informed the supplier that a particular laboratory or laboratories may not be used; or

4~~3~~) For measurements of alkalinity, calcium, conductivity, disinfectant

residual, orthophosphate, silica, turbidity, free chlorine residual, temperature, and pH, the supplier submits samples for analysis by a person under the supervision of a certified operator (35 Ill. Adm. Code 603.103).

b) Nothing in this Part must be construed to preclude the Agency or any duly designated representative of the Agency from taking samples or from using the results from such samples to determine compliance by a supplier of water with the applicable requirements of this Part.

c) The CWS supplier must have required analyses performed either at an Agency laboratory or a certified laboratory. The Agency may require that some or all of the required samples be submitted to its laboratories.

BOARD NOTE: Subsections (a)(1), (a)(2), (a)(4),~~(a)~~ and (b) of this Section are derived from 40 CFR 141.28 (2013)~~(2006), as amended at 71 Fed. Reg. 65574 (Nov. 8, 2006)~~. Subsections (a)(3) and~~Subsection~~ (c) are~~is an~~ additional State requirements~~requirement~~.

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

SUBPART L: MICROBIOLOGICAL MONITORING
AND ANALYTICAL REQUIREMENTS

Section 611.531 Analytical Requirements

The analytical methods specified in this Section, or alternative methods approved by the Agency pursuant to Section 611.480, must be used to demonstrate compliance with the requirements of only 611.Subpart B; they do not apply to analyses performed for the purposes of Sections 611.521 through 611.527 of this Subpart L. Measurements for pH, temperature, turbidity, and RDCs must be conducted under the supervision of a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a certified laboratory in one of the categories listed in Section 611.490(a)~~laboratory certified by the Agency to do such analysis~~. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

a) A supplier must conduct analyses as follows:

1) The supplier must conduct analyses for pH in accordance with one of the methods listed at Section 611.611; and

2) The supplier must conduct analyses for total coliforms, fecal coliforms, heterotrophic bacteria, and turbidity in accordance with one of the following methods, and by using analytical test procedures contained in USEPA Technical Notes, incorporated by reference in Section 611.102, as follows:

A) Total Coliforms.

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and Subpart B of this Part only must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

i) Total coliform fermentation technique: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 9221 A, B, and C.

BOARD NOTE: Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent. If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added. No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

ii) Total coliform membrane filter technique: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 9222 A, B, and C.

iii) ONPG-MUG test (also known as the Autoanalysis Colilert System): Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 9223.

BOARD NOTE: USEPA included the P-A Coliform and

Colisure Tests for testing finished water under the coliform rule, under Section 611.526, but did not include them for the purposes of the surface water treatment rule, under this Section, for which quantitation of total coliforms is necessary. For these reasons, USEPA included Standard Methods, Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under Section 611.526.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 9221 A, B, and C; 9222 A, B, and C; and 9223 as approved alternative methods for total coliform in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Methods 9221 A, B, and C and 9223 B as approved alternative methods for total coliform in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

B) Fecal Coliforms.

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and Subpart B of this Part only must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

i) Fecal coliform procedure: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 9221 E.

BOARD NOTE: A-1 broth may be held up to seven days in a tightly closed screwcap tube at 4° C (39° F).

ii) Fecal Coliform Membrane Filter Procedure: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 9222 D.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 9221 E and 9222 D as approved alternative methods for fecal coliforms in appendix A to subpart C of 40 CFR 141 on June

3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Methods 9221 E and 9222 D as approved alternative methods for fecal coliforms in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

C) Heterotrophic bacteria.

i) Pour plate method: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 9215 B.

BOARD NOTE: The time from sample collection to initiation of analysis must not exceed eight hours. The supplier is encouraged but not required to hold samples below 10º C during transit.

ii) SimPlate method.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 9215 B as an approved alternative method for heterotrophic bacteria in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Method 9215 B as an approved alternative method for heterotrophic bacteria in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

D) Turbidity.
BOARD NOTE: Styrene divinyl benzene beads (e.g., AMCO-AEPA-1 or equivalent) and stabilized formazin (e.g., Hach StablCal™ or equivalent) are acceptable substitutes for formazin.

i) Nephelometric method: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 2130 B.

ii) Nephelometric method: USEPA Environmental Inorganic Methods, Method 180.1 (rev.2.0).

iii) GLI Method 2.

iv) Hach FilterTrak Method 10133.

v) Laser nephelometry (on-line): Mitchell Method M5271.

vi) LED nephelometry (on-line): Mitchell Method M5331 or AMI Turbiwell Method.

vii) LED nephelometry (portable): Orion Method AQ4500.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 9130 B as an approved alternative method for turbidity in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Mitchell Method M5271 and Orion Method AQ4500 as approved alternative methods for turbidity in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348). USEPA added AMI Turbiwell Method as an approved alternative method for turbidity in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Method 2130 B as an approved alternative method for turbidity in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

E) Temperature: Standard Methods, 18th, 19th, 20th, or 21st ed., Method 2550.

b) A supplier must measure residual disinfectant concentrations with one of the following analytical methods:

1) Free chlorine.

A) Amperometric Titration.

i) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl D.

ii) ASTM Method D1253-03 or D1253-08.

B) DPD Ferrous Titrimetric: Standard Methods, 18th, 19th, 20th, ~~or~~

21st, or 22nd ed., Method 4500-Cl F.

C) DPD Colimetric: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl G.

D) Syringaldazine (FACTS): Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl H.

E) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.

F) Amperometric sensor: Palintest ChloroSense.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-Cl D, F, G, and H; Method 4500-ClO_2 C and E as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl B, F, G, and H as approved alternative methods for free chlorine in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

2) Total chlorine.

A) Amperometric Titration:

i) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl D.

ii) ASTM Method D1253-03 or D1253-08.

B) Amperometric Titration (low level measurement): Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl E.

C) DPD Ferrous Titrimetric: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl F.

D) DPD Colimetric: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl G.

E) Iodometric Electrode: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-Cl I.

F) On-line chlorine analyzer: USEPA OGWDW Methods, Method 334.0.

G) Amperometric sensor: Palintest ChloroSense.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4500-Cl D, E, F, G, and I as approved alternative methods for total chlorine in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1253-08, USEPA OGWDW Methods, Method 334.0, and Palintest ChloroSense as approved alternative methods for total chlorine in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods, 22nd ed., Methods 4500-Cl D, E, F, G, and I as approved alternative methods for total chlorine in appendix A to subpart C of 40 CFR 141 on June 21, 2013 (at 78 Fed. Reg. 37463).

3) Chlorine dioxide.

A) Amperometric Titration: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-ClO_2 C or E.

B) DPD Method: Standard Methods, 18th, 19th, or 20th ed., Method 4500-ClO_2 D.

C) Spectrophotometric: USEPA OGWDW Methods, Method 327.0 (rev. 1.1).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-ClO_2 C, D, and E and Method 4500-O_3 B as approved alternative methods for chlorine dioxide in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Methods 4500-ClO_2 C and E as approved alternative

methods for chlorine dioxide in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

4) Ozone: Indigo Method: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-O_3 B.

BOARD NOTE: USEPA added Standard Methods, 22nd ed., Method 4500-O_3 B as an approved alternative method for ozone in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

5) Alternative test methods: The Agency may grant a SEP pursuant to Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:

A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.

B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a 10-tube test.

~~BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-ClO_2 C, D, and E and Method 4500-O_3 B as approved alternative methods for chlorine dioxide in appendix A to subpart C of 40 CFR 141, added on June 3, 2008 (at 73 Fed. Reg. 31616).~~

BOARD NOTE: Derived from 40 CFR 141.74(a) and appendix A to 40 CFR 141 (2013)~~(2009)~~.

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.611 Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

a) Analysis for the following contaminants must be conducted using the following methods or an alternative method approved pursuant to Section 611.480. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical procedures, are contained in USEPA Technical Notes, incorporated by reference in Section 611.102.

BOARD NOTE: Because MDLs reported in USEPA Environmental Metals Methods 200.7 and 200.9 were determined using a 2× preconcentration step during sample digestion, MDLs determined when samples are analyzed by direct analysis (i.e., no sample digestion) will be higher. For direct analysis of cadmium and arsenic by USEPA Environmental Metals Method 200.7, and arsenic by Standard Methods, Method 3120 B, sample preconcentration using pneumatic nebulization may be required to achieve lower detection limits. Preconcentration may also be required for direct analysis of antimony, lead, and thallium by USEPA Environmental Metals Method 200.9; antimony and lead by Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; and lead by ASTM Method D3559-96 D or D3559-03 D unless multiple in-furnace depositions are made.

1) Alkalinity.

A) Titrimetric.

i) ASTM Method D1067-92 B, D1067-02 B, ~~or~~ D1067-06 B, or D1067-11 B;

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st or 22nd ed., Method 2320 B; or

iii) Standard Methods Online, Method 3113 B-04.

B) Electrometric titration: USGS Methods, Method I-1030-85.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 2320 B as an approved alternative method for alkalinity in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D1067-06 B and Standard Methods Online, Method 3113 B-04 as approved alternative methods for alkalinity in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Method 2320 B and ASTM Method D1067-11 B as approved alternative methods for alkalinity in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

2) Antimony.

A) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

B) Atomic absorption, hydride technique: ASTM Method D3697-92, D3697-02, or D3697-07.

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev.2.2).

D) Atomic absorption, furnace technique:

i) Standard Methods, 18th, 19th, or 21st ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113B and USEPA NERL Method 200.5 as approved alternative methods for antimony in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D3697-07 as an approved alternative method for antimony in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908. USEPA

added Standard Methods Online, Method 3113 B-04 as an approved alternative method for antimony in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Method 3113 B as an approved alternative method for antimony in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

3) Arsenic.

BOARD NOTE: If ultrasonic nebulization is used in the determination of arsenic by Method 200.8, the arsenic must be in the pentavalent state to provide uniform signal response. For direct analysis of arsenic with Method 200.8 using ultrasonic nebulization, samples and standards must contain one mg/ℓ of sodium hypochlorite.

A) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

B) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

C) Atomic absorption, furnace technique.

i) ASTM Method D2972-97 C, D2972-03 C, or D2972-08 C;

ii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3113 B; or

iii) Standard Methods Online, Method 3113 B-04.

D) Atomic absorption, hydride technique.

i) ASTM Method D2972-97 B, D2972-03 C, or D2972-08 B;

ii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3114 B; or

iii) Standard Methods Online, Method 3114 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3114 B and USEPA NERL Method 200.5 as approved alternative methods for arsenic in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D2972-08 B and C as approved alternative methods for arsenic in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 and Method 3114 B-09~~3114 B-04~~ as approved alternative methods for arsenic in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3113 B and 3114 B as approved alternative methods for arsenic in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558). Because Standard Methods, 22nd ed., Method 3114 B is the same version as Standard Methods Online 3114 B-09, the Board has not listed the Standard Methods Online version separately.

4) Asbestos: Transmission electron microscopy: USEPA Asbestos Method-100.1 or USEPA Asbestos Method-100.2.

5) Barium.

A) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 3120 B.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, direct aspiration technique: Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3111 D.

D) Atomic absorption, furnace technique:

i) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 D, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for barium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for barium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3111 D, 3113 B, and 3120 B as approved alternative methods for barium in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

6) Beryllium.

A) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 3120 B.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, furnace technique.

i) ASTM Method D3645-97 B, D3645-03 B, or D3645-08 B;

ii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3113 B; or

iii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for beryllium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D3645-08 B as an approved alternative method for beryllium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for beryllium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3113 B and 3120 B as approved alternative methods for beryllium in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

7) Cadmium.

A) Inductively coupled plasma arc furnace: USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4).

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, furnace technique:

i) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA NERL Method 200.5 as approved alternative methods for cadmium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for cadmium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Method 3113 B as an approved alternative method for cadmium in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

8) Calcium.

A) EDTA titrimetric.

i) ASTM Method D511-93 A, D511-03 A, or D511-09 A; or

ii) Standard Methods, 18th or 19th ed., Method 3500-Ca D or Standard Methods, 20th, ~~or~~ 21st, or 22nd ed., Method 3500-Ca B.

B) Atomic absorption, direct aspiration.

i) ASTM Method D511-93 B, D511-03 B, or D511-09 B; or

ii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3111 B.

C) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 3120 B.

D) Ion chromatography: ASTM Method D6919-03 or D6919-09.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3120 B, and 3500-Ca B and USEPA NERL Method 200.5 as approved alternative methods for calcium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D511-09 A and B as approved alternative methods for calcium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added ASTM Method D6919-09 as an approved alternative method for calcium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3111 B, 3120 B, and 3500-Ca B as approved alternative methods for calcium in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

9) Chromium.

A) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 3120 B.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, furnace technique:

i) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for chromium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for chromium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3113 B and 3120 B as approved alternative methods for chromium in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

10) Copper.

A) Atomic absorption, furnace technique.

i) ASTM Method D1688-95 C, D1688-02 C, or D1688-07 C;

ii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3113 B; or

iii) Standard Methods Online, Method 3113 B-04.

B) Atomic absorption, direct aspiration.

i) ASTM Method D1688-95 A, D1688-02 A, or D1688-07 A; or

ii) Standard Methods, 18th, 19th, ~~or~~ 21st , or 22nd ed., Method 3111 B.

C) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 3120 B.

D) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

E) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

F) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as an approved alternative method for copper in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D1688-07 A and C as approved alternative methods for copper in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for copper in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3111 B, 3113 B, and 3120 B as approved alternative methods for copper in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

11) Conductivity; Conductance.

A) ASTM Method D1125-95(1999) A; or

B) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 2510 B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 2510 B as an approved alternative method for conductivity in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Method 2510 B as an approved alternative method for conductivity in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

12) Cyanide.

A) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed., Method 4500-CN^- C), followed by spectrophotometric, amenable.

i) ASTM Method D2036-98 B or D2036-06 B; or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-CN^- G.

B) Manual distillation (ASTM Method D2036-98 A or Standard Methods, 18th, 19th, or 20th ed., Method 4500-CN^- C), followed by spectrophotometric, manual.

i) ASTM Method D2036-98 A or D2036-06 A;

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-CN^- E; or

iii) USGS Methods, Method I-3300-85.

C) Spectrophotometric, semiautomated: USEPA Environmental Inorganic Methods, Method 335.4 (rev. 1.0).

D) Selective electrode: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-CN^- F.

E) UV/Distillation/Spectrophotometric: Kelada 01.

F) Microdistillation/Flow Injection/Spectrophotometric: QuikChem ~~QuickChem~~ 10-204-00-1-X.

G) Ligand exchange and amperometry.

i) ASTM Method D6888-04~~D6888-03~~.

ii) OI Analytical Method OIA-1677 DW.

H) Gas chromatography-mass spectrometry headspace: Method ME355.01.

BOARD NOTE: USEPA added ASTM Method D2036-06 A and Standard Methods, 21st ed., Methods 4500-CN^-E, F, and G as approved alternative methods for cyanide in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Method ME355.01 as an approved alternative method for cyanide in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 74 Fed. Reg. 38348). USEPA added Standard Methods, 22nd ed., Methods 4500-CN^- E, F, and G as approved alternative methods for cyanide in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

13) Fluoride.

A) Ion Chromatography.

i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

ii) ASTM Method D4327-97 or D4327-03;

iii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4110 B; or

iv) Hach SPADNS 2 Method 10225.

B) Manual distillation, colorimetric SPADNS: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-F^- B and D.

C) Manual electrode.

i) ASTM Method D1179-93 B, D1179-99 B, D1179-04 B, or D1179-10 B; or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-F^- C.

D) Automated electrode: Technicon Methods, Method 380-75WE.

E) Automated alizarin.

i) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-F^- E; or

ii) Technicon Methods, Method 129-71W.

F) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

BOARD NOTE: On March 12, 2007 (at 72 Fed. Reg. 11200), USEPA amended the entry for fluoride to add capillary ion electrophoresis in the table at corresponding 40 CFR 141.23(k)(1) to allow the use of "Waters Method D6508, Rev. 2." The Board attempt to locate a copy of the method disclosed that it is an ASTM method originally approved in 2000 and reapproved in 2005. The Board has cited to the ASTM Method D6508-00 (2005).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B and 4500-F^- B, C, D, and E and ASTM Method D1179-04 B as approved alternative methods for fluoride in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Hach SPADNS 2 Method 10225 as an approved alternative method for fluoride in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added ASTM Method D1179-10 B as an approved alternative method for fluoride in appendix A to subpart C of 40 CFR 141 on June 28, 2012 (at 77 Fed. Reg. 38523). USEPA added Standard Methods, 22nd ed., Methods 4110 B and 4500-F^- B, C, D, and E as approved alternative methods for fluoride in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

14) Lead.

A) Atomic absorption, furnace technique.

i) ASTM Method D3559-96 D, D3559-03 D, or D3559-08 D;

ii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3113 B; or

iii) Standard Methods Online, Method 3113 B-04.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Differential Pulse Anodic Stripping Voltammetry: Palintest Method 1001.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA NERL Method 200.5 as approved alternative methods for lead in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D3559-08 D as an approved alternative method for lead in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for lead in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Method 3113 B as an approved alternative method for lead in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

15) Magnesium.

A) Atomic absorption.

i) ASTM Method D511-93 B, D511-03 B, or D511-09 B; or

ii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3111 B.

B) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 3120 B.

C) Complexation titrimetric.

i) ASTM Method D511-93 A, D511-03 A, or D511-09 A; or

ii) Standard Methods, 18th or 19th ed., Method 3500-Mg E or Standard Methods, 20th, ~~or~~ 21st, or 22nd ed., Method 3500-Mg B.

D) Ion chromatography: ASTM Method D6919-03 or D6919-09.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3120 B, and 3500-Mg B and USEPA NERL Method 200.5 as approved alternative methods for magnesium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D511-09 A and B as approved alternative methods for magnesium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added ASTM Method D6919-09 as an approved alternative method for magnesium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3111 B, 3120 B, and 3500-Mg B as approved alternative methods for magnesium in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

16) Mercury.

A) Manual cold vapor technique.

i) USEPA Environmental Metals Methods, Method 245.1 (rev. 3.0);

ii) ASTM Method D3223-97 or D3223-02; or

iii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3112 B.~~;~~

~~iv) Standard Methods Online, Method 3112 B-09.~~

B) Automated cold vapor technique: USEPA Inorganic Methods, Method 245.2.

C) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3112 B as an approved alternative method for mercury in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3112 B-09 as an approved alternative method for mercury in appendix A to subpart C of 40 CFR 141 on June 28, 2012 (at 77 Fed. Reg. 38523). USEPA added Standard Methods, 22nd ed., Method 3112 B as an approved alternative method for mercury in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558). Because Standard Methods, 22nd ed., Method 3112 B is the same version as Standard Methods Online 3112 B-09, the Board has not listed the Standard Methods Online version separately.

17) Nickel.

A) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 3120 B.

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, direct aspiration technique: Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3111 B.

E) Atomic absorption, furnace technique:

i) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3113 B; or

ii) Standard Methods Online, Method 3113 B-04.

F) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3111 B, 3113 B, and 3120 B and USEPA NERL Method 200.5 as approved alternative methods for nickel in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods Online, Method 3113 B-04 as an approved alternative method for nickel in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3111 B, 3113 B, and 3120 B as approved alternative methods for nickel in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

18) Nitrate.

A) Ion chromatography.

i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

ii) ASTM Method D4327-97 or D4327-03;

iii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4110 B; or

iv) Waters Test Method B-1011, available from Millipore Corporation.

B) Automated cadmium reduction.

i) USEPA Environmental Inorganic Methods, Method 353.2 (rev. 2.0);

ii) ASTM Method D3867-90 A; or

iii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-NO_3^- F.

C) Ion selective electrode.

i) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-NO_3^- D; or

ii) Technical Bulletin 601.

D) Manual cadmium reduction.

i) ASTM Method D3867-90 B; or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-NO_3^- E.

E) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

F) Reduction-colorimetric: Systea Easy (1-Reagent).

G) Direct colorimetric: Hach TNTplus 835/836 Method 10206.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B and 4500-NO_3^- D, E, and F as approved alternative methods for

nitrate in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Systea Easy (1-Reagent) as an approved alternative method for nitrate in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 73 Fed. Reg. 38348). USEPA added Hach TNTplus 835/836 Method 10206 as an approved alternative method for nitrate in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 4110 B and 4500-NO_3^- D, E, and F as approved alternative methods for nitrate in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

19) Nitrite.

A) Ion chromatography.

i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

ii) ASTM Method D4327-97 or D4327-03;

iii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4110 B; or

iv) Waters Test Method B-1011, available from Millipore Corporation.

B) Automated cadmium reduction.

i) USEPA Environmental Inorganic Methods, Method 353.2 (rev. 2.0);

ii) ASTM Method D3867-90 A; or

iii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-NO_3^- F.

C) Manual cadmium reduction.

i) ASTM Method D3867-90 B; or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-NO_3^- E.

D) Spectrophotometric: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-NO_2^- B.

E) Capillary ion electrophoresis: ASTM Method D6508-00(2005).

F) Reduction-colorimetric: Systea Easy (1-Reagent).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B, 4500-NO_3^- E and F; and 4500-NO_2^- B as approved alternative methods for nitrite in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Systea Easy (1-Reagent) as an approved alternative method for nitrite in appendix A to subpart C of 40 CFR 141 on August 3, 2009 (at 73 Fed. Reg. 38348). USEPA added Standard Methods, 22nd ed., Methods 4110 B, 4500-NO_3^- E and F, and 4500-NO_2^- B as approved alternative methods for nitrite in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

20) Orthophosphate (unfiltered, without digestion or hydrolysis).

A) Automated colorimetric, ascorbic acid.

i) USEPA Environmental Inorganic Methods, Method 365.1 (rev. 2.0); or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-P F.

B) Single reagent colorimetric, ascorbic acid.

i) ASTM Method D515-88 A; or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-P E.

C) Colorimetric, phosphomolybdate: USGS Methods, Method I-1601-85.

D) Colorimetric, phosphomolybdate, automated-segmented flow: USGS Methods, Method I-2601-90.

E) Colorimetric, phosphomolybdate, automated discrete: USGS Methods, Method I-2598-85.

F) Ion Chromatography.

i) USEPA Environmental Inorganic Methods, Method 300.0 (rev. 2.1) or USEPA Organic and Inorganic Methods, Method 300.1 (rev. 1.0);

ii) ASTM Method D4327-97 or D4327-03; or

iii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4110 B.

G) Capillary ion electrophoresis: ASTM Method D6508-00 (2005).

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 4110 B~~,~~ and 4500-P E and F as approved alternative methods for orthophosphate in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). Because Standard Methods, 21st ed., Methods 4500-P E and F are the same versions as Standard Methods Online 4500-P E-99 and F-99, the Board has not listed the Standard Methods Online versions separately. USEPA added Standard Methods, 22nd ed., Methods 4500-P E and F and 4110 B as approved alternative methods for orthophosphate in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

21) pH: electrometric.

A) USEPA Inorganic Methods, Method 150.1 or Method 150.2;

B) ASTM Method D1293-95, or D1293-99, or D1293-12; or

C) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-H^+ B.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 4500-H^+ B as an approved alternative method for pH in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Method 4500-H^+ B and ASTM Method D1293-12 as approved alternative methods for pH in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

22) Selenium.

A) Atomic absorption, hydride.

i) ASTM Method D3859-98 A, D3859-03 A, or D3859-08 A; or

ii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3114 B.~~; or~~

~~iii) Standard Methods Online, Method 3114 B-09.~~

B) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

C) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

D) Atomic absorption, furnace technique.

i) ASTM Method D3859-98 B, D3859-03 B, or D3859-08 B;

ii) Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3113 B; or

iii) Standard Methods Online, Method 3113 B-04.

E) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Methods 3113 B and 3114 B and USEPA NERL Method 200.5 as approved alternative methods for selenium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Methods D3859-08 A and B as approved alternative methods for selenium in appendix A to subpart C of 40 CFR 141 on November 10, 2009 (at 74 Fed. Reg. 57908). USEPA added Standard Methods Online, Method 3113 B-04 and Method 3114 B-09 as approved alternative methods for selenium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Methods 3113 B and 3114 B as approved alternative methods for selenium in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558). Because Standard Methods, 22nd ed., Method 3114 B is the same version as Standard Methods Online 3114 B-09, the Board has not listed the Standard Methods Online version separately.

23) Silica.

A) Colorimetric, molybdate blue: USGS Methods, Method I-1700-85.

B) Colorimetric, molybdate blue, automated-segmented flow: USGS Methods, Method I-2700-85.

C) Colorimetric: ASTM Method D859-94, D859-00, D859-05, or D859-10.

D) Molybdosilicate: Standard Methods, 18th or 19th ed., Method 4500-Si D or Standard Methods, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-SiO_2 C.

E) Heteropoly blue: Standard Methods, 18th or 19th ed., Method 4500-Si E or Standard Methods, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-SiO_2 D.

F) Automated method for molybdate-reactive silica: Standard Methods, 18th or 19th ed., Method 4500-Si F or Standard Methods, 20th, ~~or~~ 21st, or 22nd ed., Method 4500-SiO_2 E.

G) Inductively coupled plasma.

i) USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4); or

ii) Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 3120 B.

H) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added ASTM Method D859-05, Standard Methods, 21st ed.; Methods 3120 B and 4500-SiO_2 C, D, and E; and USEPA NERL Method 200.5 as approved alternative methods for silica in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D859-10 as an approved alternative method for silica in appendix A to subpart C of 40 CFR 141 on June 28, 2012 (at 77 Fed. Reg. 38523). USEPA added Standard Methods, 22nd ed., Methods 3120 B and 4500-SiO_2 C, D, and E as approved alternative methods for silica in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

24) Sodium.

A) Inductively coupled plasma: USEPA Environmental Metals Methods, Method 200.7 (rev. 4.4).

B) Atomic absorption, direct aspiration: Standard Methods, 18th, 19th, ~~or~~ 21st, or 22nd ed., Method 3111 B.

C) Ion chromatography: ASTM Method D6919-03 or D6919-09.

D) Axially viewed inductively coupled plasma-atomic emission spectrometry (AVICP-AES): USEPA NERL Method 200.5.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 3113 B and USEPA NERL Method 200.5 as approved alternative methods for sodium in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added ASTM Method D6919-09 as an

approved alternative method for sodium in appendix A to subpart C of 40 CFR 141 on June 24, 2011 (at 76 Fed. Reg. 37014). USEPA added Standard Methods, 22nd ed., Method 3111 B as an approved alternative method for sodium in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

25) Temperature; thermometric: Standard Methods, 18th, 19th, 20th, ~~or~~ 21st, or 22nd ed., Method 2550.

BOARD NOTE: USEPA added Standard Methods, 21st ed., Method 2550 as an approved alternative method for temperature in appendix A to subpart C of 40 CFR 141 on June 3, 2008 (at 73 Fed. Reg. 31616). USEPA added Standard Methods, 22nd ed., Method 2550 as an approved alternative method for temparature in appendix A to subpart C of 40 CFR 141 on May 31, 2013 (at 78 Fed. Reg. 32558).

26) Thallium.

A) Inductively coupled plasma-mass spectrometry: USEPA Environmental Metals Methods, Method 200.8 (rev. 5.3).

B) Atomic absorption, platform furnace technique: USEPA Environmental Metals Methods, Method 200.9 (rev. 2.2).

b) Sample collection for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container, and maximum holding time procedures:

BOARD NOTE: For cyanide determinations samples must be adjusted with sodium hydroxide to pH 12 at the time of collection. When chilling is indicated the sample must be shipped and stored at 4° C or less. Acidification of nitrate or metals samples may be with a concentrated acid or a dilute (50% by volume) solution of the applicable concentrated acid. Acidification of samples for metals analysis is encouraged and allowed at the laboratory rather than at the time of sampling provided the shipping time and other instructions in Section 8.3 of USEPA Environmental Metals Method 200.7, 200.8, or 200.9 are followed.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Antimony.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

2) Arsenic.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

3) Asbestos.

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

4) Barium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

5) Beryllium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

6) Cadmium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

7) Chromium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

8) Cyanide.

A) Preservative: Cool to 4° C. Add sodium hydroxide to pH greater than 12. See the analytical methods for information on sample preservation.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

9) Fluoride.

A) Preservative: None.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within one month.

10) Mercury.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

11) Nickel.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

12) Nitrate, chlorinated.

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

13) Nitrate, non-chlorinated.

A) Preservative: Concentrated sulfuric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

14) Nitrite.

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

15) Selenium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

16) Thallium.

A) Preservative: Concentrated nitric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within six months.

c) Analyses under this Subpart N must be conducted by a certified laboratory in one of the categories listed in Section 611.490(a) ~~laboratories that received approval from USEPA or the Agency~~. The Agency must certify laboratories to conduct analyses for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory does as follows:

1) It analyzes performance evaluation (PE) samples, provided by the Agency pursuant to 35 Ill. Adm. Code 186, that include those substances at levels not in excess of levels expected in drinking water; and

2) It achieves quantitative results on the analyses within the following acceptance limits:

A) Antimony: ± 30% at greater than or equal to 0.006 mg/ℓ.

B) Arsenic: ± 30% at greater than or equal to 0.003 mg/ℓ.

C) Asbestos: 2 standard deviations based on study statistics.

D) Barium: ± 15% at greater than or equal to 0.15 mg/ℓ.

E) Beryllium: ± 15% at greater than or equal to 0.001 mg/ℓ.

F) Cadmium: ± 20% at greater than or equal to 0.002 mg/ℓ.

G) Chromium: ± 15% at greater than or equal to 0.01 mg/ℓ.

H) Cyanide: ± 25% at greater than or equal to 0.1 mg/ℓ.

I) Fluoride: ± 10% at 1 to 10 mg/ℓ.

J) Mercury: ± 30% at greater than or equal to 0.0005 mg/ℓ.

K) Nickel: ± 15% at greater than or equal to 0.01 mg/ℓ.

L) Nitrate: ± 10% at greater than or equal to 0.4 mg/ℓ.

M) Nitrite: ± 15% at greater than or equal to 0.4 mg/ℓ.

N) Selenium: ± 20% at greater than or equal to 0.01 mg/ℓ.

O) Thallium: ± 30% at greater than or equal to 0.002 mg/ℓ.

BOARD NOTE: Derived from 40 CFR 141.23(k) and appendix A to 40 CFR 141 (2013)~~(2012)~~.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants

Monitoring of the Phase I, Phase II, and Phase V VOCs for the purpose of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section the following have the given meanings:

"Detect" and "detection" mean that the contaminant of interest is present at a level greater than or equal to the "detection limit."

"Detection limit" means 0.0005 mg/ℓ.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) (2013)~~(2012)~~. This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts further action. The use of the term "detect" in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit." Note, however, that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit." The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit," as used in subsections (q) and (t) of this Section means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from appendix B to 40 CFR 136 (2013)~~(2012)~~. The method detection limit is determined by the procedure set forth in appendix B to 40 CFR 136, incorporated by reference in Section 611.102(c). See subsection (t) of this Section.

b) Required sampling. Each supplier must take a minimum of one sample at each

sampling point at the times required in subsection (u) of this Section.

c) Sampling points.

1) Sampling points for a GWS. Unless otherwise provided by a SEP granted by the Agency pursuant to Section 611.110, a GWS supplier must take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for an SWS or mixed system supplier. Unless otherwise provided by a SEP granted by the Agency pursuant to Section 611.110, an SWS or mixed system supplier must sample from each of the following points:

A) Each entry point after treatment; or

B) Points in the distribution system that are representative of each source.

3) The supplier must take each sample at the same sampling point unless the Agency has granted a SEP pursuant to Section 611.110 that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section derived from 40 CFR 141.24(f)(1) through (f)(3) (2013)~~(2012)~~.

d) Each CWS and NTNCWS supplier must take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.

e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I, Phase II, and Phase V VOCs, as allowed in subsection (r)(1) of this Section,

was completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs, then the supplier must take one sample annually beginning in the initial compliance period.

f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs must take one sample during each three-year compliance period.

g) A CWS or NTNCWS supplier that has completed the initial round of monitoring required by subsection (d) of this Section and which did not detect any of the Phase I VOCs, including vinyl chloride; Phase II VOCs; and Phase V VOCs may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f) of this Section. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP that releases it from the requirements of subsection (d) of this Section as to 1,2,4-trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (2013)~~(2012)~~, and the discussion at 57 Fed. Reg. 31825 (July 17, 1992). Provisions concerning the term of the waiver appear in subsections (i) and (j) of this Section. The definition of "detect," parenthetically added to the federal counterpart paragraph, is in subsection (a) of this Section.

h) Vulnerability assessment. The Agency must consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsection (d), (e), or (f) of this Section sought pursuant to subsection (g) of this Section.

i) A SEP issued to a GWS pursuant to subsection (g) of this Section is for a maximum of six years, except that a SEP as to the subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene must apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) of this Section monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) of this Section and submitted pursuant to subsection (g) of this Section, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) of this Section. Based on this application, the Agency must do

either of the following:

1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or

2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: Subsection (i) of this Section does not apply to an SWS or mixed system supplier.

j) Special considerations for a SEP for an SWS or mixed-system supplier.

1) The Agency must determine that an SWS is not vulnerable before issuing a SEP pursuant to Section 611.110 to an SWS supplier. A SEP issued to an SWS or mixed system supplier pursuant to subsection (g) of this Section is for a maximum of one compliance period; and

2) The Agency may require, as a condition to a SEP issued to an SWS or mixed supplier, that the supplier take such samples for Phase I, Phase II, and Phase V VOCs at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.

BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7) (2012), the provision applicable to GWSs, and 40 CFR 141.24(f)(10) (2013)~~(2012)~~, the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) of this Section. Subsection (j) of this Section represents the elements unique to an SWSs or mixed system, and subsection (i) of this Section relates to a GWS supplier. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to a mixed system supplier, the Board has included a mixed system supplier with an SWS supplier because this best follows the federal scheme for all other contaminants.

k) If one of the Phase I VOCs, excluding vinyl chloride; a Phase II VOC; or a Phase V VOC is detected in any sample, then the following must occur:

1) The supplier must monitor quarterly for that contaminant at each sampling point that resulted in a detection.

2) Annual monitoring.

A) The Agency must grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for a SEP must include the following minimal information:

i) For a GWS, two quarterly samples.

ii) For an SWS or mixed system supplier, four quarterly samples.

C) In issuing a SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently" determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) of this Section if it violates the MCL specified by Section 611.311.

3) Suppliers that monitor annually must monitor during the quarters that previously yielded the highest analytical result.

4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) of this Section.

5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section must monitor quarterly for vinyl chloride as described in subsection (k)(5)(B) of this Section, subject to the limitation of subsection (k)(5)(C) of this Section.

A) "Two-carbon contaminants" (Phase I or II VOC) are the following:

1,2-Dichloroethane (Phase I)

1,1-Dichloroethylene (Phase I)

cis-1,2-Dichloroethylene (Phase II)

trans-1,2-Dichloroethylene (Phase II)

Tetrachloroethylene (Phase II)

1,1,1-Trichloroethylene (Phase I)

Trichloroethylene (Phase I)

B) The supplier must sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) of this Section.

C) The Agency must grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in the first sample required by subsection (k)(5)(B) of this Section.

l) Quarterly monitoring following MCL violations.

1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride; Phase II VOCs; or Phase V VOCs, as determined by subsection (o) of this Section, must monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

A) The Agency must grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for a SEP must include the following minimal information: four quarterly samples.

C) In issuing a SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently" determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (l)(1) of this Section if it violates the MCL specified by Section 611.311.

D) The supplier must monitor during the quarters that previously yielded the highest analytical result.

m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier must take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (o) of this Section.

3) The Agency must delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

n) This subsection (n) corresponds with 40 CFR 141.24(f)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the system is in violation of the MCL.

1) For a supplier that monitors more than once per year, compliance with the

MCL is determined by a running annual average at each sampling point.

2) A supplier that monitors annually or less frequently whose sample result exceeds the MCL must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling.

3) If any sample result will cause the running annual average to exceed the MCL at any sampling point, the supplier is out of compliance with the MCL immediately.

4) If a supplier fails to collect the required number of samples, compliance will be based on the total number of samples collected.

5) If a sample result is less than the detection limit, zero will be used to calculate the annual average.

p) This subsection (p) corresponds with 40 CFR 141.24(f)(16), which USEPA removed and reserved. This statement maintains structural consistency with the federal regulations.

q) Analysis under this Section must only be conducted by a laboratory in one of the categories listed in Section 611.490(a) that has been certified~~laboratories that have received certification by USEPA or the Agency~~ according to the following conditions:

1) To receive certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride; Phase II VOCs; and Phase V VOCs, the laboratory must do the following:

A) It must analyze performance evaluation (PE) samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 186.170;

B) It must achieve the quantitative acceptance limits under subsections (q)(1)(C) and (q)(1)(D) of this Section for at least 80 percent of the regulated organic contaminants in the PE sample;

C) It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within ± 20

percent of the actual amount of the substances in the PE sample when the actual amount is greater than or equal to 0.010 mg/ℓ;

D) It must achieve quantitative results on the analyses performed under subsection (q)(1)(A) of this Section that are within ± 40 percent of the actual amount of the substances in the PE sample when the actual amount is less than 0.010 mg/ℓ; and

E) It must achieve a method detection limit of 0.0005 mg/ℓ, according to the procedures in appendix B to 40 CFR 136, incorporated by reference in Section 611.102.

2) To receive certification to conduct analyses for vinyl chloride the laboratory must do the following:

A) It must analyze PE samples provided by the Agency pursuant to 35 Ill. Adm. Code 186.170;

B) It must achieve quantitative results on the analyses performed under subsection (q)(2)(A) of this Section that are within ± 40 percent of the actual amount of vinyl chloride in the PE sample;

C) It must achieve a method detection limit of 0.0005 mg/ℓ, according to the procedures in appendix B to 40 CFR 136, incorporated by reference in Section 611.102; and

D) It must obtain certification pursuant to subsection (q)(1) of this Section for Phase I VOCs, excluding vinyl chloride; Phase II VOCs; and Phase V VOCs.

r) This subsection (r) corresponds with 40 CFR 141.24(f)(18), an obsolete provision that relates to the initial compliance period from 1993 through 1995. This statement maintains consistency with the federal regulations.

s) The Agency shall, by a SEP issued pursuant to Section 611.110, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.

t) Each laboratory certified for the analysis of Phase I, Phase II, or Phase V VOCs

pursuant to subsection (q)(1) or (q)(2) of this Section shall do the following:

1) Determine the method detection limit (MDL), as defined in appendix B to 40 CFR 136, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,

2) Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less than or equal to 0.0005 mg/ℓ.

u) Each supplier must monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

v) A new system supplier or a supplier that uses a new source of water must demonstrate compliance with the MCL within a period of time specified by a permit issued by the Agency. The supplier must also comply with the initial sampling frequencies specified by the Agency to ensure the supplier can demonstrate compliance with the MCL. Routine and increased monitoring frequencies must be conducted in accordance with the requirements in this Section.

BOARD NOTE: Derived from 40 CFR 141.24(f) (2013)~~(2012)~~.

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

Section 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants

Analysis of the Phase II, Phase IIB, and Phase V SOCs for the purposes of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section, the following terms will have the following meanings:

"Detect" or "detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit."

"Detection limit" means the level of the contaminant of interest that is specified in subsection (r) of this Section.

BOARD NOTE: This is a "trigger level" for Phase II, Phase IIB, and

Phase V SOCs inasmuch as it prompts further action. The use of the term "detect" or "detection" in this Section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit."

b) Required sampling. Each supplier must take a minimum of one sample at each sampling point at the times required in subsection (q) of this Section.

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier must take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for an SWS or mixed system supplier. Unless otherwise provided by SEP, an SWS or mixed system supplier must sample from each of the following points:

A) Each entry point after treatment; or

B) Points in the distribution system that are representative of each source.

3) The supplier must take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier must sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) of this Section derived from 40 CFR 141.24(h)(1) through (h)(3) (2013)~~(2012)~~.

d) Monitoring frequency.

1) Each CWS and NTNCWS supplier must take four consecutive quarterly samples for each of the Phase II, Phase IIB, and Phase V SOCs during each compliance period, beginning in the three-year compliance period starting in the initial compliance period.

2) Suppliers serving more than 3,300 persons that do not detect a contaminant in the initial compliance period must take a minimum of two quarterly samples in one year of each subsequent three-year compliance period.

3) Suppliers serving fewer than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period must take a minimum of one sample during each subsequent three-year compliance period.

e) Reduction to annual monitoring frequency. A CWS or NTNCWS supplier may apply to the Agency for a SEP that releases it from the requirements of subsection (d) of this Section. A SEP from the requirement of subsection (d) of this Section must last for only a single three-year compliance period.

f) Vulnerability assessment. The Agency must grant a SEP from the requirements of subsection (d) of this Section based on consideration of the factors set forth at Section 611.110(e).

g) If one of the Phase II, Phase IIB, or Phase V SOCs is detected in any sample, then the following must occur:

1) The supplier must monitor quarterly for the contaminant at each sampling point that resulted in a detection.

2) Annual monitoring.

A) A supplier may request that the Agency grant a SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.

B) A request for a SEP must include the following minimal information:

i) For a GWS, two quarterly samples.

ii) For an SWS or mixed system supplier, four quarterly samples.

C) The Agency must grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently" determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) of this Section if it detects any Phase II SOC.

3) Suppliers that monitor annually must monitor during the quarters that previously yielded the highest analytical result.

4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a SEP with respect to that point, as specified in subsections (e) and (f) of this Section.

5) Monitoring for related contaminants.

A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B) of this Section, subsequent monitoring must analyze for all the related compounds in the respective group.

B) Related contaminants.

i) First group.

aldicarb

aldicarb sulfone

aldicarb sulfoxide

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

ii) Second group.

heptachlor

heptachlor epoxide.

h) Quarterly monitoring following MCL violations.

1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase V SOCs, as determined by subsection (k) of this Section, must monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

A) A supplier may request that the Agency grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.

B) A request for a SEP must include, at a minimum, the results from four quarterly samples.

C) The Agency must grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

D) In issuing the SEP, the Agency must specify the level of the contaminant upon which the "reliably and consistently" determination was based. Any SEP that allows less frequent monitoring based on an Agency "reliably and consistently" determination must include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) of this

Section if it detects any Phase II SOC.

E) The supplier must monitor during the quarters that previously yielded the highest analytical result.

i) Confirmation samples.

1) If any of the Phase II, Phase IIB, or Phase V SOCs are detected in a sample, the supplier must take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (k) of this Section.

3) The Agency must delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

j) This subsection (j) corresponds with 40 CFR 141.24(h)(10), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

k) Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs must be determined based on the analytical results obtained at each sampling point. If one sampling point is in violation of an MCL, the supplier is in violation of the MCL.

1) For a supplier that monitors more than once per year, compliance with the MCL is determined by a running annual average at each sampling point.

2) A supplier that monitors annually or less frequently whose sample result exceeds the regulatory detection level as defined by subsection (r) of this Section must begin quarterly sampling. The system will not be considered in violation of the MCL until it has completed one year of quarterly sampling.

3) If any sample result will cause the running annual average to exceed the MCL at any sampling point, the supplier is out of compliance with the MCL immediately.

4) If a supplier fails to collect the required number of samples, compliance will be based on the total number of samples collected.

5) If a sample result is less than the detection limit, zero will be used to calculate the annual average.

l) This subsection (1) corresponds with 40 CFR 141.24(h)(12), which USEPA removed and reserved. This statement maintains structural consistency with the federal regulations.

m) Analysis for PCBs must be conducted as follows using the methods in Section 611.645:

1) Each supplier that monitors for PCBs must analyze each sample using either USEPA Organic Methods, Method 505 or Method 508.

2) If PCBs are detected in any sample analyzed using USEPA Organic Methods, Method 505 or 508, the supplier must reanalyze the sample using Method 508A to quantitate the individual Aroclors (as decachlorobiphenyl).

3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA Organic Methods, Method 508A.

n) This subsection (n) corresponds with 40 CFR 141.24(h)(14), an obsolete provision that relates to the initial compliance period from 1993 through 1995. This statement maintains consistency with the federal regulations.

o) The Agency must issue a SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

p) This subsection (p) corresponds with 40 CFR 141.24(h)(16), a USEPA provision relating to reserving enforcement authority to the State that would serve no useful function as part of the State's rules. This statement maintains structural consistency with USEPA rules.

q) Each supplier must monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

r) "Detection" means greater than or equal to the following concentrations for each contaminant:

1) for PCBs (Aroclors), the following:

Aroclor	Detection Limit (mg/ℓ)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

2) for other Phase II, Phase IIB, and Phase V SOCs, the following:

Contaminant	Detection Limit (mg/ℓ)
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Benzo(a)pyrene	0.00002
Carbofuran	0.0009
Chlordane	0.0002
2,4-D	0.0001
Dalapon	0.001
1,2-Dibromo-3-chloropropane (DBCP)	0.00002

Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
Endothall	0.009
Endrin	0.00001
Ethylene dibromide (EDB)	0.00001
Glyphosate	0.006
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.00002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Simazine	0.00007
Toxaphene	0.001
2,3,7,8-TCDD (dioxin)	0.000000005
2,4,5-TP (silvex)	0.0002

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

s) Laboratory certification.

1) Analyses under this Section must only be conducted by a laboratory in one of the categories listed in Section 611.490(a) that has been certified~~laboratories that have received approval by USEPA or the Agency~~ according to the conditions of subsection (s)(2) of this Section.

2) To receive certification to conduct analyses for the Phase II, Phase IIB, and Phase V SOCs, the laboratory must do the following:

A) Analyze PE samples provided by the Agency pursuant to 35 Ill.

Adm. Code 183.125(c) that include these substances; and

B) Achieve quantitative results on the analyses performed under subsection (s)(2)(A) of this Section that are within the following acceptance limits:

SOC	Acceptance Limits
Alachlor	± 45%
Aldicarb	2 standard deviations
Aldicarb sulfone	2 standard deviations
Aldicarb sulfoxide	2 standard deviations
Atrazine	± 45%
Benzo(a)pyrene	2 standard deviations
Carbofuran	± 45%
Chlordane	± 45%
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	± 30%
Glyphosate	2 standard deviations
Dibromochloropropane (DBCP)	± 40%
Ethylene dibromide (EDB)	± 40%
Heptachlor	± 45%
Heptachlor epoxide	± 45%
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	± 45%
Methoxychlor	± 45%
Oxamyl	2 standard deviations
PCBs (as decachlorobiphenyl)	0-200%
Pentachlorophenol	± 50%
Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	± 45%
2,4-D	± 50%

2,3,7,8-TCDD (dioxin)	2 standard deviations
2,4,5-TP (silvex)	± 50%

BOARD NOTE: See the Board note appended to Section 611.311(c) for information relating to implementation of requirements relating to aldicarb, aldicarb sulfone, and aldicarb sulfoxide.

t) A new system supplier or a supplier that uses a new source of water must demonstrate compliance with the MCL within a period of time specified by a permit issued by the Agency. The supplier must also comply with the initial sampling frequencies specified by the Agency to ensure the supplier can demonstrate compliance with the MCL. Routine and increased monitoring frequencies must be conducted in accordance with the requirements in this Section.

BOARD NOTE: Derived from 40 CFR 141.24(h) (2013)~~(2012)~~.

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

SUBPART Y: STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

Section 611.971 Routine Monitoring

a) Monitoring.

1) If a supplier submitted an IDSE report, it must begin monitoring at the locations and during the months that the supplier has recommended in its IDSE report submitted pursuant to Section 611.925, following the schedule set forth in Section 611.970(c), unless the Agency, by a SEP issued pursuant to Section 611.110, requires other locations or additional locations after its review. If the supplier submitted a 40/30 certification pursuant to Section 611.923, it qualified for a very small system waiver pursuant to Section 611.924, or it is a NTNCWS that serves fewer than 10,000 persons, the supplier must monitor at the locations and on the dates identified in its monitoring plan as described in Section 611.382(f), updated as required by Section 611.972.

2) The supplier must monitor at no fewer than the number of locations identified in the applicable of subsections (a)(2)(A) through (a)(2)(M) of this Section, subject to the limitations of subsections (a)(2)(N) and (a)(2)(O) of this Section.

A) A Subpart B system supplier that serves fewer than 500 persons must monitor annually at two distribution system monitoring locations during each monitoring period.

B) A Subpart B system supplier that serves 500 to 3,300 persons must monitor quarterly at two distribution system monitoring locations during each monitoring period.

C) A Subpart B system supplier that serves 3,301 to 9,999 persons must monitor quarterly at two distribution system monitoring locations during each monitoring period.

D) A Subpart B system supplier that serves 10,000 to 49,999 persons must monitor quarterly at four distribution system monitoring locations during each monitoring period.

E) A Subpart B system supplier that serves 50,000 to 249,999 persons must monitor quarterly at eight distribution system monitoring locations during each monitoring period.

F) A Subpart B system supplier that serves 250,000 to 999,999 persons must monitor quarterly at 12 distribution system monitoring locations during each monitoring period.

G) A Subpart B system supplier that serves 1,000,000 to 4,999,999 persons must monitor quarterly at 16 distribution system monitoring locations during each monitoring period.

H) A Subpart B system supplier that serves 5,000,000 or more persons must monitor quarterly at 20 distribution system monitoring locations during each monitoring period.

I) A groundwater system supplier that serves fewer than 500 persons must monitor annually at two distribution system monitoring locations during each monitoring period.

J) A groundwater system supplier that serves 500 to 9,999 persons must monitor annually at two distribution system monitoring locations during each monitoring period.

K) A groundwater system supplier that serves 10,000 to 99,999 persons must monitor quarterly at four distribution system monitoring locations during each monitoring period.

L) A groundwater system supplier that serves 100,000 to 499,999 persons must monitor quarterly at six distribution system monitoring locations during each monitoring period.

M) A groundwater system supplier that serves 500,000 or more persons must monitor quarterly at eight distribution system monitoring locations during each monitoring period.

N) The supplier must monitor during month of highest DBP concentrations.

O) A supplier on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for a Subpart B system supplier that serves 500 to 3,300. A groundwater system supplier that serves 500 to 9,999 persons which is on annual monitoring must take dual sample sets at each monitoring location. Any other supplier that is on annual monitoring or which is a Subpart B system supplier that serves 500 to 3,300 is required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the locations with the highest TTHM and HAA5 concentrations, respectively. For a supplier that serves fewer than 500 people, only one location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location and month.

3) If a supplier is an undisinfected system that begins using a disinfectant other than UV light after the dates set forth in Subpart W of this Part for

complying with the IDSE requirements, the supplier must consult with the Agency to identify compliance monitoring locations for this Subpart Y. The supplier must then develop a monitoring plan pursuant to Section 611.972 that includes those monitoring locations.

b) Analytical methods. A supplier must use an approved method listed in Section 611.381 for TTHM and HAA5 analyses in this Subpart Y. Analyses must be conducted by laboratories that have received certification ~~by USEPA or the Agency~~ as specified in Section 611.381.

BOARD NOTE: Derived from 40 CFR 141.621 (2013)~~(2010)~~.

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

SUBPART Z: ENHANCED TREATMENT FOR CRYPTOSPORIDIUM

Section 611.1005 Source Water Monitoring Requirements: Approved Laboratories

a) Cryptosporidium. A supplier must have Cryptosporidium samples analyzed by a laboratory that is approved under USEPA's Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium in Water or a certified laboratory in one of the categories listed in Section 611.490(a) that has been certified for Cryptosporidium analysis ~~by the Agency~~.

b) E. coli. Any laboratory certified ~~by the USEPA,~~ by the National Environmental Laboratory Accreditation Conference, or by a certified laboratory in one of the categories listed in Section 611.490(a) that has been certified~~the Agency~~ for total coliform or fecal coliform analysis pursuant to Section 611.531, is approved for E. coli analysis pursuant to this Subpart Z when the laboratory uses the same technique for E. coli that the laboratory uses for the purposes of Section 611.531.

c) Turbidity. Measurements of turbidity must be made by a party approved by the Agency.

BOARD NOTE: Derived from 40 CFR 141.705 (2013)~~(2006)~~.

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

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board

2) Code Citation: 86 Ill. Adm. Code 1910

3)

Section Numbers:	Proposed Action:
1910.5	Amendment
1910.12	Amendment
1910.20	Amendment
1910.25	Amendment
1910.30	Amendment
1910.31	Amendment
1910.35	New Section
1910.40	Amendment
1910.41	New Section
1910.50	Amendment
1910.55	Amendment
1910.60	Amendment
1910.61	New Section
1910.64	Amendment
1910.66	Amendment
1910.69	Amendment
1910.70	Amendment
1910.75	Amendment
1910.80	Amendment
1910.88	Amendment
1910.90	Amendment
1910.95	Amendment

4) Statutory Authority: 35 ILCS 200/Art. 7 and 35 ILCS 200/16-160 through 16-195

5) A Complete Description of the Subjects and Issues Involved:

Section 1910.5 – Definition and Terms: Amended to clarify definitions and terms in the rules.

Section 1910.12 – Meetings of the Board: Amended to clarify where Board meeting agendas are posted.

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1910.20 – Board Information – Correspondence: Amended to provide an updated address of the Property Tax Appeal Board's office in Des Plaines and to provide the correct address to the Property Tax Appeal Board's website.

Section 1910.25 – Computing Time Limits: Amended to provide that petitions, evidence, motions and written correspondence sent by means other than the United States mail will be considered filed on the date received.

Section 1910.30 – Petitions- Application Paper: Amended to clarify when and how petitions are to be filed by paper. Further clarifies that corporations, limited liability companies, partnerships and other similar entities must be represented by a person licensed to practice law in the State of Illinois.

Section 1910.31 – Petitions – Application Electronic: Amended and renamed to provide for the electronic filing of appeals.

Section 1910.35 – Amendments: This section renumbered 1910.31 and was amended to provide for the electronic submission of amendments.

Section 1910.40 – Board of Review Response to Petition Application Paper: Amended to clarify when and how the board of review is to file its evidence by paper.

Section 1910.41 – Board of Review Response to Petition Application Electronic: Added to provide for the electronic filing of documents from the board of review.

Section 1910.50 – Determination of Appealed Assessment: Amended to provide for the consideration of compulsory sales in determining the correct assessment of property.

Section 1910.55 – Stipulations: Amended to clarify that a stipulation of the parties to an assessment must be reasonable based on the evidence in the record.

Section 1910.60 – Interested Parties – Intervention Paper: Clarifies the time when an appeal is to be filed and changes the time limit by which an owner or taxing district must file a request to intervene in an appeal. Provides that a taxing district no longer needs a resolution from the governing board of the taxing body to file a request to intervene.

Section 1910.61 – Interested Parties – Intervention Electronic: Added to provide for the electronic filing of appeals and requests to intervene.

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1910.64 – Motion Practice – Service of papers: Amended to reference new sections added to the rules that do not require service of requests for extensions of time to submit evidence on other parties to the appeal.

Section 1910.66 – Rebuttal Evidence – Paper and Electronic: Amended to provide for the electronic filing of rebuttal evidence.

Section 1910.69 – Sanctions: Amended to provide reference to the new sections that are subject to sanctions if violated.

Section 1910.70 – Representation at Hearings: Amended to clarify corporations, limited liability companies, partnerships and other similar entities must be represented by a person licensed to practice law in the State of Illinois at all stages of the appeal.

Section 1910.75 – Access to Board Records – Freedom of Information Procedures: Amended to reflect changes in the Freedom of Information Act (5 ILCS 140).

Section 1910.80 – Forms: Amended to provide the correct websites and locations to access forms utilized by the Property Tax Appeal Board.

Section 1910.88 – Use of Facsimile Machines: Amended to clarify the use of facsimile machines to submit evidence is prohibited.

Section 1910.90 – Procedural Hearing Rules: Amended to provide that a party accepting decisions electronically bears the risk that the transmission will not be successful.

Section 1910.95 – Service of Documents in Certain Cases: Amended to provide for the electronic service of documents by the parties in those appeals where a change in assessed valuation of $1 million or more is sought.

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

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Louis G. Apostol
Executive Director
Property Tax Appeal Board
Stratton Office Building, Room 402
401 South Spring Street
Springfield, IL 62706

Telephone: 217/785-4456 or 847/294-4399
Fax: 217/785-4425

Email: louis.apostol@illinois.gov

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.

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section
1910.5 Construction and Definitions
1910.10 Statement of Policy
1910.11 Rules of Order (Repealed)
1910.12 Meetings of the Board
1910.20 Board Information − Correspondence
1910.25 Computing Time Limits
1910.30 Petitions – Application Paper~~Application~~
1910.31 Petitions – Application Electronic
1910.35 Amendments
1910.40 Board of Review Response to Petition − Application Paper~~Application~~
1910.41 Board of Review Response to Petition − Application Electronic
1910.50 Determination of Appealed Assessment
1910.55 Stipulations
1910.60 Interested Parties – Intervention Paper
1910.61 Interested Parties – Intervention Electronic
1910.63 Burdens of Proof
1910.64 Motion Practice – Service of Papers
1910.65 Documentary Evidence
1910.66 Rebuttal Evidence – Paper and Electronic
1910.67 Hearings
1910.68 Subpoenas
1910.69 Sanctions
1910.70 Representation at Hearings
1910.71 Ex Parte Communications
1910.72 Informal Settlement Conference
1910.73 Pre-hearing Conference – Formal Settlement Conference
1910.74 Administrative Review
1910.75 Access to Board Records – Freedom of Information Procedures
1910.76 Board Publications − Distribution
1910.77 Withdrawals and Substitutions of Attorneys
1910.78 Consolidation of Appeals

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

1910.79 Policy on Discovery
1910.80 Forms
1910.88 Use of Facsimile Machines
1910.90 Procedural Hearing Rules
1910.91 Business Records (Repealed)
1910.92 Rules of Pleading, Practice and Evidence
1910.93 Request for Witnesses
1910.94 Inspection of Subject Property − Effect of Denial by Taxpayer or Property Owner
1910.95 Service of Documents in Certain Cases
1910.96 Evidence Depositions
1910.98 Transcription of Hearings − Official Record
1910.99 Adoption of Evidence
1910.100 Severability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006; expedited correction at 30 Ill. Reg. 14633, effective May 16, 2006; amended at 30 Ill. Reg. 12280, effective June 30, 2006; amended at 30 Ill. Reg. 14148, effective August 11, 2006; amended at 30 Ill. Reg. 16311, effective September 29, 2006; amended at 31 Ill. Reg. 16222, effective November 26, 2007; amended at 32 Ill. Reg. 16864, effective October 1, 2008; amended at 33 Ill. Reg. 7910, effective July 1, 2009; amended at 38 Ill. Reg. _____, effective _____.

Section 1910.5 Construction and Definitions

a) Standards. This Part is to be construed in accordance with the appropriate provisions of the Statute on Statutes [5 ILCS 70].

b) Definitions. The following words and phrases, whenever used in this Part,

include in their meaning the definitions set below:

1) Board − Property Tax Appeal Board.

2) The Code – Property Tax Code [35 ILCS 200].

3) Real Property – *The land itself, with all things contained therein, and also all buildings, structures and improvements, and other permanent fixtures thereon, including all oil, gas, coal and other minerals in the land and the right to remove* ~~*such*~~ *oil, gas*~~*,*~~ and other minerals*, excluding coal, from the land, and all rights and privileges belonging or pertaining thereto, except where otherwise specified by the Code.* ~~*Included therein is any vehicle or similar portable structure used or so constructed as to permit its use as a dwelling place, if the structure is resting in whole on a permanent foundation.*~~ (Section 1-130 of the Code)

4) Farm – *When used in connection with valuing land and buildings for an agricultural use, any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming. The dwellings and parcels of* real *property on which farm dwellings are immediately situated shall be assessed as a part of the farm. Improvements, other than farm dwellings, shall be assessed as a part of the farm and in addition to the farm dwellings when such buildings contribute in whole or in part to the operation of the* farm. *For purposes of* this Part, *"farm" does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. The ongoing removal of oil, gas, coal or any other mineral from property used for farming shall not cause that property to not be considered as used solely for farming*. (Section 1-60 of the Code)

5) Fair Cash Value – The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer

and a willing seller. (Section 1-50 of the Code)

6) *PIN; Property Index Number;* Permanent Index Number; Parcel Index Numbering – *A number used to identify a parcel of property for assessment and taxation purposes. The index number shall constitute a sufficient description of the property to which it has been assigned, wherever a description is required by the Code. "Property Index Number" and "Permanent Index Number" shall be construed to be interchangeable terms.* (Section 1-120 of the Code)

7) *Taxing District; Taxing Body – Any unit of local government, school district or community college district with the power to levy taxes. "Taxing District" and "Taxing Body" shall be construed to be interchangeable terms.* (Section 1-150 of the Code)

8) Party, Interested Party – Either the contesting party, i.e., the ~~(~~appellant (owner, taxpayer or taxing district) or~~,~~ the board of review (appellee), or the intervenors (taxing district, owner or taxpayer).

9) Attorney – Any individual admitted to the practice of law in this State as set forth in the Attorney Act [705 ILCS 205].

10) Brief – A document that contains a summary of the facts, the pertinent case law and~~laws,~~ statutes, and an argument on how the laws apply to the facts supporting a particular position.

11) Quadrennial Assessment – *The general assessment of real* property *required by law to be made once every four years*. (Sections 1-65, 9-215, 9-220 and 9-225 of the Code)

12) *Triennial Assessment – In counties of 3,000,000 or more inhabitants, the general assessment of real property required by law to be made once every three years.* (Section 9-220 of the Code)

13) Notice of Decision or Order − A written notice of decision or order of the Property Tax Appeal Board in any appeal may be disseminated to all parties and all other authorities affected thereby by placing same in the U.S. mail with postage fully prepaid or made available by electronic means.

14) Certification of Decision or Order − Certification shall be deemed to be the later of:

A) the date the decision or order is placed in the U.S. mail with postage fully prepaid to the parties of record; or

B) the date the decision or order is transferred or made available by electronic means to the proper authorities.

15) Compulsory Sale –

A) *the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale"; and*

B) *the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.* (Section 1-23 of the Code)

16) Electronic – *Includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that has capabilities similar to these technologies.* (Section 1-46 of the Code)

17) Electronic Record – *A record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.* (Section 1-47 of the Code)

18) Electronic Signature – *A signature in electronic form attached to, or logically associated with, an electronic record.* (Section 1-48 of the Code)

19) Signed or Signature – *Includes any symbol executed or adopted, or any security procedure employed or adopted, using electronic means or otherwise, by or on behalf of a person with the intent to authenticate a record.* (Section 1-136 of the Code)

20) Electronic Receipt Date – *Includes any print, punch symbol, or electronic validation used to represent a stamp or stamping as established by the computer system of the Property Tax Appeal Board.*

c) All references in this Part to property record card shall be deemed to include, as a substitute, a property characteristic printout detailing the property's physical characteristics.

d) Interpretation. The definitions listed in this Section are intended only as an aid to interpretation of this Part.

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

Section 1910.12 Meetings of the Board

a) This Section is to be construed and administered in accordance with the appropriate provisions of the Open Meetings Act [5 ILCS 120]. ~~All meetings of the Property Tax Appeal Board are open to the public, except that meetings or portions of meetings may, upon a majority vote of a quorum present, be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].~~

b) Participation in Meetings: Participation in meetings is limited to the Board members and the Board's staff. The Board may waive this limitation except when waiver is inconsistent with the Property Tax Code, the Open Meetings Act, or this Part.

c) Public Notice: The Board shall post, on or before January 1 of each year, its tentative schedule of meetings for that calendar year stating the date, time and place of the meetings. This publication, however, shall not preclude the Board from changing the date of a meeting when necessary to achieve the attendance of the maximum number of Board members, to account for weather emergencies, or other extraordinary circumstances.

d) Meeting Agenda and Posting: The Board shall prepare an agenda for each meeting. The agenda shall constitute notice of the matters to be heard by the Board at that meeting. The agenda for each regular meeting shall be posted at the Board's offices~~principal office in Springfield~~ and at the location where the meeting is to be held, in an area easily accessible to the public, and at the earliest

practicable date, but in no event less than 48 hours prior to the scheduled meeting. Agendas for regular meetings are for information purposes only. Inclusion of an item on the agenda shall not require the Board's consideration.

e) Special Meetings: Special meetings may be called at any time, in conformance with the Open Meetings Act ~~[5 ILCS 120]~~, by the Chair of the Board through the Executive Director.

f) Minutes: Minutes of open Board meetings shall be taken by the Executive Director or an assigned designee and shall be available for public inspection within 7 days after their approval by the members. Minutes shall include the date, time and place of the meeting, the members of the Board recorded as either present or absent, whether members were physically present or present by means of video or audio conference, a summary of discussion on all matters proposed, deliberated or decided, and a record of any votes taken. The Board shall post the minutes of a regular meeting open to the public on the Board's website within 7 days after approval of the minutes by the Board. Any minutes of meetings open to the public posted on the Board's website shall remain posted on the website for at least 60 days after their initial posting. (See Section 2.06 of the Open Meetings Act ~~[5 ILCS 120/2.06]~~.)

g) Quorum and Voting: Three members of the Board shall constitute a quorum for the transaction of business and the affirmative vote of three members is necessary to adopt any final decision, motion, resolution or ordinance. Members attending the meeting by physical presence, video or audio conference shall constitute an attendance at a Board meeting. Each member attending a meeting shall have one vote in any matter before the Board. Voting shall be by voice vote and shall be recorded by the Executive Director or an assigned designee.

h) Attendance by Means Other than Physical Presence:

1) Any member of the Board may participate in any meeting of the Board by video or audio conference provided that a quorum of the members of the Board is physically present and a majority of the Board allows the member to attend by video or audio conference, and the member is prevented from attending the meeting because of:

A) personal illness or disability;

B) employment purposes or the business of the Board; or

C) a family or other emergency.

2) If a member wishes to attend a meeting by the means specified in this subsection (h), the member shall notify the Executive Director at least 24 hours before the meeting unless advance notice is impractical.

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

Section 1910.20 Board Information − Correspondence

a) Communications
All communications to the Illinois Property Tax Appeal Board shall be addressed to the Clerk of the Property Tax Appeal Board, 402 William G. Stratton Building, 401 S. Spring Street, Springfield, Illinois 62706-0002, unless otherwise directed. The main telephone number is (217)782-6076. The facsimile number is (217)785-4425. The office of the Clerk of the Property Tax Appeal Board at Springfield, Illinois is the official location of the Board for the filing of papers for all counties and, for electronic filings for all counties, see subsection (c).

b) The regional office of the Illinois Property Tax Appeal Board in Cook County is located at 9511 West Harrison Street, Suite LL-54~~171~~, Des Plaines, Illinois 60016. The main telephone number is (847)294-4121.

c) The website addresses of the Illinois Property Tax Appeal Board are www.illinois.gov~~state.il.us/agency~~/ptab and www.ptabil.com.

d) The official business hours of the Illinois Property Tax Appeal Board are 8:30 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays for the State of Illinois.

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

Section 1910.25 Computing Time Limits

a) The time within which any act under this Part~~these rules~~ is to be done shall be computed by excluding the first day and including the last. Saturdays, Sundays and legal holidays for the State of Illinois shall be included in computing the time,

except that when the~~such~~ time period expires on a Saturday, Sunday or a legal holiday for the State of Illinois, the time~~such~~ period shall be extended to include the next following business day.

b) Petitions, evidence, motions, and all other written correspondence sent by United States Mail to the Property Tax Appeal Board shall be considered filed as of the postmark date in accordance with Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25]. Petitions, evidence, motions, and all other written correspondence sent to the Property Tax Appeal Board by any means~~a delivery service~~ other than the United States Mail shall be considered as filed with the Property Tax Appeal Board on the date received, except as otherwise set forth in Section 1910.88~~sent as indicated on the tracking label~~. The date that the Property Tax Appeal Board confirms receipt of an eligible electronically filed document will constitute the filing date.

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

Section 1910.30 Petitions – Application Paper~~Application~~

a) In counties with less than 3,000,000 inhabitants, petitions for appeal shall be filed within 30 days after the ~~postmark date or personal service~~ date of the written notice of the decision of the board of review. In counties with 3,000,000 or more inhabitants, petitions for appeal shall be filed within 30 days after the ~~postmark date or personal service~~ date of the written notice of the decision of the board of review or within 30 days after the date that the board of review transmits to the county assessor pursuant to Section 16-125 its final action on the township in which the property is located, whichever is later. (see Section 16-160 of the Code.)

b) Petitions for appeal shall be filed within 30 days after ~~the postmark date or personal service date of~~ the written notice of the application of final adopted township equalization factors by the board of review. Petitions shall be filed for the subsequent year within 30 days after the date of the written notice when the Property Tax Appeal Board rendered a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered. (see Section 16-185 of the Code.)

c) The petition for appeal shall be on the prescribed form and a separate petition

must be filed for each separately assessed parcel except for contiguous single-owner parcels that constitute a single property and except for condominium buildings or unless a written request is made to the Board for the filing of a single petition for multiple parcels. The request, together with the petition, shall be filed within 30 days after ~~the postmark date or personal service of~~ the written notice of the decision of the board of review or within 30 days after the date that the board of review transmits to the county assessor, pursuant to Section 16-125, its final action on the township in which the property is located, whichever is later. Each petition shall identify and describe the particular property including the PIN ~~or plate number, if any,~~ assigned to the subject parcel by the county. In appeals in which~~where~~ multiple PINs~~parcels~~ are consolidated into a single petition, the assessed values and the relief requested for each individual PIN~~parcel~~ must be separately listed.

d) Appeals filed with the Property Tax Appeal Board shall bear a~~an original~~ signature of the contesting party or the contesting party's attorney on at least one petition, and shall be filed with the Clerk of the Property Tax Appeal Board. Corporations, limited liability companies (LLC), partnerships, and other similar entities, and taxing districts shall be represented at all stages before the Property Tax Appeal Board by any person licensed to practice law in the State of Illinois.

e) Two copies of the written notice of the decision of the board of review must be filed with the petition, if one has been issued. Alternatively, two copies of the decision of the Property Tax Appeal Board reducing the assessment of the subject property for the prior year shall be provided.

f) Petitions for appeal shall be filed in triplicate and all copies of the same shall be properly signed as stated in subsection (d)~~ of this Section~~. In every case in which a change in assessed valuation of less than $100,000 is sought, all written and documentary evidence must be submitted in duplicate with the petition. In every case in which~~where~~ a change in assessed valuation of $100,000 or more is sought, all written and documentary evidence must be submitted in triplicate with the petition. A photograph of the subject property should be submitted with the petition if it aids the contesting party in explaining the appeal.

g) If the contesting party is unable to submit written or documentary evidence with the petition, the contesting party must submit a written request for~~letter requesting~~ an extension of time with the petition. Upon receipt of this request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer

extensions for good cause shown. Good cause may include, but is not limited to, the inability to submit evidence for a cause beyond the control of the contesting party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the petition is filed. Evidence sent by mail shall be considered as filed on the date postmarked or in accordance with Section 1910.25(b).

h) Every petition for appeal shall state the facts upon which the contesting party bases an objection to the decision of the board of review, together with a statement of the contentions of law the contesting party desires to raise. ~~Each petition must also set forth the assessment for the subject property the contesting party considers to be correct.~~ If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. Extensions of time shall be granted in accordance with subsection (g)~~ of this Section~~. Failure to do so shall result in dismissal of the appeal.

i) Every petition for appeal shall give the post office address where mail addressed to the contesting party may be received by the contesting party or his or her attorney, together with the contesting party's telephone number. Notice to the contesting party's attorney shall be deemed notice to the contesting party. A contesting party or attorney may provide an e-mail address for receipt of service of proceedings. The Property Tax Appeal Board must be notified in writing or electronically by any party of a change of mailing address or e-mail address within 30~~60~~ days after the change.

j) The petition shall in all cases state the assessed value of the land, and the assessed value of the improvements (structures), and the total assessed value as placed on the property ~~by the local assessor and~~ by the board of review. The petition must also state the assessed valuation of the land, and the assessed value of the improvements (structures), and the total assessed value that~~which~~ the contesting party claims to be correct.

k) All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 30 days after the date of the return of the petition. If the returned petition is not resubmitted within the 30 day period, the appeal will be dismissed from consideration by the Board.

Petitions that are not properly signed, petitions that do not state the assessed valuation assigned by the ~~local assessor and the~~ board of review, petitions that do not state the assessed valuation considered correct by the contesting party, and petitions not containing all information as required in this Section, shall be treated as incomplete petitions. Written or documentary evidence will be accepted after receipt of a completed petition only when a written request for~~letter requesting~~ an extension of time was timely received and granted.

l) Upon receipt of a completed petition, including the written and documentary evidence from the contesting party, the Clerk of the Property Tax Appeal Board shall send a copy of the petition, including all documentary evidence, to the board of review and shall only forward a copy of the petition to the State's Attorney of the county in which the property is located. The Clerk shall cause the petition to become a part of the~~such~~ appeal proceedings and record.

m) If the petition for appeal is filed by an interested taxing body, rather than by the owner or taxpayer whose assessment is in question, the taxing body must furnish the name and address of the owner and/or taxpayer of the property in question. A copy of the completed petition shall then be sent to the owner and/or taxpayer of the property by the Clerk of the Property Tax Appeal Board. Any petition filed by an interested taxing body without the name and address of the owner and/or taxpayer of the property in question shall be treated as an incomplete petition in accordance with subsection (k)~~ of this Section~~.

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

Section 1910.31 Petitions – Application Electronic

a) An electronically filed petition consists of data transmitted to the Property Tax Appeal Board electronically via the Internet, including an electronic signature. The timelines for filing an appeal electronically are as provided in Section 1910.30(a) and (b).

b) For filing by electronic means, the petition shall be completed on the prescribed form on the website of the Property Tax Appeal Board at www.illinois.gov/ptab or www.ptabil.com that will be transmitted via the Internet to the Property Tax Appeal Board server in Springfield, Illinois. The petitioner shall complete a separate petition for each separately assigned parcel except for contiguous single-owner parcels that constitute a single property and except for condominium

buildings. The established electronic system is to be used in lieu of a written signature when filing electronic petitions or other documents transmitted as part of the electronic filing. Corporations, LLC, partnerships and other similar entities, and taxing districts shall be represented at all stages before the Property Tax Appeal Board by any person licensed to practice law in the State of Illinois. All other requirements of Section 1910.30(c), (h), (i), (j), (k), (l) and (m) remain in effect for electronic filing of petitions. In total, electronic petitions contain the same information as paper petitions.

c) For filing by electronic means, submission of the written notice of the decision of the board of review, unless filing from a decision of the Property Tax Appeal Board for the prior year, along with all documentary evidence shall either:

1) be presented as an attachment at time of electronic filing in a legible 8½" x 11" PDF format with the electronic appeal submission; or

2) be mailed in duplicate or triplicate in accordance with Section 1910.30(f) to the Springfield office of the Property Tax Appeal Board along with a copy of the confirmation document that includes the assigned docket number from the website within 30 days after the date the appeal was electronically filed when a 30-day request for an extension of time was simultaneously completed on-line at the time the petition was filed.

d) After an initial 30-day extension of time to submit written or documentary evidence in accordance with subsection (c)(2), the Board may grant additional or longer extensions for good cause shown in accordance with Section 1910.30(g). Without an initial 30-day electronic request for an extension, no evidence will be accepted after the electronic petition is filed.

e) All information required to fully complete the electronic petition shall be furnished by the contesting party at the time the petition is filed. The Property Tax Appeal Board reserves the right to determine what information is required to fully complete an electronic petition filed via the Internet. The party filing a petition by electronic means bears the risk that the transmission will not be successful. The Property Tax Appeal Board reserves the right to limit the number of petitions and/or number of pages filed via the Internet.

f) Each electronically filed petition transmitted to the Property Tax Appeal Board shall be confirmed as filed after all required information is submitted. The date

that the Property Tax Appeal Board confirms receipt of the completed petition will constitute the filing date of the petition. Unless an electronically filed petition is confirmed as filed by the Property Tax Appeal Board, it will not be considered a filed petition.

g) Electronically filed petitions cannot be recalled or intercepted after the petition has been confirmed as received. If appellants who filed electronically wish to change any entries and/or submissions after the filing has been confirmed, a paper request to amend must be made in accordance with Section 1910.35.

h) The Property Tax Appeal Board reserves the right to dismiss the filing. The following conditions are examples of, but not limited to, conditions that may cause the dismissal of an electronically filed appeal:

1) The filing is untimely; or

2) An electronic appeal petition is accepted with a PIN that is pending with the same appellant for the same tax year, whether filed electronically or via paper, and is thus a duplicate filing; or

3) The filing fails to sufficiently challenge the assessment or is based upon a contention for which the Property Tax Appeal Board has no jurisdiction, including, but not limited to, the tax rate, the amount of a tax bill, or the exemption of real property from taxation.

(Source: Old Section 1910.31 renumbered to Section 1910.35; new Section 1910.31 adopted at 38 Ill. Reg. _____, effective _____)

Section 1910.35 Amendments

a) After the Property Tax Appeal Board has transmitted an appeal to the board of review and the time period for intervention under Section 1910.60 ~~of this Part~~ has expired, a petition for appeal may be amended to correct any technical defects, except when the amendment would be prejudicial to a party.

b) The original filing of the petition, and not any subsequent amendment, shall determine whether:

1) review of the Property Tax Appeal Board's final decision is afforded in the circuit court or the Appellate Court as provided in Section 16-195 of the Code; and

2) the board of review shall notify taxing districts of the appeal as required by Section 16-180 of the Code and Section 1910.40 (f)~~ of this Part~~.

c) After the Property Tax Appeal Board has confirmed electronic receipt of the board of review's response, the response may be amended to correct any technical defects, except when the amendment would be prejudicial to a party.

d) After the Property Tax Appeal Board has confirmed electronic receipt of an intervenor's filing, the filing may be amended to correct any technical defects, except when the amendment would be prejudicial to a party.

e) After the Property Tax Appeal Board has confirmed electronic receipt of an appellant's rebuttal filing, the filing may be amended to correct any technical defects, except when the amendment would be prejudicial to a party.

(Source: Section 1910.35 renumbered from Section 1910.31, and amended at 38 Ill. Reg. _____, effective _____)

Section 1910.40 Board of Review Response to Petition – Application Paper~~Application~~

a) Upon receipt of the completed petition from the contesting party, the Clerk of the Property Tax Appeal Board shall notify the board of review of the filing of the appeal. Upon notification of the filing of the appeal, the board of review shall submit its completed Board of Review Notes on Appeal disclosing the final assessment of the subject property. The Board of Review Notes on Appeal shall also reflect the application of a local township equalization factor when~~multiplier where~~ applicable. The board of review shall also submit a copy of the property record card of the subject property. The property record card should contain, if possible, a schematic drawing of all structural improvements to the land, a completed cost analysis, and an indication of the basis of the land value. The Board of Review Notes on Appeal and all written and documentary evidence supporting the board of review's position must be submitted to the Property Tax Appeal Board within 90 days after the date ~~of the postmark~~ of the notice of the filing of an appeal unless the board of review objects to the jurisdiction of the Property Tax Appeal Board over the assessment appeal. In every case in which a

change in assessed valuation of less than $100,000 is sought, all written and documentary evidence must be submitted in duplicate. In every case in which a change in assessed valuation of $100,000 or more is sought, all written and documentary evidence must be submitted in triplicate.

b) If the board of review objects to the Board's jurisdiction, it must submit a written request for dismissal of the petition prior to the submission of the Board of Review Notes on Appeal and accompanying documentation. The request for dismissal must set forth the basis of the board of review's objections to the Property Tax Appeal Board's jurisdiction over the appeal. In these~~such~~ cases, the Property Tax Appeal Board shall transmit a copy of the request for dismissal to the contesting party and secure a written response to the request for dismissal from the contesting party within 30 days after the ~~postmark~~ date of the notice of the filing of the motion to dismiss. A copy of the response shall be transmitted to the board of review. Upon receipt of the request for dismissal and the response, the Property Tax Appeal Board shall issue a ruling~~decision~~ determining if it has jurisdiction in the matter.

c) If the board of review objects to the Board's jurisdiction and the Property Tax Appeal Board subsequently determines that it has jurisdiction over the parties and the subject matter of the appeal, the board of review shall submit its Board of Review Notes on Appeal, the subject's property record card and all written and documentary evidence within 30 days after the Board's ruling~~decision~~ determining jurisdiction.

d) If the board of review is unable to submit the additional written or documentary evidence with the Notes on Appeal, it must submit a letter requesting an extension of time with the Board of Review Notes on Appeal. Upon receipt of the request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include, but is not limited to, the inability to submit evidence for a cause beyond the control of the board of review, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Board of Review Notes on Appeal is filed.

e) The Clerk shall cause the board of review's evidence to become a part of the appeal proceeding and record and shall send a copy of the evidence to the contesting party or his or her attorney.

f) Pursuant to Section 16-180 of the Property Tax Code, in every case in which a change in assessed valuation of $100,000 or more is sought, the board of review shall, within 30 days after the receipt of the notice of the filing of an appeal with the Board, serve a copy of the petition on all taxing districts as shown on the last available tax bill. The board of review shall also serve a certificate of service on the Property Tax Appeal Board, within 30 days after the receipt of the notice of the filing of an appeal with the Board, affirming that all taxing districts have been notified of the appeal. The certificate of service shall be signed by a member of the board of review or the clerk of the board of review.

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

Section 1910.41 Board of Review Response to Petition − Application Electronic

a) An electronically filed response to a petition consists of data transmitted to the Property Tax Appeal Board electronically via the Internet, including an electronic signature when necessary. The timelines for filing a response to a petition are as provided in Section 1910.40(a).

b) For filing by electronic means, the board of review shall complete its Board of Review Notes on Appeal on the prescribed form on the website of the Property Tax Appeal Board at www.illinois.gov/ptab or www.ptabil.com that will be transmitted via the Internet to the Property Tax Appeal Board server in Springfield, Illinois. The party filing a board of review response by electronic means bears the risk that the transmission will not be successful.

c) For filing by electronic means, submission of the property record card of the subject property and all written and documentary evidence supporting the board of review's position shall be presented as an attachment at the time of electronic filing in a legible 8½" x 11" PDF format with the electronically filed Board of Review Notes on Appeal. The Property Tax Appeal Board reserves the right to limit the number of pages filed via the Internet.

d) If the board of review objects to the Board's jurisdiction, it must comply with the requirements of Section 1910.40(b) and (c).

e) If the board of review is unable to submit the additional written or documentary evidence with the Notes on Appeal at the time of electronic filing, it must

complete an electronic request for a 30-day extension of time simultaneously with the electronic filing of the Board of Review Notes on Appeal.

f) After an initial 30-day extension of time to submit the additional written or documentary evidence in accordance with Section 1910.41(e), the Board may grant a longer extension for good cause shown in accordance with Section 1910.40(d). Without an initial 30-day electronic request for an extension, no evidence will be accepted after the electronic Board of Review Notes on Appeal is filed.

g) The provisions of Section 1910.40(e) and (f) remain in effect for electronic transmission of the board of review response to a petition. The board of review may electronically serve a certificate of service on the Property Tax Appeal Board on the prescribed form, within 30 days after receipt of the notice of the filing of an appeal with the Board, affirming that all taxing districts have been notified of the appeal. The certificate of service shall be signed electronically by a member of the board of review or the clerk of the board of review.

h) Each electronically filed response transmitted to the Property Tax Appeal Board shall be confirmed as filed after all required information is submitted. The date that the Property Tax Appeal Board confirms receipt of the completed response will constitute the filing date of the response. Unless an electronically filed response is confirmed as filed by the Property Tax Appeal Board, it will not be considered a filed response.

i) Electronically filed responses cannot be recalled or intercepted after the response has been confirmed as received. If the board of review that filed electronically wishes to change any entries and/or submissions after the filing has been confirmed, a paper request to amend must be made in accordance with Section 1910.35.

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

Section 1910.50 Determination of Appealed Assessment

a) All proceedings before the Property Tax Appeal Board shall be considered de novo meaning the Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not

specifically made a part of the record. *The Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Each appeal shall be limited to the grounds listed in the petition filed with the Board.* (Section 16-180 of the Code)

b) The Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. *A hearing shall be granted if any party to the appeal submits a request in writing.* (Section 16-170 of the Code)

c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.

1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered when~~where~~ sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.

2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, when~~where~~ sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. The~~Such~~ evidence may include:

A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and

B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.

3) In Cook County, for all other classes of property, when~~where~~ sufficient

probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board will consider the level of assessment applicable to the subject property under the Cook County Real Property Assessment Classification Ordinance, as amended.

d) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the administrative review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In this~~such~~ event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon the~~such~~ assessment.

e) A majority of the Members of the Board is required to make a decision of the Board.

f) *If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code.* (Section 16-160 of the Code)

g) *If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board.* (Section 16-160 of the Code)

h) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board.* (Section 16-185 of the Code)

i) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.* (Section 16-185 of the Code)

j) The contesting party may, at any time before the hearing begins, move to withdraw or voluntarily dismiss the appeal, by written request filed with the Board and all other parties to the appeal. Motions to withdraw or voluntarily dismiss an appeal are favored by the Board and will be denied only in the most extreme or compelling circumstances.

k) *The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.* (Section 16-183 of the Code)

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

Section 1910.55 Stipulations

a) It is the policy of the Property Tax Appeal Board that the parties to an appeal should, to the fullest extent possible, stipulate to all matters that are not, or fairly should not be, in dispute. Prior to the hearing, during a prehearing conference, or during the hearing of any appeal, the parties may file a stipulation setting forth all pertinent facts that are not in dispute, a list of all exhibits to which there are no objections, and any other matters that are not in dispute.

b) If a stipulation revising and correcting an assessment is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board provided it is fair and reasonable based on the~~, but must be supported by~~ evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.

c) If the Board is able to ascertain the correct assessment of the subject property, it will issue a decision notwithstanding any typographical or clerical errors, including but not limited to an erroneous increase of valuation of particular permanent index numbers, on the stipulation form. When a party or parties propose to stipulate to a revised assessment of the property, the Board shall forward the proposed stipulation or assessment agreement to all other parties and those parties shall have 30 days to file a written objection to the proposal. Failure to object within the 30-day period to the proposed assessment shall be considered acceptance of the stipulation or assessment agreement and the Board shall issue a decision in accordance with the stipulation or agreement. The Board shall not issue a decision based on the proposed stipulation or assessment agreement prior to the expiration of the time period for intervention as provided in Section 1910.60~~ of this Part~~.

d) A stipulation or assessment agreement shall be in writing and be clear and concise. Documents or papers or other exhibits annexed to or filed with a stipulation or agreement will be considered part of the stipulation or agreement. A stipulation or agreement shall be treated, to the extent of its terms, as a conclusive admission by the parties to the facts or issues stipulated or agreed to.

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

Section 1910.60 Interested Parties – Intervention Paper

a) Taxpayer/Owner of Property: Any taxpayer or owner of property dissatisfied with a decision of the board of review as such decision pertains to the assessment of his or her property may appeal that decision by filing a petition with the Property Tax Appeal Board within 30 days after~~ the postmark date or personal service date of~~ the written notice of the decision of the board of review or the ~~postmark date or personal service~~ date of the written notice of the application of final, adopted township equalization factors by the board of review. If the taxpayer or owner of property files a petition within 30 days after~~ the postmark date or personal service date of~~ the written notice of the application of final, adopted township equalization factors, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township equalization factor. Petitions shall be filed for the subsequent year within 30 days after the date of the written notice when the Property Tax Appeal Board rendered a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the

session of the board of review at which assessments for the subsequent year are being considered. (see Section 16-185 of the Code.)

b) Taxing Body Acting as Appellant: Any taxing body that has a revenue interest in a decision of the board of review may file an appeal by filing its petition within 30 days after ~~the postmark date of~~ the written notice to the taxpayer of a decision by the board of review. Any taxing district so filing must conform its petition and documentation to the provisions of Section 1910.30.

c) Taxpayer/Owner ~~Acting~~ as Intervenor: Upon notice to the owner that a taxing body has filed an appeal affecting his property, the owner or taxpayer may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene within 30~~60~~ days after the postmark date of the notice to the owner or taxpayer that the taxing body has filed an appeal and shall comply with subsection (e) regarding the submission of evidence or with subsection (f) to seek an extension of time to submit evidence.

d) Intervenors~~:~~

~~1)~~Any taxing body that has a revenue interest in an appeal before the Property Tax Appeal Board may become an intervening party by filing in triplicate with the Clerk of the Property Tax Appeal Board a Request to Intervene through legal counsel in accordance with Section 1910.70(c). The Request to Intervene must be filed within the later to occur of:

1)~~A)~~ 30~~60~~ days after the postmark date of the notice of the Board to the State's Attorney of the filing of an appeal; or

2)~~B)~~ within 30~~60~~ days after the postmark of the board of review service as required in Section 16-180 of the Property Tax Code.

~~2) The Request to Intervene must be accompanied by a copy of the resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene on its behalf.~~

e) Intervenors − Taxing District and Taxpayer/Owner – Paper Written and Documentary Evidence: Requests to Intervene shall be filed in triplicate and all copies of the same shall be signed. All additional written and documentary evidence must be submitted with the Request to Intervene in triplicate. ~~Any~~

~~Request to Intervene that is received without a properly adopted copy of the resolution of the governing board of the taxing body authorizing its legal representative to file the Request to Intervene on its behalf shall be treated as incomplete and shall be returned. The filing of an incomplete Request to Intervene shall not extend the 60 day deadline without a written request explaining good cause for failure to timely submit a properly completed Request to Intervene and resolution.~~

f) Extensions for Filing Additional Evidence: If the intervening party is unable to submit the additional written or documentary evidence with the Request to Intervene, it must submit a letter requesting an extension of time to file additional written or documentary evidence with the Request to Intervene. Upon receipt of such a request, the Board shall grant a 30 day extension of time for the filing of written or documentary evidence. This shall not include an extension of time to file a Request to Intervene ~~or resolution~~. The Board shall grant additional or longer extensions for the filing of written or documentary evidence for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the intervening party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the Request to Intervene is filed.

g) Records: The Clerk of the Property Tax Appeal Board shall cause a Request to Intervene and all accompanying documentation to become a part of the appeal proceeding and record, and shall send a copy of the same to the contesting party and the board of review. Upon receipt of a timely Request to Intervene, the Clerk of the Property Tax Appeal Board shall cause a copy of the appeal record to be forwarded to the intervening party.

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

Section 1910.61 Interested Parties – Intervention Electronic

a) Taxpayer/Owner of Property: The provisions of Section 1910.31 remain in effect.

b) Taxing District as Appellant: An electronically filed petition consists of data transmitted to the Property Tax Appeal Board electronically via the Internet, including an electronic signature of counsel for the taxing district. The timelines for filing an appeal electronically are as provided in Section 1910.60(b). Any

taxing district filing electronically must conform its petition and documentation to the provisions of Section 1910.31.

c) Taxpayer/Owner as Intervenor: Upon notice to the owner that a taxing district has filed an appeal affecting his or her property, the owner or taxpayer may become an intervening party by filing electronically with the Clerk of the Property Tax Appeal Board a Request to Intervene within 30 days after the postmark date of the notice to the owner or taxpayer that the taxing district has filed an appeal.

d) Intervenors: Any taxing district that has a revenue interest in an appeal before the Property Tax Appeal Board may become an intervening party by filing electronically with the Clerk of the Property Tax Appeal Board in accordance with Section 1910.60(d).

e) Intervenors – Taxing District and Taxpayer/Owner − Written and Documentary Evidence: For filing by electronic means, the taxing district and/or taxpayer/owner shall submit all written and documentary evidence as an attachment in a legible 8½" x 11" PDF format with the electronic submission of the completed Request to Intervene. The Property Tax Appeal Board reserves the right to limit the number of pages filed via the Internet.

f) Extensions for Filing Additional Evidence: If the intervening party is unable to submit the additional written or documentary evidence with the electronically filed Request to Intervene, it shall make a request for a 30-day extension of time simultaneously on-line at the time the Request to Intervene is electronically submitted. All other provisions of Section 1910.60(f) and (g) remain in effect.

g) The party filing documentation by electronic means bears the risk that the transmission will not be successful. Each electronically filed document transmitted to the Property Tax Appeal Board shall be confirmed as filed after all required information is submitted. The date that the Property Tax Appeal Board confirms receipt of the completed document will constitute the filing date of the document. Unless an electronically filed document is confirmed as filed by the Property Tax Appeal Board, it will not be considered a filed document.

h) Electronically filed documents cannot be recalled or intercepted after the document has been confirmed as received. If intervenors who filed electronically wish to change any entries and/or submissions after the filing has been confirmed, a paper request to amend must be made in accordance with Section 1910.35.

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

Section 1910.64 Motion Practice – Service of Papers

a) Requests and motions for extensions of time in which to file evidence shall be made pursuant to Sections 1910.30(g), 1910.31(c)(2) and (d), 1910.40(d), 1910.41(e), ~~and~~ 1910.60(f) and 1910.61(f) ~~of this Part~~ for taxpayers, boards of review and intervenors, and shall not be made subject to this Section.

b) Provided that the Property Tax Appeal Board has transmitted the appeal to the board of review pursuant to Section 1910.40(a) ~~of this Part~~ and no earlier than 15 days after receipt of the appeal by the board of review, all other motions shall be in writing setting forth the arguments and authorities relied upon to permit the Board to make a decision with or without oral argument, at its discretion. The motion shall also state the name of the appellant and the docket number of the appeal as assigned by the Board.

c) A written motion shall be served at the same time upon all parties and filed with the Board's Springfield office. Motions shall be accompanied by proof of service upon all those required to be served, including the Board.

d) Within 21 days after service of a motion, a party may file a response to the motion. If no response is filed, the party shall be presumed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board in its decision on the motion. Within 14 days after service of a response to a motion, the moving party may file a reply.

e) The Board shall issue a written ruling on all motions, in the form of an order or letter, upon all parties at the same time.

f) All motions filed and served shall be on 8½" x 11" paper, except when such a requirement would unreasonably burden the filing party.

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

Section 1910.66 Rebuttal Evidence – Paper and Electronic

a) Upon receipt of the argument and accompanying documentation filed by a party,

any other party may, within 30 days after the ~~postmark~~ date of the Board's notice, file written or documentary rebuttal evidence. Rebuttal evidence shall consist of written or documentary evidence submitted to explain, repel, counteract or disprove facts given in evidence by an adverse party and must tend to explain or contradict or disprove evidence offered by an adverse party. Rebuttal evidence shall include a written factual critique based on applicable facts and law, a review appraisal, or an analysis of an adverse party's appraisal prepared by a person who is an expert in the appraisal of real estate. This written critique, review appraisal, or analysis must be submitted within the responding party's 30-day rebuttal period pursuant to this Section.

b) In any appeal in which a change in assessed valuation of $100,000 or more is sought, the Board shall grant one 30-day extension of time to submit rebuttal evidence upon good cause shown in writing. Good cause shall include the complexity of the appeal, the volume of the evidence submitted by an opposing party, and the inability of a rebuttal appraiser to complete the review and written critique within the 30-day filing period. A request for an extension of time to submit rebuttal evidence shall be in writing, supported by affidavit, and served on the Board and all other parties to the appeal. No further extensions to submit rebuttal evidence shall be granted.

c) Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.

d) An electronically filed rebuttal consists of data transmitted to the Property Tax Appeal Board on the form prescribed on the website of the Property Tax Appeal Board at www.illinois.gov/ptab or www.ptabil.com that will be transmitted via the Internet to the Property Tax Appeal Board server in Springfield, Illinois. The timelines for filing rebuttal electronically are as provided in this Section.

e) Electronically filed rebuttal transmitted to the Property Tax Appeal Board shall be confirmed as filed after all required information is submitted. The date that the Property Tax Appeal Board confirms receipt of the completed rebuttal will constitute the filing date of the rebuttal. Unless an electronically filed rebuttal submission is confirmed as filed by the Property Tax Appeal Board, it will not be considered a filed rebuttal submission.

f) Electronically filed rebuttal cannot be recalled or intercepted after the rebuttal has

been confirmed as received. If parties who filed electronically wish to change any entries and/or submissions after the filing has been confirmed, a paper request to amend must be made in accordance with Section 1910.35.

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

Section 1910.69 Sanctions

a) Failure of any party to comply fully with all rules and/or specific requests of the Property Tax Appeal Board as provided in Sections 1910.30, 1910.31, 1910.40, 1910.41, 1910.60, 1910.61, 1910.65, 1910.67, 1910.68 and 1910.73 ~~of this Part~~ shall result in the default of that party.

b) When a hearing as provided in Section 1910.67 ~~of this Part~~, or a pre-hearing conference as provided in Section 1910.73 ~~of this Part~~, is ordered by the Property Tax Appeal Board, all parties shall appear for the hearing or pre-hearing on the appeal on the date and at the time set by the Property Tax Appeal Board. Failure to appear on the date and at the time set by the Property Tax Appeal Board shall be sufficient cause to default that party.

c) When a party, his attorney, or his witness engages in threatening, disruptive, vulgar, abusive or obscene conduct or language which delays or protracts a proceeding, the Board, by any Member, or Hearing Officer, shall exclude the offending person from the proceeding. Any party engaging in such conduct or language shall be defaulted.

d) Failure of the contesting party to furnish a court reporter as required in Section 1910.98(a) ~~of this Part~~ shall be sufficient cause to dismiss the appeal. Failure of the contesting party to furnish a court reporter's transcript as required in Section 1910.98(b) ~~of this Part~~ within 60 days after the date of the hearing shall result in the dismissal of the appeal.

e) Failure of the contesting party to pursue disposition of an appeal in a reasonable time will render the appeal subject to dismissal. In making this determination, the Board shall consider factors including, but not limited to, the history of the appeal, the length of time that has elapsed since the last action taken in the appeal, past attempts to schedule the appeal for hearing, and the contesting party's compliance with any Board or Hearing Officer requests or orders.

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

Section 1910.70 Representation at Hearings

a) A party shall have the right to represent himself or herself and to be present at and participate in any hearing before the Property Tax Appeal Board. The right to participate shall include the rights to call, examine and cross-examine witnesses and to discuss any evidence properly submitted pursuant to this Part. A party may be represented at the hearing by any person who is admitted to practice as an attorney in this State. Accountants, tax representatives, tax advisers, real estate appraisers, real estate consultants and others not qualified to practice law in this State may not appear at hearings before the Board in a representative capacity, and may not conduct questioning, cross-examination or other investigation at the hearing. However, those~~such~~ persons may testify at hearings before the Board and may assist parties and attorneys in preparation of cases for presentation by those parties and attorneys for the Board at hearings.

b) As provided in subsection (a), only attorneys licensed to practice law in the State of Illinois shall be allowed to represent a party at a Property Tax Appeal Board hearing.

c) Corporations, ~~limited liability companies (~~LLC~~)~~, partnerships and other similar entities, and taxing districts shall be represented at all stages before the~~a~~ Property Tax Appeal Board ~~hearing~~ by any person licensed to practice law in the State of Illinois.

d) The board of review may be represented at a hearing by the county state's attorney's office, any attorney licensed to practice law in the State of Illinois properly authorized as a special assistant state's attorney, or board of review members or commissioners or their duly authorized designees.

e) An attorney, pro se taxpayer (representing himself or herself), or board of review designee may enter an appearance either by signing the petition, a Request to Intervene, or other document initiating the participation of a party in a proceeding, or by filing an appearance in the proceeding. By signing a petition or a Request to Intervene, or filing an appearance, the attorney, pro se taxpayer, or board of review designee certifies that he or she has the authority to appear and act on behalf of a party in the proceeding.

f) An attorney shall avoid appearing before the Board on behalf of his or her client in the capacity of both an advocate and a witness. When an attorney is a witness for the client, except as to merely formal matters, the attorney should leave the hearing of the appeal to other counsel. Except when essential to the ends of justice, an attorney shall avoid testifying before the Board on behalf of a client.

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

Section 1910.75 Access to Board Records – Freedom of Information Procedures

a) Board Policy~~.~~
This Section is established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Section is to support the policy of providing public access to public records in the possession of the Property Tax Appeal Board while, at the same time, protecting legitimate privacy interests in confidentiality~~and maintaining administrative efficiency~~.

b) Definitions~~.~~

1) FOIA − the Freedom of Information Act [5 ILCS 140].

2) Freedom of Information Officer − the individual responsible for receiving and responding to requests for public records.

3) Requester − a person who submits a written or electronic request for public records in accordance with this Section.

4) Business Days~~Working days~~ − calendar days other than Saturdays and Sundays and legal State holidays.

5) Public Access Counselor – an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

c) Person to Whom Requests~~whom requests~~ are Submitted~~submitted.~~
Requests for public records shall be submitted to the Freedom of Information Officer of the Board. Requests shall be submitted to the following address:

Freedom of Information Officer

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

Illinois Property Tax Appeal Board
402 Stratton Building
401 South Spring Street
Springfield~~,~~ IL 62706
ATTN: FOIA Request
Fax: 217/785-4425
E-mail: PTA.Webmaster@illinois.gov

d) Form and Contents~~contents~~ of Requests~~requests.~~

1) Requests in accordance with ~~the~~ FOIA and this Section shall be in writing and may be submitted via mail, e-mail, fax, hand delivery, or other means available. These~~Such~~ requests may~~shall~~ be submitted on FOIA request forms provided by the Board. For e-mailed requests, indicate in the subject line of the e-mail that it contains a FOIA request.

2) Oral requests are not precluded by ~~the~~ FOIA; the Board may honor oral requests for inspection or copying~~neither are they governed by it~~. (See 5 ILCS 140/3(c).)

3) The requester should~~shall~~ provide the following information in a request for public records:

A) The requester's full name, mailing address, ~~and~~ telephone number, and, optionally, an electronic mail address;

B) A brief description of the public records sought, being as specific as possible;~~ and~~

C) Whether the request is for inspection of public records, copies of public records~~,~~ or electronic copies;~~both.~~

D) A statement as to the requested medium and format for the Board to use in providing the records sought, for example, paper, specific types of digital or magnetic media, or videotape; and

E) A statement as to whether the request is for a commercial purpose.

e) Inspection of Records~~records~~ at the Board's Offices~~offices.~~

1) Generally, public records will be available for inspection by appointment only at the Board's offices in Springfield or Des Plaines between the hours of 8:30 AM and 5:00 PM Monday through Friday, except on State holidays. Space will be provided for the requester to inspect public records.

2) An employee of the Board may be present throughout the inspection.

3) A requester shall not be permitted to take briefcases, bags, folders or other similar materials, or pens, into the inspection area.

4) A requester will be permitted to take pencils and paper into the inspection area.

5) Documents ~~which~~ the requester wishes to have copied shall be segregated during the course of inspection. Generally, all copying will be done by Board employees.

f) Copies of Public Records~~public records.~~

1) Copies of public records shall be provided to the requester only upon payment of any charges that are due.

2) There is no fee for up to 50 pages of standard paper copies. For pages beyond 50, there is a 15 cent per-page charge. Fees for copies of public records shall be assessed in accordance with Section 6(a) of ~~the~~ FOIA. A schedule of fees will be available in each of the Board's offices as required by Section 4 of ~~the~~ FOIA. Fees may be reduced or waived if the requester provides a written fee waiver request that includes a specific explanation as to why the request for information is in the public interest, not simply in the requester's personal interest, and merits a fee waiver that satisfies the criteria set forth in Section 6(c~~b~~) of ~~the~~ FOIA.

3) Fees will~~shall~~ be waived if the requester is a federal, State or municipal agency, a constitutional officer, ~~or~~ member of the General Assembly, or a not-for-profit organization providing evidence of good standing with the Secretary of State's Office.

4) Payment shall be made by check or money order payable to the Illinois Property Tax Appeal Board and sent to the Freedom of Information Officer.

5) If the requester is unwilling or unable to pick up the copies of requested records at the Board's offices, the requester shall bear mailing or shipping costs.

g) Time for Response~~response.~~

1) The Freedom of Information Officer shall respond to a written request for public records within 5~~7~~ business~~working~~ days after receipt of the~~such~~ request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Board fails to respond to a request within the requisite periods stated in this subsection (g), but thereafter provides the requester with copies of the requested records, it will not impose a fee for those copies. If the Board fails to respond to a request received, it will not treat the request as unduly burdensome under subsection (g) of FOIA.

2) In the event the request for public records cannot be responded to within 5~~7~~ business days for one of the reasons provided in Section 3(e~~d~~) of ~~the~~ FOIA, the Board shall have an additional 5~~7~~ business~~working~~ days in which to respond. The Board shall give the requester notice of the extension of time to respond. The~~Such~~ notice of extension shall set forth the reasons why the extension is necessary and the date by which the response will be forthcoming. Additionally, the requester and the Board may agree in writing to extend the time for compliance for a period to be determined by the parties.

h) Types of Board Responses~~responses.~~

1) The Freedom of Information Officer shall respond to a request for public records in one of three ways:

A) approve the request;

B) approve in part and deny in part; or

C) deny the request.

2) Upon approval of a request for public records, the Freedom of Information Officer may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.

3) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 9(a)~~3(f)~~ or (b)~~7~~ of ~~the~~ FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requester's right to appeal to the Public Access Counselor~~Chairman of the Board~~.

4) Categorical requests creating an undue burden upon the Board shall be denied only after extending to the requester an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(g~~f~~) of ~~the~~ FOIA.

5) Failure to respond to a written request within 5~~7~~ business~~working~~ days may be considered by the requester a denial of the request.

i) Appeal of a Denial~~denial.~~

1) A requester whose request for public records has been denied by the Freedom of Information Officer may appeal the denial to the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial~~Chairman of the Board~~. (See 5 ILCS 140/9.5(a).)~~Chairman of the Board. The Notice of Appeal shall be in writing and shall be addressed to the Board's Springfield office, attention: Chairman (FOIA Appeal).~~

2) A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA. ~~The Notice of Appeal shall include a copy of the original request and a written statement setting forth the reasons why the requester believes the appeal should be granted.~~

~~j)~~ ~~Chairman's response to denial.~~
~~The Chairman shall respond to an appeal within 7 working days after receiving a Notice of Appeal. The Chairman shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 working days may be considered by the requester as an affirmation of the denial.~~

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

Section 1910.80 Forms

All forms issued pursuant to this Part will be available at the offices of the Property Tax Appeal Board, the Board's Internet site at www.illinois.gov~~state.il.us/agency~~/ptab and www.ptabil.com, and at the county boards of review and supervisor of assessments or chief county assessment officer's~~county assessor's~~ offices. Only the prescribed forms of the Property Tax Appeal Board may be used.

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

Section 1910.88 Use of Facsimile Machines

The Property Tax Appeal Board prohibits use of facsimile transmissions, except in limited circumstances as set forth in this Section. In no event shall petitions, evidence, Board of Review Notes on Appeal, requests to intervene or rebuttal submissions be accepted by facsimile machine. Use of facsimile transmission is only allowable in limited circumstances, such as emergency motion practice for continuances of a scheduled hearing or upon a specific request of an employee of the Property Tax Appeal Board. Any petition or other document transmitted to the Property Tax Appeal Board by facsimile for a reason other than an emergency motion or upon Board request will not be accepted and, in the case of petitions, will be deemed to be non-filed.~~Any document containing 100 pages or less may be filed by facsimile transmission sent to the Property Tax Appeal Board at its designated number, provided that, within 5 days after the facsimile filing, the original document is submitted to the Board. The date imprinted on the document by the Board's telefax machine shall have the same effect as the United States Postal Service's postmark.~~ The party submitting~~filing~~ a document by facsimile transmission bears the risk that the transmission will not be successful. The date imprinted on the document by the Property Tax Appeal Board's telefax machine shall have the same effect as the U.S. Postal Service's postmark, except documents received by the Property Tax Appeal Board by facsimile transmission after 4:45 p.m., in whole or in part, will be deemed received on the next business day. The date imprinted on the transmission confirmation document by the sender's telefax machine may be presented as evidence of successful transmission~~ and the filing of the document.~~

~~The facsimile filer shall ensure that any document is filed with the Board in a timely manner. For purposes of this Section, "facsimile document" means a paper document transmitted to the Board from either a facsimile machine or a personal computer with facsimile capability~~.

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

Section 1910.90 Procedural Hearing Rules

a) The provisions of this Section are promulgated pursuant to Section 16-180 of the Code and shall apply to all appeals before the Property Tax Appeal Board. Nothing contained in this Section shall in any way negate, limit, modify or otherwise affect any of the powers, duties or authority of the Board under the Code.

b) Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 1910.67~~ of this Part~~. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to subsection (d)~~ of this Section~~. Hearings shall be open to the public in accordance with Section 1910.67(f)~~ of this Part~~.

c) The sequence to be followed for all hearings before the Property Tax Appeal Board shall be as follows:

1) Preliminary matters – motions or objections, or attempts to narrow issues or limit evidence shall be heard first;

2) Opening statements – the contesting party shall proceed first, followed by the board of review and intervenors, if any; opening statements may be waived or may be reserved and presented prior to the commencement of a party's case in chief;

3) Case in chief – the evidence and witnesses presented to prove the position of the contesting party shall be heard first, followed by those of the board of review and intervenors, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;

4) Rebuttal – the evidence and witnesses presented to rebut the evidence offered in opposition to the contesting party's position shall be heard after the completion of the cases in chief of all parties, followed by the rebuttal evidence and witnesses of the board of review and intervenors, if any;

5) Closing statements – the closing argument of the contesting party shall be heard first, followed by the closing arguments of the board of review and intervenors, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.

d) Continuances of appeals set for hearing shall be granted pursuant to Section 1910.67(i)~~ of this Part~~; a hearing that has commenced may be continued by order of the Hearing Officer to permit further testimony or argument only if the time allotted for the hearing has expired.

e) All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.

f) Any party may object to the admissibility of evidence or testimony, and those objections must clearly state the specific ground or rule of law that~~which~~ is the basis for the objection.

1) When an objection is made to the admissibility of evidence prior to the hearing of the appeal, the objection must be made in writing. A copy of the objection shall be transmitted to all other parties to the appeal, and the Property Tax Appeal Board shall solicit responses from all other parties. The Board shall issue its ruling on the objection in writing prior to the hearing of the appeal.

2) When an objection is made to the admissibility of evidence or testimony during the hearing, the Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.

3) Any party offering evidence that is ruled inadmissible shall be permitted to make an offer of proof upon motion made at the hearing.

g) The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.

h) Writings, documents and all copies of writings and documents submitted to the Property Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Hearing Officer.

i) The Property Tax Appeal Board may take official notice of decisions it has rendered, matters within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.

j) Any party or his or her witness may be called by any other party as an adverse witness and examined as if under cross-examination in the same manner and under the same circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102]. Upon a showing that a witness was called in good faith and that the party calling the witness is surprised by the witness' testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be impeached by prior statements or otherwise.

k) The Hearing Officer presiding over or scheduled to preside over a Property Tax Appeal Board hearing may be disqualified from the hearing as follows:

1) Any interested party may move for the disqualification of a Hearing Officer based on bias or a conflict of interest. The motion must be in writing and must state specific facts establishing that bias or a conflict of interest exists. Adverse rulings in pending or prior appeals shall not be sufficient to establish bias or a conflict of interest.

2) A motion for disqualification shall be made promptly after the moving party learns the identity of the Hearing Officer or after learning facts that establish grounds for disqualification. The motion shall be presented to the Chairman of the Board or the Executive Director. If bias or a conflict of interest is found to exist, another Hearing Officer shall be appointed as soon as possible.

3) The Hearing Officer may at any time voluntarily disqualify himself or herself.

l) Decisions of the Property Tax Appeal Board shall dispose of contested matters upon the merits and shall set forth the Board's findings of fact and conclusions of law. Decisions shall be served by United States mail on the appellant, board of review and intervenor, if any. Decisions may also be delivered or made available to the proper authorities affected by the decision, including the State's Attorney, Chief County Assessment Officer, County Clerk and County Collector by United States mail or electronic means, if available, as provided in Section 16-185 of the Code. Decisions of the Board shall be based on the evidence contained in the administrative record. The party accepting decisions by electronic means bears the risk that the transmission will not be successful.

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

Section 1910. 95 Service of Documents in Certain Cases

a) Service Requirements and Application. This ~~Beginning with assessments made for the 2006 assessment year, except as otherwise provided in Sections 1910.30(f) and (l), 1910.40(a), (e), and (f), and 1910.60(c), (d), (e), and (g), this~~ Section contains the Property Tax Appeal Board's service requirements for documents submitted by a party in support of an issue pending in any appeal where a change in assessed valuation of $1 million or more is sought before the Board. Service of documents shall commence after the contesting party has initiated a petition for appeal with the Board and after notice has been given to the board of review of the appeal filing as provided in Section 1910.40(a)~~ of this Part~~. Requests and motions for extensions of time made pursuant to Sections 1910.30(g), 1910.31(d),1910.40 (b) and (d), 1910.41(d),~~and~~ 1910.60(f) and 1910.61(f)~~ of this Part~~ are not subject to this Section. All other motions made by the parties shall be governed by Section 1910.64~~ of this Part~~.

b) Method of Service. Service of documents shall be made at the same time upon all parties by personal delivery, by the United States Postal Service or by any other mail delivery service, properly addressed, with postage prepaid, or electronically. Service on a party shall be at its last known address or last known e-mail address, unless otherwise designated by the party.

c) Service on the Board. A party shall serve on the Board an original and one copy of any paper document or electronically serve the document via the Internet~~ on~~

~~the Board at its Springfield office~~. Otherwise, all other parties are entitled to one legible copy of the document to be served.

d) Proof of Service. Proof of service shall be attached to any document served upon a party. The proof of service shall show the date, time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by certified mail with return receipt.

e) Failure to Serve. Failure to serve copies of documents as required under this Section does not in any way impair the jurisdiction of the Board over any party. The Board shall order the offending party to reimburse the aggrieved party for any expenses shown to have been incurred as a result of the failure to serve.

f) Definition. "Document" includes any form of documentary or rebuttal evidence as provided in Sections 1910.65 and 1910.66 ~~of this Part~~, any board of review submission required under Section 1910.40 or 1910.41 ~~of this Part~~, and requests to intervene ~~and resolutions~~ required under Section 1910.60 or 1910.61 ~~of this Part~~.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Number: 100.2060 Proposed Action: New

4) Statutory Authority: [35 ILCS 5/201(o)]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides guidance for computing the Illinois income tax surcharge imposed under IITA Section 201(o) on licensees and investors in licensees under the Compassionate Use of Medical Cannabis Pilot Program Act .

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None.

7) Will this rulemaking replace any emergency rulemaking currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

Section Number	Proposed Action	*Illinois Register* Citation
100.2110	Amend	37 Ill. Reg. 1546; September 27, 2013
100.2120	Amend	37 Ill. Reg. 15464; September 27, 2013
100.2160	Amend	37 Ill. Reg. 15464; September 27, 2013
100.2185	Amend	37 Ill. Reg. 15464; September 27, 2013
100.2190	Amend	37 Ill. Reg. 15464; September 27, 2013
100.2480	Amend	37 Ill. Reg. 15464; September 27, 2013
100.2655	Amend	37 Ill. Reg. 15464; September 27, 2013
100.2657	New	37 Ill. Reg. 19082; December 2, 2013

11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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:

Paul S. Caselton
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-7055

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-forprofit corporations affected: Small businesses subject to the surcharge under IITA Section 201(o) will receive guidance on the computation and reporting of their liabilities.

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 Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)
100.2060 Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193 Student-Assistance Contributions Credit (IITA 218)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Scope
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) − Definitions
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Current Net Operating Losses: Offsets Between Members
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Carrybacks and Carryforwards
100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) − Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) − Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES OCCURRING ON OR AFTER DECEMBER 31, 1986

Section
100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or

After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section
100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y)
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section
100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section
100.3000 Terms Used in Article 3 (IITA Section 301)
100.3010 Business and Nonbusiness Income (IITA Section 301)
100.3015 Business Income Election (IITA Section 1501)
100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section
100.3100 Compensation (IITA Section 302)
100.3110 State (IITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
100.3310 Business Income of Persons Other Than Residents (IITA Section 304) − In General

100.3320 Business Income of Persons Other Than Residents (IITA Section 304) − Apportionment (Repealed)
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) − Allocation
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
100.3350 Property Factor (IITA Section 304)
100.3360 Payroll Factor (IITA Section 304)
100.3370 Sales Factor (IITA Section 304)
100.3371 Sales Factor for Telecommunications Services
100.3373 Sales Factor for Publishing
100.3380 Special Rules (IITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400 Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
100.3405 Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section
100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions
100.5070 List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080 Registration of Tax Shelters (IITA Section 1405.5)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART O: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits on Separate Returns
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180 Composite Returns: Overpayments and Underpayments

SUBPART P: COMBINED RETURNS

Section
100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
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100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
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DEPARTMENT OF REVENUE

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SUBPART W: NOTICE AND DEMAND

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SUBPART BB: JUDICIAL REVIEW

Section
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100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus
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100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

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Section
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DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended

at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; amended at 38 Ill. Reg. _____, effective _____.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

SUBPART A: TAX IMPOSED

Section 100.2060 Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

a) In general. *For each taxable year beginning or ending during the Compassionate Use of Medical Cannabis Pilot Program, a surcharge is imposed on all taxpayers on income arising from the sale or exchange of capital assets, depreciable business property, real property used in the trade or business, and Section 197 intangibles of an organization registrant under the Compassionate Use of Medical Cannabis Pilot Program Act* [410 ILCS 130]. (IITA Section 201(o))

b) Definitions. For purposes of this Section:

"Act" means the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130].

"Organization Registrant" means a corporation, partnership, trust, limited liability company, or other organization, but not an individual, that holds either a medical cannabis cultivation center registration issued by the Department of Agriculture under Section 85 of the Act or a medical cannabis dispensary registration issued by the Department of Financial and Professional Regulation under Section 115 of the Act.

"Transactions Subject to the Surcharge" means *sales and exchanges of capital assets, depreciable business property, real property used in the trade or business, and Section 197 intangibles of an organization registrant.* (IITA Section 201(o)) Although a unitary business group filing combined Illinois returns under IITA Section 502(f) is treated as a single taxpayer and its members are jointly and severally liable for any surcharge imposed on the group, the group itself is not an organization registrant and transactions of any member that is not itself an organization registrant are not subject to the surcharge.

c) Imposition of the Surcharge. The surcharge is imposed on any taxpayer who incurs a federal income tax liability on the income realized on a transaction subject to the surcharge, including individuals and other taxpayers who are not themselves the organization registrant that engaged in the transaction. An entity that is exempt from federal income tax and therefore incurs no liability with respect to a transaction otherwise subject to the surcharge will incur no surcharge. For example:

1) A disregarded entity, whose existence separate from that of its owner is disregarded under 26 CFR 301.7701-3, and a grantor trust will incur no federal income tax liability because income of these entities is taxed to the owner or the grantor. The disregarded entity or grantor trust will therefore incur no surcharge. Rather, the surcharge is imposed on the owner of the entity, or the grantor of the trust, who is taxable on the income from a transaction subject to the surcharge.

2) A partnership incurs no federal income tax liability because its income is taxed to its partners, and so will incur no surcharge. In the case of an organization registrant that is a partnership, the surcharge is imposed on each partner who is taxable on the income from a transaction of the partnership that is subject to the surcharge.

3) A Subchapter S corporation will generally incur no federal income tax liability because its income is taxed to its shareholders, and so will generally incur no surcharge. However, a Subchapter S corporation subject to federal income tax on built-in gains or passive income from transactions subject to the surcharge is subject to the surcharge. The surcharge is imposed on a shareholder for income from transactions of the Subchapter S corporation that are subject to the surcharge, including transactions on which the surcharge is also imposed on the Subchapter S corporation.

4) A trust will incur no federal income tax liability for transactions subject to the surcharge if the income from a transaction subject to the surcharge is distributed or deemed distributed to its beneficiaries, who are then taxed on the income. In those situations, the trust will incur no surcharge, but the beneficiary to whom the income is taxable will incur the surcharge.

d) Amount of the Surcharge. *The amount of the surcharge is equal to the amount of federal income tax liability of the taxpayer for the taxable year attributable to transactions subject to the surcharge*. (IITA Section 201(o))

1) The federal income tax liability attributable to transactions subject to the surcharge means the federal income tax liability of the taxpayer for the taxable year, minus the federal income tax liability of the taxpayer for the

taxable year computed as if the transactions subject to the surcharge made in that year had not been made by the organization registrant.

2) If taxpayer is a member of an affiliated group of corporations that files a federal consolidated income tax return, the federal income tax liability attributable to transactions subject to the surcharge means the consolidated federal income tax liability of the affiliated group for the taxable year, minus the federal income tax liability of the affiliated group for the taxable year computed as if the transactions subject to the surcharge for which taxable income or gain was recognized in that taxable year had not been made, multiplied by a fraction equal to the amount of the separate taxable income of that member that is attributable to transactions subject to surcharge divided by the sum of the separate taxable incomes attributable to transactions subject to surcharge of all members of the affiliated group.

e) Transactions Exempt from the Surcharge. Under IITA Section 201(o)(1) and (2), the surcharge does not apply to a transaction if:

1) the transaction occurs in connection with the transfer of the medical cannabis cultivation center registration, medical cannabis dispensary registration, or the property of the organization registrant as a result of any of the following:

A) a bankruptcy, receivership or debt adjustment initiated by or against the organization registrant;

B) the cancellation, revocation or termination of the organization registrant's registration by the Illinois Department of Public Health;

C) a determination by the Illinois Department of Public Health that transfer of the organization registrant's registration is in the best interests of Illinois qualifying patients;

D) the death of an owner of the equity interest in a organization registrant;

E) the acquisition of a controlling interest in the stock or substantially all of the assets of an organization registrant that is a publicly traded company;

F) a transfer by a parent company to a wholly owned subsidiary; or

G) the transfer or sale to or by one person to another person where both persons were initial owners of the registration when the registration was issued; or

2) the cannabis cultivation center registration, medical cannabis dispensary registration, or the controlling interest in a registrant's property is transferred in a transaction to lineal descendants or because of a transaction under section 351 of the Internal Revenue Code, so long as no gain or loss is recognized.

f) Special Rules and Provisions

1) Because the surcharge is imposed under Article 2 of the IITA, the taxpayer's surcharge liability for a taxable year is included in the tax liability for which estimated payments must be made for that taxable year. (See IITA Section 804(f).)

2) Because the surcharge is imposed under IITA Section 201, refunds of overpayments of the surcharge may be made from funds in the Income Tax Refund Fund. (See IITA Section 901(d)(1).)

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

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Video Gaming (General)

2) Code Citation: 11 Ill. Adm. Code 1800

3)

Section Numbers:	Proposed Action:
1800.570	Amendment
1800.820	Amendment
1800.830	Amendment

4) Statutory Authority: Authorized by the Video Gaming Act [230 ILCS 40], specifically Section 78 (a) (3) and (b) of that Act [230 ILCS 40/78 (a) (3) and (b)].

5) Effective date of Rule: December 27, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain an incorporation by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 14368; September 13, 2013

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The following non-substantive changes were made on Second Notice:

Deletion of a comma in Section 1800.570;

Deletion of a redundant citation to the Riverboat Gambling Act in Section 1800.820; and

Changing "owner license"to "owners license" in Section 1800.830 to conform to statutory terminology.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this part? Yes

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
1800.110	Amendment	37 Ill. Reg. 19812, December 13, 2013
1800.310	Amendment	37 Ill. Reg. 19812, December 13, 2013
1800.320	Amendment	37 Ill. Reg. 19812, December 13, 2013
1800.610	Amendment	37 Ill. Reg. 19812, December 13, 2013
1800.615	Amendment	37 Ill. Reg. 19812, December 13, 2013
1800.650	Amendment	37 Ill. Reg. 19812, December 13, 2013
1800.690	Amendment	37 Ill. Reg. 19812, December 13, 2013
1800.1610	New	37 Ill. Reg. 19812, December 13, 2013
1800.1620	New	37 Ill. Reg. 19812, December 13, 2013
1800.1630	New	37 Ill. Reg. 19812, December 13, 2013
1800.1640	New	37 Ill. Reg. 19812, December 13, 2013
1800.1650	New	37 Ill. Reg. 19812, December 13, 2013

15) Summary and Purpose of Rulemaking: The rulemaking makes the following changes to the video gaming (general) rules:

Late submission of renewal fees (amendment to Section 1800.570): The Board currently does not have a policy regarding license reinstatement requirements following tardy submission of a renewal fee. The rulemaking adds a new subsection (b) of Section 1800.570 providing that a license shall expire if a renewal fee is not received by the Board before the license expiration date. New subsection (c) of Section 1800.570 provides that, for location, technician, and terminal handler licenses only, the Board may renew a license without requiring reapplication if the renewal fee is received within 10 days of the license expiration date and the licensee is otherwise in good standing. For all other categories of licenses, reapplication shall be required in all instances following license expiration.

Rule change to conform with statutory amendments (amendments to Sections 1800.820 and 1800.830): Public Act 98-31 (effective June 24, 2013) removes language in Section 25 (h) of the Video Gaming Act providing that a licensed location is ineligible to receive a video gaming location license if it is situated within 1,000 feet of an "inter-track wagering licensee" or an "intertrack wagering location licensee". Public Act 98-112 (effective July 26, 2013) removes the 1,000 foot location restriction for "inter-track wagering location licensees" only.

ILLINOIS GAMING BOARD

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The present rulemaking amends Sections 1800.820 and 1800.830 to delete language made obsolete with the enactment of Public Acts 98-31 and Public Act 98-112. Specifically, the rulemaking does the following:

Deletes a provision in Section 820 establishing the method for measuring the distance between a location and an inter-track wagering licensee; and

Deletes a provision in Section 830 establishing criteria for the Board to grant waivers to locations located within 1,000 feet of an inter-track wagering licensee or inter-track wagering location licensee.

16) Information and questions regarding this adopted rulemaking may be addressed to:

Emily Mattison
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. 312/814-7253

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

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

Section
1800.110 Definitions
1800.115 Gender
1800.120 Inspection

SUBPART B: DUTIES OF LICENSEES

Section
1800.210 General Duties of All Video Gaming Licensees
1800.220 Continuing Duty to Report Violations
1800.230 Duties of Licensed Manufacturers
1800.240 Duties of Licensed Distributors
1800.250 Duties of Licensed Video Terminal Operators
1800.260 Duties of Licensed Technicians and Licensed Terminal Handlers
1800.270 Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

Section
1800.310 Grounds for Disciplinary Actions
1800.320 Minimum Standards for Use Agreements
1800.330 Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section
1800.410 Coverage of Subpart
1800.420 Qualifications for Licensure
1800.430 Persons with Significant Influence or Control

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: LICENSING PROCEDURES

Section
1800.510 Coverage of Subpart
1800.520 Applications
1800.530 Submission of Application
1800.540 Application Fees
1800.550 Consideration of Applications by the Board
1800.555 Withdrawal of Applications
1800.560 Issuance of License
1800.570 Renewal of License
1800.580 Renewal Fees and Dates
1800.590 Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

Section
1800.610 Coverage of Subpart
1800.615 Requests for Hearing
1800.620 Appearances
1800.625 Appointment of Administrative Law Judge
1800.630 Discovery
1800.635 Subpoenas
1800.640 Motions for Summary Judgment
1800.650 Proceedings
1800.660 Evidence
1800.670 Prohibition on Ex Parte Communication
1800.680 Sanctions and Penalties
1800.690 Transmittal of Record and Recommendation to the Board
1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section
1800.710 Coverage of Subpart
1800.715 Notice of Proposed Disciplinary Action Against Licensees
1800.720 Hearings in Disciplinary Actions
1800.725 Appearances
1800.730 Appointment of Administrative Law Judge

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

1800.735 Discovery
1800.740 Subpoenas
1800.745 Motions for Summary Judgment
1800.750 Proceedings
1800.760 Evidence
1800.770 Prohibition on Ex Parte Communication
1800.780 Sanctions and Penalties
1800.790 Transmittal of Record and Recommendation to the Board

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN LICENSED VIDEO GAMING LOCATIONS

Section
1800.810 Location and Placement of Video Gaming Terminals
1800.820 Measurement of Distances from Locations
1800.830 Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section
1800.910 Approvals Required, Applicability, Scope of Approval
1800.920 Notice of Enforcement of a Security Interest
1800.930 Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION, AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section
1800.1010 Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
1800.1020 Transportation of Video Gaming Terminals into the State
1800.1030 Receipt of Video Gaming Terminals in the State
1800.1040 Transportation of Video Gaming Terminals Between Locations in the State
1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
1800.1060 Placement of Video Gaming Terminals
1800.1065 Registration of Video Gaming Terminals
1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section
1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

Section
1800.1210 Definitions
1800.1220 Entities Authorized to Perform Fingerprinting
1800.1230 Qualification as a Livescan Vendor
1800.1240 Fingerprinting Requirements
1800.1250 Fees for Fingerprinting
1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

Section
1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

Section
1800.1410 Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

Section
1800.1510 Non-Payment of Taxes

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

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36

Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Reg. 19882, effective November 26, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013.

SUBPART E: LICENSING PROCEDURES

Section 1800.570 Renewal of License

a) The Board may only renew a license upon receipt of the applicable renewal fee and any renewal forms provided by the Board.

b) The Board may only renew a license if the licensee continues to meet all qualifications for licensure set forth in the Act and this Part.

c) A license shall expire if the renewal fee is not received by the Board prior to the expiration of the license.

d) If a licensed video gaming location license, licensed technician license or licensed terminal handler license has expired due to the non-payment of the renewal fee, and the Board receives the licensee's renewal fee within 10 business days following expiration of the license, the Board may renew the license without requiring reapplication provided the licensee continues to meet all qualifications for licensure set forth in the Act and this Part.

(Source: Amended at 38 Ill. Reg. 849, effective December 27, 2013)

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN LICENSED VIDEO GAMING LOCATIONS

Section 1800.820 Measurement of Distances from Locations

In computing the distance between a licensed video gaming location and another facility for purposes of compliance with the location restrictions of Section 25(h) of the Act, a measurement shall be taken of the distance between the respective closest points of the outer walls of the structure containing the licensed video gaming location and the structure containing any of the following:

a) A facility operated by an organization licensee ~~or an inter-track wagering licensee~~ licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5];

b) The home dock of a riverboat licensed under the Riverboat Gambling Act [230 ILCS 10];

c) A school; or

d) A place of worship under the Religious Corporation Act [805 ILCS 110].

(Source: Amended at 38 Ill. Reg. 849, effective December 27, 2013)

Section 1800.830 Waivers of Location Restrictions

a) The Board may waive the requirement that a Licensed Video Gaming Location not be located within 1,000 feet from a facility operated by an organization licensee~~, an inter-track wagering licensee, or an inter-track wagering location licensee~~ licensed under the Illinois Horse Racing Act of 1975~~ [230 ILCS 5]~~ or the home dock of a riverboat licensed under the Riverboat Gambling Act ~~[230 ILCS 10]~~ pursuant to Section 25(h) of the Act upon a proper showing by the applicant. In making its determination, the Board may consider the following:

1) The number and character of other Licensed Video Gaming Locations in the municipality or subdivision of the municipality where the proposed Licensed Video Gaming Location will be located;

2) Whether the proposed Licensed Video Gaming Location applicant has obtained all other necessary governmental licenses and permits;

3) The history of liquor law violations and reported criminal activity at the proposed Licensed Video Gaming Location; and

4) Any other factor that would be relevant to deciding whether public interest, convenience and advantage would be served by approving the waiver.

b) The Board shall not grant the waiver if there is any common ownership or control, shared business activity or contractual arrangement of any type between the proposed Licensed Video Gaming Location and the organization~~,~~ licensee~~, inter-track wagering licensee, inter-track wagering location licensee~~ or owners~~owners'~~ licensee of a riverboat.

(Source: Amended at 38 Ill. Reg. 849, effective December 27, 2013)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: 140.523 — Adopted Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and PA 98-0104

5) Effective Date of Rule: December 23, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: September 6, 2013; 37 Ill. Reg. 13998

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? Yes

14) Are there any other rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
140.24	Amendment	37 Ill. Reg. 3362; March 22, 2013
140.28	Amendment	37 Ill. Reg. 3362; March 22, 2013
140.55	Amendment	37 Ill. Reg. 7078; May 24, 2013
140.80	Amendment	37 Ill. Reg. 10941; July 19, 2013
140.462	Amendment	37 Ill. Reg. 12637; August 16, 2013

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.523	Amendment	37 Ill. Reg. 13998; September 6, 2013
140.12	Amendment	37 Ill. Reg. 19971; December 20, 2013
140.440	Amendment	37 Ill. Reg. 19971; December 20, 2013

15) Summary and Purpose of Rulemaking: This adopted rule is authorized by PA 98-104 and allows for bed reserve payments to ICF/DDs for therapeutic visits when a resident is 21 years of age or older.

16) Information and questions regarding this adopted rule 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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

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140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
140.20 Submittal of Claims
140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22 Magnetic Tape Billings (Repealed)
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140.73 Drug Manual Updates (Recodified)

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140.100	Limitation On Hospital Services (Recodified)
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140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
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140.116	Payment for Inpatient Services for GA (Recodified)
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140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
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140.362	Pre July 1, 1989 Services (Recodified)
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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

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

maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940

thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990;

amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment

suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective

September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective

November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days;

emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23,

2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013.

SUBPART E: GROUP CARE

Section 140.523 Bed Reserves

a) Effective for dates of service on or after July 1, 2012, no payments for bed reserve days will be made to a facility licensed under the Nursing Home Care Act [210 ILCS 45] or the Specialized Mental Rehabilitation Act [210 ILCS 48].

b) Effective July 22, 2013~~July 1, 2012~~, ICF/MR Facilities (including ICF/DD and SNF/Ped licenses)

1) All bed reserves must:

A) be authorized by the interdisciplinary team (IDT); and

B) be limited to residents who desire to return to the same facility.~~; and~~

~~C) be for persons who are under 21 years of age.~~

2) There is no minimum occupancy level ICF/MR facilities must meet for receiving bed reserve payments.

3) In no facility may the number of vacant beds be less than the number of beds identified for residents having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of residents allowed bed reserve.

4) For persons who are under 21 years of age, payment~~Payment~~ may be approved for hospitalization for a period not to exceed 45 consecutive days. The day the resident is transferred to the hospital is the first day of the reserve bed period. Payment for approved bed reserves for hospitalization is a daily rate at:

A) 100% of a facility's current Medicaid per diem for the first 10 days of an admission to a hospital;

B) 75% of a facility's current Medicaid per diem for days 11 through 30 of the admission;

C) 50% of a facility's current Medicaid per diem for days 31 to 45 of the admission.

5) Payment may be approved for therapeutic visits which have been indicated by the IDT as therapeutically beneficial. There is no limitation on the bed reserve days for such approved therapeutic visits. The day after the resident leaves the facility is the first day of the bed reserve period. Payment for approved bed reserves for therapeutic visits is a daily rate at:

A) 100% of a facility's current Medicaid per diem for a period not to exceed 10 days per State fiscal year;

B) 75% of a facility's current Medicaid per diem for a period which exceeds 10 days per State fiscal year.

(Source: Amended at 38 Ill. Reg. 859, effective December 23, 2013)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Hospital Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 152

3) Section Number: 152.300 — Adopted Action: Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Effective Date of Rule: December 23, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Do this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: August 16, 2013; 37 Ill. Reg. 13043

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The following changes were made:

In subsection (c) of Section 152.300 added: "Except when other definitions and criteria applicable to PPR are specified in this Section, the methodology applied by the 3M PPR Grouping Software and contained in the Potentially Preventable Readmissions Classification System Methodology Overview (GRP-139, May 2008, no later amendments or editions included) published by 3M Health Information Systems, 575 West Murray Blvd., Salt Lake City UT 84123, and accessible at http://www2.illinois.gov/hfs/SiteCollectionDocuments/3MPotentiallyPreventableReadmissions.pdf,is incorporated by reference."

In subsection (g)(5) of Section 152.300 deleted, "~~If federal CMS determines that the payment penalty must be included as an offset to the State's federal financial participation, then the hospitals will be required to pay the remaining 50% of the final payment penalty~~."

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? Yes

14) Are there any other rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rule implements Potentially Preventable Readmissions (PPR) policy for State fiscal year 2014 and forward. It also includes clarifications of the State fiscal year 2013 policy.

16) Information and questions regarding this adopted rule 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

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152
HOSPITAL REIMBURSEMENT CHANGES

Section

152.100 Hospital Rate Reductions
152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
152.200 Non-DRG Reimbursement Methodologies
152.250 Appeals (Repealed)
152.300 Adjustment for Potentially Preventable Readmissions

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Sections 12-13 and 14-8 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and Sections 12-13 and 14-8].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16153, effective November 26, 1997; emergency amendment at 25 Ill. Reg. 218, effective January 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6966, effective May 28, 2001; emergency amendment at 25 Ill. Reg. 16122, effective December 3, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7309, effective April 29, 2002; emergency amendment at 29 Ill. Reg. 10299, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19997, effective November 23, 2005; emergency amendment at 30 Ill. Reg. 11847, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18703, effective November 27, 2006; emergency amendment at 32 Ill. Reg. 529, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8730, effective May 29, 2008; amended at 35 Ill. Reg. 10114, effective June 15, 2011; emergency amendment at 36 Ill. Reg. 10410, effective July 1, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 282, effective January 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10517, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 13589, effective August 1, 2013, for a maximum of 150 days; emergency amendment at 37 Ill. Reg. 16003, effective September

27, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 882, effective December 23, 2013.

Section 152.300 Adjustment for Potentially Preventable Readmissions

a) Notwithstanding any provision set forth in 89 Ill. Adm. Code 148 or 149 and unless otherwise stated in this Section, the changes described in this Section will be effective January 1, 2013.

b) For clean claims received on or after January 1, 2013, rates of payment to hospitals that have an excess number of readmissions, as defined in accordance with the criteria set forth in subsection (d), as determined by a risk adjusted comparison of the actual and targeted number of readmissions in a hospital as described by subsection (e), shall be reduced in accordance with subsection (f).

c) Definitions. For purposes of this Section, the following terms are defined in this subsection (c). For State fiscal year 2013, the Potentially Preventable Readmission (PPR) methodology, version 27 of the~~The~~ definitions manual applicable to the 3M Potentially Preventable Readmissions Grouping Software~~PPR software~~ created and maintained by the 3M Corporation will be used by HFS~~that HFS will use~~ to process admissions data and determine whether an admission is a Potentially Preventable Readmission. This version is available by registering at the following link: https://support.3mhis.com/app/answers/detail/a_id/4133/kw/PPR. For the State fiscal year 2014 PPR methodology, version 29 of the definitions manual applicable to the PPR software created and maintained by the 3M Corporation will be used by HFS to process admissions data and determine whether an admission is a Potentially Preventable Admission. This version is available by registering at the link referenced above. Beyond State fiscal year 2014, the version that the Department will utilize will be updated in rule as soon as the information becomes available to the Department. Except when other definitions and criteria applicable to PPR are specified in this Section, the methodology applied by the 3M PPR Grouping Software and contained in the Potentially Preventable Readmissions Classification System Methodology Overview (GRP-139, May 2008, no later amendments or editions included) published by 3M Health Information Systems, 575 West Murray Blvd., Salt Lake City UT 84123, and accessible at http://www2.illinois.gov/hfs/SiteCollectionDocuments/3MPotentiallyPreventableReadmissions.pdf, is incorporated by reference.~~can be accessed at www.aprdrgassign.com.~~

1) "Potentially Preventable Readmission" or "PPR" shall mean a readmission meeting the readmission criteria in subsection (d) that follows a prior discharge from a hospital within 30 days and that is clinically-related to the prior hospital admission.

2) "Hospital" shall mean a hospital as defined in 89 Ill. Adm. Code 148.25(b).

3) "Base Year" shall mean State fiscal year 2010 and it is the initial data year the Department used to calculate the statewide average PPR rate. Each hospital Current Year is compared to the Base Year to measure the hospital's PPR performance over time.

4) "Current Year" shall mean the State fiscal year in which Targeted Rate of Readmission is set for hospitals to achieve their Targeted Rates of Readmission.

5) "Data Year" shall mean the most recent fully adjudicated claims data in a State fiscal year available to the Department, which is used to calculate the Actual Rate of Readmission and the Targeted Rate of Readmission for each hospital.

6)~~3)~~ "Clean Claim" shall mean a claim as defined in 42 CFR 447.45(b).

7)~~4)~~ "Clinically Related" shall mean that the underlying reason for readmission is plausibly related to the care rendered during a prior hospital admission. A clinically-related readmission results from the process of care and treatment provided during the prior admission (e.g., readmission for a surgical wound infection) or from a lack of post-admission follow up (e.g., lack of follow-up care arrangements with a primary physician) rather than from unrelated events that occurred after the prior admission (such as a broken leg due to trauma) within a specified readmission time interval.

8)~~5)~~ "Initial Admission" shall mean an admission to a hospital that is followed by a subsequent readmission or readmissions within 30 days that are determined by the 3M Corporation's PPR methodology to be clinically related.

9)~~6)~~ "Only Admission" shall mean an admission without an associated readmission.

10)~~7)~~ "Potentially Preventable Readmission Chain" or "PPR Chain" shall mean an initial admission occurring at a hospital that is followed by one or more clinically-related PPRs. The PPRs may occur at the same hospital or a different hospital.

11)~~8)~~ "Qualifying Admission" shall mean the number of PPR Chains~~chains~~ plus the number of "Only Admissions", but specifically excludes the admissions detailed in subsection (d)(2).

12)~~9)~~ "Actual Rate" shall mean the number of PPR Chains~~chains~~ for a hospital divided by the total number of qualifying admissions for the hospital.

13)~~10)~~ "Targeted Rate of Readmissions" shall mean a risk adjusted readmission rate for each hospital that accounts for the severity of illness, APR-DRG, presence of behavioral health issues, and age of patient at the time of discharge preceding the readmission.

14)~~11)~~ "Excess Rate of Readmission" shall mean the difference between the actual rate of readmission and the targeted rate of readmission for each hospital.

15)~~12)~~ "Behavioral Health", for the purposes of risk adjustments, shall mean an admission that includes a secondary diagnosis of a major behavioral health related condition, including, but not limited to, mental disorders, chemical dependency and substance abuse.

16) As of August 1, 2013, "Pediatric/Behavioral Health Factor" shall mean a factor that is a calculation of PPR for both children and adults with and without a secondary diagnosis of Behavioral Health. This is a risk adjustment factor. This factor is multiplied by a hospital's Actual Rate of PPR at the service level before it is compared to the statewide average rate of PPR in order to calculate the hospital's Actual Rate of readmission. There are three categories of factors that are calculated and within each category there are three factors that are calculated for a total of nine factors. The categories include pediatric at a non-Tier I PICU Facility, a pediatric at a Tier I PICU Facility and an adult. Within each category, the

three factor calculations include a primary diagnosis of non-behavioral health with no presence of behavioral health, a primary diagnosis of non behavioral health with a secondary diagnosis of behavioral health and a primary diagnosis of behavioral health. For example, Tier I PICU Facilities treat higher acuity children and therefore have a higher expected rate of readmission than those children with the same diagnosis treated at the non-Tier I PICU Facilities. By applying this factor, it risk-adjusts the hospital's PPR rate to account for the variance in readmission rates for the different categories.

17) As of August 1, 2013, "Tier I Pediatric Intensive Care Unit" or "PICU" shall mean, a hospital that is either freestanding or has a Distinct Part Unit having pediatric trauma units and provides two or three of the following sets of procedures: pediatric transplants, Extracorporeal Membrane Oxygenation (ECMO), and complex pediatric cardiac surgeries.

d) Readmission Criteria

1) A readmission is defined as an inpatient readmission within 30 days after discharge that is clinically related to the initial admission, as defined by the PPR software created and maintained by the 3M Corporation, and meets all of the following criteria:

A) The readmission is potentially preventable by the provision of appropriate care consistent with accepted standards, based on the 3M software, in the prior discharge or during the post-discharge follow-up period.

B) The readmission is for a condition or procedure related to the care during the prior discharge or the care during the period immediately following the prior discharge.

C) The PPR Chain may have one or more readmissions that are clinically related to the Initial Admission. The first readmission is within 30 days after the Initial Admission, but the 30 day timeframe begins again at the discharge of either the Initial Admission or the most recent readmission clinically related to the Initial Admission. For example, a patient is discharged after being admitted for back surgery and readmitted two weeks after the

discharge for a post-operation infection that is clinically related to the back surgery. The 30 day period begins again at the discharge for the post-operation infection. However, if the patient is readmitted for a broken leg within 30 days after the post-operation infection, there is no clinical relationship and therefore not considered a PPR. Should a readmission occur within 30 days that is clinically related to the broken leg, then that would create a new PPR Chain separate from the back surgery.

D)~~C)~~ The readmission is to the same or to any other hospital.

2) Admissions data, for the purposes of determining PPRs, excludes the following circumstances:

A) The discharge was a patient initiated discharge and was Against Medical Advice (AMA) and the circumstances of the discharge and readmission are documented in the patient's medical record.

B) The admission was for the purpose of securing treatment for a major or metastatic malignancy, multiple trauma, burns, neonatal and obstetrical admissions, certain HIV APR DRGs (listed in the version of the 3M definitions manual applicable to the State fiscal year in question), alcohol or drug detoxification, non-acute events (rehabilitation admissions), or, for hospitals defined in 89 Ill. Adm. Code 149.50(c)(4), admissions with an APR-DRG code other than 740 through 760.

C) The admission was for an individual who was dually eligible for Medicare and Medicaid, or was enrolled in a Managed Care Organization (MCO).

D) As of August 1, 2013, effective for fiscal year 2014, admissions for children defined as less than the age of 19 that have a primary diagnosis at discharge for Behavioral Health. Children treated for an acute service, but who have a secondary diagnosis of Behavioral Health are still included in the analysis, but the Pediatric/Behavioral Health Factor is applied.

3) Non-events are admissions to a non-acute care facility, such as a nursing home, or an admission to an acute care hospital for non-acute care or transfers from one acute hospital to another. Non-events are ignored and are not considered to be readmissions.

4) Planned readmissions, as defined by 3M's team of clinicians, are accounted for in the 3M PPR software as an "Only Admission" and are not considered to be readmissions.

e) Methodology to Determine Excess Readmissions

1) State fiscal year 2013

A)~~1)~~ Rate adjustments for State fiscal year 2013 for each hospital shall be based on each hospital's 2010 medical assistance paid claims data for admissions that occurred between July 1, 2009 and June 30, 2010.

B)~~2)~~ Except as otherwise provided in subsection (f)(8), the targeted rate of readmission for each hospital shall be reduced by the percent necessary to achieve a savings of at least $40 million in State fiscal year 2013 for hospitals other than the "large public hospitals" defined in 89 Ill. Adm. Code 148.458(a).

C)~~3)~~ Excess readmissions for each hospital shall be calculated by multiplying a hospital's qualifying admissions by the difference between the actual rate of PPRs and the targeted rate of PPRs, as adjusted in subsection (e)(1)(B)~~(e)(2)~~.

D)~~4)~~ In the event the actual rate of PPRs for a hospital is lower than the targeted rate of PPRs, the excess number of readmissions shall be set at zero.

2) Effective August 1, 2013 for State fiscal year 2014 and thereafter.

A) The Targeted Rate of Readmission for the Current Year 2014 shall be based on the inpatient hospital medical assistance services provided in the Data Year 2011 for admissions that occurred between July 1, 2010 and June 30, 2011. The Data Year will be

updated one year for determining the Targeted Rate of Readmission for each Current Year thereafter.

B) The average statewide expected rate of readmission will be multiplied by .85 for acute services and .90 for Behavioral Health Services. This multiplication factor sets a goal that is specific to each hospital that lowers the Target Rate of Readmission rather than maintaining the statewide average.

C) A Pediatric/Behavioral Health Factor is applied to those services provided at a Tier I PICU to account for the higher PPR rate for the higher acuity children.

D) Excess readmissions for each hospital shall be calculated by subtracting the actual number of PPR Chains from the targeted number of PPR Chains as adjusted in subsection (e)(2)(B) and (e)(2)(C).

E) In the event the actual number of PPR Chains for a hospital is lower than the targeted number of PPR Chains, the excess number of readmissions shall be set at zero.

f) Payment Reduction Calculation for State fiscal year 2013

1) An average readmission payment per PPR Chain~~chain~~ for each hospital shall be calculated by dividing the total medical assistance net liability attributable to the readmissions associated with the hospital's PPR Chains~~chains~~ (excluding the liability associated with the initial admission) by the number of PPR Chains~~chains~~ for the hospital.

2) The total excess readmission payments shall equal the average readmission payment per PPR Chain~~chain~~, as determined in subsection (f)(1) multiplied by the number of PPR Chains above the target~~excess readmissions~~ as determined in subsection (e)(1)(C)~~(e)(3)~~.

3) The total annual payment reduction for each hospital shall be the lesser of:

A) The total excess readmission payments as determined in subsection (f)(2); or

B) The total medical assistance payments for all hospital admissions, including admissions that were excluded from the PPR analysis, multiplied by 7%.

4) A fiscal year 2013 hospital specific payment reduction factor for each hospital shall be computed as one minus the arithmetic operation of 25% of the total annual payment reduction, as determined in subsection (f)(3), divided by 50% of the total estimated medical assistance payments for all hospital clean claims received in fiscal year 2013.

5) The hospital specific payment reduction factor, as determined in subsection (f)(4), shall be applied to the final payment amount for each clean claim received in fiscal year 2013.

6) In order to achieve a savings of 25% of the annual payment reduction for each hospital, the hospital specific payment reduction factor may be adjusted to account for variances between the estimated payments to the hospital and the actual payments to the hospital.

7) For those hospitals that have a payment reduction amount in State fiscal year 2013, a reconciliation of fiscal year 2013 claims will be calculated after January 1, 2014, after all inpatient hospital claims have been received by the Department, to determine how much of the remaining annual payment reduction must be recovered from the hospital. This reconciliation will determine how much of the annual payment reduction was offset in fiscal year 2013 by comparing the fiscal year 2013 rate of readmission to the base year (fiscal year 2010), as determined by subsection (e)(1)(B)~~(2)~~. In addition, the reconciliation will account for changes in the average readmission payment per PPR Chain~~chain~~ from fiscal year 2010 to fiscal year 2013.

8) After the Department verifies that all hospitals have achieved $40 million savings in aggregate for FY2013 when compared to the base year, no further payment reductions will be applied to individual hospitals.

g) Effective August 1, 2013, Payment Penalty Calculation for State Fiscal Year 2014 and Thereafter~~Prior to June 30, 2013, administrative rules will be filed to determine the PPR adjustment methodology for fiscal year 2014 and thereafter.~~

1) An average readmission penalty payment per PPR Chain for each hospital shall be calculated by dividing the total medical assistance net liability attributable to the readmissions associated with the hospital's PPR Chains (excluding the liability associated with the initial admission) by the number of PPR Chains for the hospital.

2) The total excess readmission penalty payments shall equal the average readmission payment per PPR Chain, as determined in subsection (g)(1) multiplied by the number of PPR Chains above the target as determined in subsection (e)(2)(D).

3) The total annual payment penalty for each hospital shall be the lesser of:

A) The total excess readmission payments as determined in subsection (g)(2); or

B) The total inpatient medical assistance payments per hospital, including admissions that were excluded from the PPR analysis (that includes all static and assessment payments net of the annual assessment tax), multiplied by 3%.

4) Prior to collection of the payment penalty, an analysis will be conducted of the Current Year data to determine if any of the payment penalty was cost avoided. Once the Current Year is complete and all inpatient hospital claims data has been received and adjudicated by the Department, the Department will calculate the hospital's Actual Rate of Readmission using the same version of the PPR software that was used to calculate the Base Year. A comparison of the Base Year to the Current Year will be done to see if hospitals were able to reduce their readmissions and their average cost per PPR Chain.

A) The payment penalty can be cost avoided in full if a hospital lowers its Actual Rate to at or below its Targeted Rate of Readmission.

B) Hospitals that did not meet their Targeted Rate of Readmission but lowered their Actual PPR rate can have a portion of their payment penalty cost avoided. In order to have a portion of the payment

penalty cost avoided, hospitals must reduce the variance between their Actual Rate and their Targeted Rate of Readmission and lower their average medical assistance payment per PPR Chain for the Current Year.

C) Based on the analysis performed in subsection (g)(4)(B), hospitals that are able to reduce their readmissions compared to the Base Year will have the cost avoided amount deducted from their payment penalty.

D) Should a hospital have a higher rate of readmission when compared to the Base Year, the payment penalty will not be more than the original amount calculated.

E) If an aggregate application of the cost avoidance calculation shows that hospitals have reduced the cost of readmissions for the Current Year when compared to the Base Year by more than the total payment penalty owed by all hospitals, then payment penalties will not be charged to any hospital for that year. This aggregate calculation must factor in the hospitals that performed worse in the Current Year.

5) After the application of any cost avoidance pursuant to subsection (g)(4), hospitals will pay 50% of the remaining payment penalty to the Department. This amount shall be paid in 12 equal installments beginning on July 1, of the next fiscal year.

6) Hospitals that are delinquent in paying any amounts due will have adjustments applied to future claims until the full amount of the payment penalty due has been recouped.

(Source: Amended at 38 Ill. Reg. 882, effective December 23, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Falconry and the Captive Propagation of Raptors

2) Code Citation: 17 Ill. Adm. Code 1590

3)

Section Numbers:	Adopted Action:
1590.10	Amend
1590.20	Amend
1590.50	Amend
1590.60	Amend
1590.70	Amend
1590.80	Amend
1590.82	New
1590.85	New
1590.90	Amend
1590.100	Amend
1590.110	Amend
1590.120	Amend
1590.Appendix A	Repeal

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.356] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5]

5) Effective Date of Rule: January 1, 2014

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: September 13, 2013, 37 Ill. Reg. 14526

10) Has JCAR issued a Statement of Objection to this rulemaking? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

11) Differences between Proposal and Final Version:

In Section 1590.20, the definition of "Native Raptor", a period has been added at the end of the sentence.

In Section 1590.60(a)(2), "who" has been added after "applicant".

In Section 1590.60(b), "monitored" has been stricken and "administered" has been added; "(e.g., history of falconry)" has been added after the word "matter".

In Section 1590.70(a)(2), "thereof" has been stricken and "of raptors" has been added.

In Section 1590.70(b), "must" has been deleted and "shall" has been reinstated.

In Section 1590.90(k), "for purposes of bird counts and permit" has been added before the period.

In Section 1590.120(a)(1) and (3), "by the U.S. Department of Agriculture, FWS or DNR" has been added after "authorized"; subsection (d) has been stricken; subsections "e)" through "n)" has been relabeled to "d)" through "m)"; subsection (k)(2), "to have" has been changed to "by the U.S. Department of Agriculture, FWS or DNR to possess"; subsection (k)(5), "(k)" has been changed to "(j)"

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being amended to make statewide program changes that are consistent with new Federal regulations regarding falconry and to reflect fee changes as a result of the DNR sustainability bill (PA 97-1136).

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

Shelly Knuppel, Legal Counsel
Department of Natural Resources
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRY

PART 1590
FALCONRY AND THE CAPTIVE PROPAGATION OF RAPTORS

Section
1590.10 Establishment of Rules and Regulations
1590.20 Definitions ~~for the Purpose of these Regulations~~
1590.30 Provisions of Rules and Regulations (Repealed)
1590.40 Violation of Rules (Repealed)
1590.50 Permit and License Requirements
1590.60 Examination and Application Procedures
1590.70 Inspection of Facilities, Facility Requirements, Care of Raptors and Equipment
1590.80 Falconry Permits – Classes~~Class~~ and Standards~~Types~~
1590.82 Banding Requirements – Falconry Raptors
1590.85 Captive Propagation − Regulations
1590.90 Capturing of Raptors – Regulations
1590.100 Transfer, Change in Status, Release, Acquisition~~Temporary Care~~ and Reporting Requirements
1590.110 Hunting Seasons for Falconers
1590.120 Additional~~Special~~ Provisions
1590.130 Violation of Rules
1590.APPENDIX A Migratory Bird Acquisition and Disposition Report (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5].

SOURCE: Amendment filed November 17, 1977, effective January 1, 1978; emergency amendment at 5 Ill. Reg. 9161, effective September 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6207, effective May 14, 1982; amended at 10 Ill. Reg. 16627, effective September 24, 1986; amended at 11 Ill. Reg. 11350, effective June 9, 1987; amended at 12 Ill. Reg. 12807, effective July 26, 1988; amended at 13 Ill. Reg. 10567, effective June 16, 1989; amended at 14 Ill. Reg. 6088, effective April 17, 1990; amended at 15 Ill. Reg. 32, effective December 24, 1990; amended at 15 Ill. Reg. 16681, effective October 31, 1991; amended at 16 Ill. Reg. 11052, effective June 30, 1992; amended at 18 Ill. Reg. 14700, effective September 19,

1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 2218, effective February 3, 1997; amended at 38 Ill. Reg. 895, effective January 1, 2014.

Section 1590.10 Establishment of Rules and Regulations

The following rules and regulations are established for the possession and/or training of raptors, and for the issuance of licenses or permits to practice falconry, ~~and~~ for captive propagation and capture of raptors.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.20 Definitions ~~for the Purpose of these Regulations~~

Bred in Captivity or Captive-Bred – refers to raptors, including eggs, hatched in captivity from parents that mated or otherwise transferred gametes in captivity.

Department or IDNR – ~~the~~ Department of Natural Resources.

Endangered Species – any species or subspecies contained in the federal endangered species list issued pursuant to the federal~~Federal~~ Endangered Species ~~Protection~~ Act ~~of 1973~~ (16 USC~~U.S.C.~~ 1531 et seq.), as amended, ~~and its amendments~~ plus other species or subspecies as the Illinois Endangered Species Protection Act [520 ILCS 10] deems to be in danger of extinction (see~~reference~~ 17 Ill. Adm. Code 1010).

Eyass Raptor – an immature raptor not capable of flight.

Falconer – a person who engages in the sport of falconry.

Falconry – the sport of taking or attempting to take any species of animal by means of a trained raptor.

Fish and Wildlife Service or FWS – the United States Department of Interior-Fish and Wildlife Service.

Hacking – the temporary release to the wild of a raptor held for falconry so that it must survive on its own.

Haggard Raptor – a raptor greater than one year old.

Hybrid Raptor – a raptor that is the offspring from cross-breeding among two or more raptor species listed in federal regulations at 50 CFR 10.13.

Imping – the method of replacing a broken feather with a molted feather~~repairing broken flight or tail feathers~~.

Imprinted Raptor – a raptor that has been hand-raised in isolation from the sight of other raptors from before 2 weeks of age until it is fully feathered.

Marker – a seamless, or other numbered, non-reusable marker supplied by the Fish and Wildlife Service.

Mews – a building or indoor room where a raptor is held or sheltered.

Native Raptor – a raptor that regularly breeds in, migrates through or winters in Illinois.

Passage Raptor – an immature raptor capable of flight that is less than one year old.

Prohibited Species – The following species will be referred to as "prohibited species" for the purposes of this Part:

Bald Eagle (Haliaeetus leucocephalus);

Osprey (Pandion haliaetus); and

Barn Owl (Tyto alba).

Raptor – any bird of the Orders Falconiformes, Accipitriformes or Strigiformes that~~which~~ includes all hawks, eagles, falcons, kites, harriers, ospreys, vultures, caracaras and owls.

Replacement Raptor – a raptor obtained from the wild to replace one that~~which~~ has died in captivity, has escaped, or has been lawfully released to the wild.

Sponsor – a general or master class falconer who is mentoring a falconer trying to

complete the requirements for an apprentice or general class falconry permit.

Threatened Species – any species or subspecies likely to become an endangered species or subspecies in the foreseeable future pursuant to the federal~~Federal~~ Endangered Species ~~Protection~~ Act~~ of 1973~~ and Illinois Endangered Species Protection Act.

Weathering Area – an enclosed area outdoors where a raptor can be housed with protection from the environment, predators and domestic animals.

Wild Raptor – a raptor originating from the wild.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.50 Permit and License Requirements

a) It shall be unlawful for any person to take, possess~~,~~ or transport any raptor for falconry purposes or practice falconry in Illinois unless a valid falconry permit has been issued pursuant to this Section~~these regulations~~ or issued by another state~~State~~ in accordance with federal regulations at ~~(~~50 CFR 21.29~~, effective~~ (January 1, 2011). A falconry permittee in Illinois must also comply with relevant provisions of 50 CFR 21.29~~September 14, 1989) (no incorporation in this Part includes later amendments or editions)~~.

1) Residents − Illinois residents may hold raptors in captivity only under a falconry or captive propagation permit issued by the Department~~ and the U.S. Fish and Wildlife Service~~.

A) The initial fee for an Illinois falconry permit~~Falconry Permit~~ shall be $200~~seventy-five ($75) dollars~~ for 5~~three~~ years. The permit~~ and~~ must be renewed every 5~~three~~ years for a fee of $200~~seventy-five ($75) dollars~~ if raptors are to be possessed or held beyond the permit expiration date.

B) All applicants must be at least 14 years of age.

2) Non-Residents − A~~Federally licensed~~ non-resident falconer who possesses a falconry permit issued by another state~~falconers~~ may transport and possess legally possessed~~properly marked~~ raptors in Illinois for falconry

purposes on a temporary basis not to exceed 30 days. Written authorization from the Department is required in advance if any ~~such~~ raptor is to be brought into Illinois for more than~~in excess of~~ 30 days. While in Illinois, all non-residents shall comply with all applicable provisions of this Part and obtain the appropriate hunting licenses, stamps~~,~~ and/or permits ~~as may be~~ required under Illinois law.

3) A visitor to the United States from another country may qualify for a temporary permit to practice falconry in Illinois, appropriate to his or her experience, by following the requirements of federal regulations (50 CFR 21.29). The permit will be valid for a maximum of 30 days.

b) A permittee must have his or her falconry permit or a legible~~The falconry permit or a~~ copy in his or her immediate~~must be in the~~ possession when not at the location of his or her falconry facilities and trapping, transporting, working with or flying falconry raptors~~of the holder when engaged in falconry activity~~.

c) No person shall transfer the falconry permit or unused markers or allow their~~the~~ use ~~thereof~~ by any other persons, nor shall any person, while engaged in falconry, use or carry any permit or marker issued to another.

d) Nothing in this Section shall prohibit a falconry permittee of the appropriate class from using the raptor of another permittee for falconry purposes on a temporary basis in accordance with Sections 1590.70 and 1590.80~~1590.80 and 1590.100 of this Part~~.

e) Falconry permittees must comply with all regulations governing migratory bird permitting.

f) No person may have in his or her possession any prohibited species, as defined in Section 1590.20, for falconry purposes.

g) No permittee may possess any federal or State listed endangered or threatened raptor species taken from the wild in Illinois. This subsection shall not apply if the raptor was taken by legal means in another state or country as provided for in Section 1590.90(c) or (d).

h) No person may capture or release raptors or practice falconry on private lands without the permission of the landowner or tenant. No person may capture or

release raptors or practice falconry on public lands without authorization or unless otherwise allowed.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.60 Examination and Application Procedures

a) In order to obtain a permit to participate in falconry, the applicant must submit to the Department of Natural Resources, One Natural Resources Way, Springfield, IL 62702-1271, an application containing the following information:

1) The name, address, county, date of birth, phone number and Social Security number or IDNR customer number of the applicant.

2) An applicant who is under 18 years of age must have a parent or legal guardian sign the application. The parent or legal guardian will be legally responsible for the activities of the permittee.

3) A certification stating the applicant has read and is familiar with the regulations in 50 CFR 13 and the other applicable parts in 50 CFR chapter 1, subchapter B and that the information submitted is complete and accurate to the best of the applicant's knowledge and belief.

4) Any other information required by the Department to determine if the applicant is eligible for a permit under this Part.

b) Each new applicant or person whose permit has been revoked~~ or any apprentice class permittee whose permit has expired during the eleven months following the expiration date~~ shall be required to answer correctly at least 80% of the questions on a closed-book examination ~~approved by the Fish and Wildlife Service and~~ administered ~~monitored~~ by the Department. The exam will cover the care and handling of falconry raptors, federal and State laws and regulations relevant to falconry, and other appropriate subject matter (e.g., history of falconry). At the discretion of the Department, a permit that has been revoked may be reinstated at the level previously held upon successful completion by the holder of the exam and satisfactory inspection of his or her falconry facilities.~~ on the biology and care of raptors and hunting and training techniques.~~

1) An apprentice falconer whose permit has expired must apply to get a new apprentice permit.

2) A general falconer or master falconer whose permit has expired for fewer than 5 years may have his or her permit reinstated at the level previously held if proof of certification at that level can be provided to the Department.

3) A general falconer or master falconer whose permit has lapsed for 5 years or longer must correctly answer at least 80% of the questions on an examination administered by the Department. Upon successful completion of the exam and a facility inspection, the falconry permit may be reinstated at the level previously held.

c~~b~~) Applicants who fail~~failing~~ the required examination may repeat the exam after 45 days. If the applicant fails a second time~~Should a second failure occur~~, a 6~~six~~ month waiting period from the date of the second exam is required before the examination sequence may be repeated.

d~~c~~) When a holder of a falconry permit issued by another state applies for an Illinois falconry permit, the applicant shall submit a copy of his or her current falconry permit and information that~~which~~ consists of the number of raptors possessed and the species, age, sex, date of acquisition and source of each. If the~~Provided such an~~ applicant meets federal (50 CFR 21.29) and State standards for issuance of a falconry permit ~~(50 CFR 21.28, effective September 14, 1989)~~, he or she~~such applicant~~ shall enter the same class or an equivalent class as held in the previous state.

e) A person who is a new resident in Illinois and the United States must pass the falconry exam with a score of at least 80% and provide written documentation of the applicant's falconry experience, including species of raptors flown and game taken, and must have his or her falconry facilities and equipment pass inspection by a certified Department representative. The Department's falconry permit administrator will assign a falconry class level commensurate with the new resident falconer's experience.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.70 Inspection of Facilities, Facility Requirements, Care of Raptors and

Equipment

a) All applicants and falconry permit holders must provide suitable facilities (mews and/or weathering area) for all raptors they possess~~in possession~~.

1) All applicant facilities must be inspected and certified by a Department representative prior to issuance of a falconry permit. Permittees who move to a new residence or change the location of their facilities within the State of Illinois prior to the permit's expiration must notify the Department in writing within 5 days and request inspection of any new facilities by a representative of the Department.

2) All falconry permit holders are subject to inspection of raptors, eggs, or parts of raptors~~thereof~~, facilities, records and equipment at any reasonable time.

3) Housing facilities for falconry raptors may be located on property not owned by the permittee as long as the facilities meet the requirements in Section 1590.80(b,)(c) and (d), and the permittee and landowner sign a dated statement agreeing that the raptors and facilities may be inspected by the Department at any reasonable time of the day in the presence of the landowner, except that Department representatives may not enter the facilities or disturb the raptors unless the permittee is present.~~Raptors shall be provided perches of acceptable design and be protected from excessive temperature (heat and cold), wind, rain, or other imclement weather, from predators, and from undue disturbances.~~

4) A falconer holding an Illinois falconry permit and residing part-time in another state or territory or on tribal lands must contact that jurisdiction to determine if a permit is needed. If a falconer resides for more than 120 consecutive days in a state or territory or on tribal lands other than where his or her primary residence is located, then the falconer's facilities at the second location must meet the federal standards (50 CFR 21.29(d)) and the second facilities must be listed on the falconer's permit.

b) Facilities for housing raptors indoors (mews) and outdoors (weathering area) shall protect the raptors in them from the environment, predators and domestic animals and shall meet the following standards:

1) The facility shall have a suitable perch for each raptor and at least one opening for sunlight, and shall provide a healthy environment for raptors inside.~~Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors. Raptors shall be tethered or separated by partitions and each bird shall be provided enough area to allow it to fully extend its wings. There shall be adequate perches, a secure door easily closed, and at least one window protected on the inside by vertical bars spaced narrower than the width of the bird's body. The floor shall be well drained and shall permit easy cleaning. An outdoor weathering area must be provided and may be attached to the indoor mew or separated from the building. The weathering area shall be fenced and covered with netting or wire or roofed, except for perches more than 6½ feet high. The enclosed area shall be large enough to insure that birds flying from a perch cannot strike the fence.~~

2) Untethered raptors may be housed together if they are compatible with each other.~~An alternative facility must be an outdoor weathering area which meets the standards prescribed in Section 1590.70(b)(1), is big enough to allow easy access for caring for the raptors, and provides adequate perches and protection from excessive sun, wind, and inclement weather for each bird housed in the facility.~~

3) Each raptor must have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or bate (attempt to fly while tethered) without damaging its feathers or contacting other raptors.

4) Each falconry bird shall have access to a pan of clean water unless weather conditions, the perch type used or some other factor makes access to a water pan unsafe for the raptor.

c) A mews must meet the following additional standards:

1) The mews must be large enough to allow easy access for the care and feeding of raptors kept there.

2) Any non-solid walls in a mews must be protected on the inside if untethered raptors are to be housed there. Suitable materials include vertical bars spaced narrower that the width of the body of the smallest

raptor housed in the enclosure. Heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.

3) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side out of reach of each other or separated by a partition. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.

4) The floor shall be well drained and permit easy cleaning.

5) Falconry raptors may be kept inside a falconer's residence if a suitable perch is provided for each raptor. If raptors are housed inside a residence, windows or other openings do not need to be modified. Raptors kept inside a residence must be tethered unless they are being moved into or out of the residence.

d) A weathering area shall meet the following additional standards:

1) The weathering area shall be totally enclosed and may be made of heavy-gauge wire, heavy duty plastic mesh, slats, pipe, wood or other suitable material.

2) The weathering area must be covered and have at least a covered perch to protect a raptor held in it from predators and weather.

3) The weathering area shall be large enough to ensure that the birds cannot strike the enclosure when flying from the perch.

4) New types of housing facilities and/or husbandry practices may be used if they satisfy the requirements in this subsection (d) and are approved by the Department.

e) Falconry raptors may be kept outside in the open, if they are under watch, such as by the permittee or a family member, at any location or, for example, by a designated individual in a weathering yard at a falconry meet.

f) Facilities for transporting a raptor, using the raptor for hunting, and when otherwise away from the raptor's permanent facilities shall have a suitable perch and be protected from extreme temperatures, wind and excessive disturbance. A

hawk box (giant hood) or similar container is acceptable for transporting or housing a raptor when away from its permanent housing facility.

g~~3~~) A falconry permittee must have and maintain the following equipment:~~Equipment~~

1~~A~~) Jesses – at least one pair of Alymeri jesses or similar type construction of pliable leather or suitable synthetic material for use when any raptor is flown free or the materials and equipment to make them;

2~~B~~) Leashes and swivels – at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

3~~C~~) Bath container – a suitable container for each raptor 2~~two~~ to 6~~six~~ inches deep and wider than the length of the raptor;~~.~~

4~~D~~) Outdoor/portable perches – a weathering area perch of acceptable design for each raptor; and

5~~E~~) Weighing device – a reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than ½ ounce or 15 grams.

h~~4~~) All facilities and equipment shall be kept at or above the ~~preceeding~~ standards created in this Section at all times.

i) Falconry raptors may be cared for by another falconry permittee under the following conditions:

1) The raptors may be cared for at the facilities of the permittee owning the raptors or the facilities of another falconry permittee for up to 120 consecutive calendar days. This care of raptors may be extended indefinitely in extenuating circumstances such as illness, military service or a family emergency. All requests for care of raptors by another falconer in excess of 120 days must have prior approval by the Department.

2) The falconry permittee providing care for the raptors must have a signed and dated statement from the falconry permittee who owns the raptors authorizing temporary possession. The statement must include

information about the time period for which the raptors will be kept and what the falconer providing care to the raptors is allowed to do with them. The falconer providing care also must have a copy of FWS form 3-186A indicating ownership of the raptors.

3) Raptors in the care of another falconer will remain on the permit of the falconer who owns the raptors and not count against the possession limit of the falconer providing care.

4) If the falconer providing care to the raptors holds the appropriate level of falconry permit, he or she may fly the raptors in whatever way is authorized, including hunting, by the falconer who owns the raptors.

j) Falconry raptors may be cared for by a person who does not have a falconry permit under the following conditions:

1) The raptors may be cared for at the permittee's facilities by a person without a falconry permit for up to 45 consecutive calendar days. This care of raptors may be extended indefinitely in extenuating circumstances such as illness, military service or a family emergency. All requests for care of raptors by another person in excess of 45 days must have prior approval by the Department.

2) The raptors will remain on the falconry permittee's permit and must remain in the falconry permittee's facilities.

3) The person caring for the raptors may not fly them for any reason.

k) Raptors may be held in temporary housing outside of the falconry permittee's permanent facilities, when not being transported or used for hunting for up to 120 consecutive calendar days, if the facilities have a suitable perch and are protected from predators, domestic animals, extreme temperatures, wind and excessive disturbance.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.80 Falconry Permits – Classes~~Class~~ and Standards~~Types~~

a) Apprentice Class Falconer~~.~~

1) Permittees shall be at least 14 years of age. An applicant under 18 years of age must have a parent or legal guardian sign the application. The parent or legal guardian will be legally responsible for the activities of the permittee. The permittee's raptor facilities must pass inspection by the Department before a permit is granted.~~, and must serve an apprenticeship under a general or master class permittee for the first 2 years in which an apprentice permit is held.~~

2) An apprentice falconer must have a letter from a sponsor possessing a valid master falconry or general falconry permit, issued by a state, tribe or territory, who is at least 18 years old and has at least 2 years experience at the general falconer level, stating that he or she will assist the apprentice, as necessary, in learning about the husbandry and training of wild raptors held for falconry, learning about the relevant wildlife laws and regulations, and deciding what species of raptor is appropriate for the apprentice to possess. A sponsor~~Sponsors~~ who wishes~~wish~~ to withdraw sponsorship of an apprentice class permittee must notify the apprentice via a registered letter and provide the Department with a copy of the letter and receipt showing the letter was received. The~~; the~~ apprentice shall have 45 days from the date of the letter to secure another sponsor or shall forfeit his or~~/~~ her permit.

3) An apprentice falconer~~Permittees~~ may possess no more than one raptor~~,~~ and may obtain no more than two~~one~~ replacement raptors~~raptor~~ during any 12-month period. Any species of the order Falconiform or Strigiform may be possessed, including wild, captive-bred or hybrid individuals except a federal or State listed threatened or endangered species, prohibited species, white-tailed eagle (Haliaeetus albicilla), Steller's sea-eagle (Haliaeetus pelagicus), or golden eagle (Aquila chrysaetos). A raptor taken from the wild as an eyass or that is imprinted on humans may not be possessed. A wild raptor can be transferred to an apprentice by another falconry permittee.~~Permittees may possess only a passage American kestrel, red-tailed hawk, or red-shouldered hawk taken from the wild in accordance with federal regulations (50 CFR 21.29, effective September 14, 1989) and this Part. Sponsors may not have more than 3 apprentices at any one time.~~

4) An apprentice falconer may take a raptor less than 1 year old, except an

eyass, from the wild only while under the direct supervision of his or her falconry sponsor. Any Falconiform or Strigiform species may be taken from the wild, except a federal or State listed threatened or endangered species, prohibited species, white-tailed eagle, Steller's sea-eagle, golden eagle, American swallow-tailed kite (Elanoides forficatus), Swainson's hawk (Buteo swainsoni), peregrine falcon (Falco peregrines), flammulated owl (Otus flammeolus), elf owl (Micrathene whitneyi) and short-eared owl (Asio flammeus).

b) General Class Falconer~~.~~

1) Permittees must be at least 16~~18~~ years of age and have at least 2 years of licensed falconry experience at the apprentice class level. A person 16 or 17 years of age must have a parent or legal guardian sign the application, acknowledging that he or she will be legally responsible for the activities of the permittee.

2) The permittee shall submit a document from his or her sponsor to the Department stating that the permittee has practiced falconry with raptors at the apprentice falconer level or equivalent for at least 2 years, including maintaining, training, flying and hunting the raptors for at least 4 months in each year. That practice may include the capture or release of falconry raptors. No falconry school program or education may be substituted to shorten the period of 2 years at the apprentice level.

3) A general falconer~~Permittees~~ shall possess no more than 3~~2~~ raptors~~,~~ and may not obtain more than 2 replacement raptors during any 12-month period. In accordance with Section 1590.90(c) and (d), any Falconiform, Accipitriform or Strigiform species may be possessed, including wild, captive-bred or hybrid individuals except a prohibited species, a white-tailed eagle, a Steller's sea-eagle or a golden eagle. Permittees may possess captive-bred individuals and hybrids of species authorized to be possessed.~~Permittees shall not take, transport, or possess any golden eagle. Permittees shall not take any species or subspecies listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17, effective December 23, 1993) (no incorporation in this Part includes later amendments or editions), but may possess captive-bred raptors of such species as part of the 2-bird limit.~~

c) Master Class Falconer~~.~~

1) A permittee~~Permittees~~ must have at least 5 years of licensed ~~falconry~~ experience practicing falconry with his or her own raptors at the general class falconer~~general class~~ level and must submit a statement attesting to the same.

2) A master falconer~~Permittees~~ shall possess no more than 5 wild~~3~~ raptors, and may not obtain more than 2 replacement raptors during any 12-month period. Permittees may possess any number of captive-bred raptors, however, all raptors must be trained in the pursuit of wild game and used in hunting. In accordance with subsection (c)(3) and Section 1590.90(c) and (d), any Falconiform, Accipitriform or Strigiform species may be possessed, including wild, captive-bred or hybrid individuals except those of a prohibited species.~~Permittees shall not take any species or subspecies listed as endangered by the U.S. Fish and Wildlife Service, but may possess captive-bred raptors of such species as part of the 3-bird limit (50 CFR 17.7, effective December 23, 1993). Permittees shall not take, in any 12-month period, as part of the 3-bird limit, more than one raptor listed as threatened by the U.S. Fish and Wildlife Service and then only in accordance with this Part and federal regulations (50 CFR 17, effective December 23, 1993) (no incorporation in this Part includes later amendments or editions). Permittees may not take, transport or possess golden eagles for falconry purposes unless authorized in writing by the U.S. Fish and Wildlife Service (50 CFR 22.24, effective January 6, 1984). (No incorporation in this Part includes later amendments or editions.)~~

3) A master falconer may possess up to 3 golden eagles, white-tailed eagles and Steller's sea-eagles in aggregate for use in falconry by providing the following to the Department:

A) A letter documenting experience in handling raptors, including information about the species handled and the type of duration of the activity in which the experience with eagles was gained.

B) At least 2 letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks (Buteo regalis), goshawks (Accipiter gentilis), or great-horned owls (Bubo virginianus). Each must contain a concise

history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors or scientific studies involving large raptors. Each letter must also assess the permittee's ability to care for eagles and fly them in falconry. Each eagle possessed will count as one of the raptors that can be possessed for use in falconry.

d) Upon completing the requirements needed to enter the next highest class, a falconer may submit a written request for an upgrade to the Department. The Department shall confirm the completion of all requirements and grant the request ~~upon approval from the U.S. Fish and Wildlife Service~~.

~~e) Captive Propagation. Unless this Part is more restrictive, federal regulations (50 CFR 21.30, effective September 14, 1989) shall govern the activities of Illinois Captive Propagation permittees. Raptors held for captive propagation purposes may be held only under permits from both the U.S. Fish and Wildlife Service and the Department. The initial fee for a captive propagation permit is $75 for 3 years and must be renewed every 3 years if raptors are to be possessed or held beyond the permit expiration date. A holder of an Illinois captive propagation permit must also be a holder of a general or master class Illinois falconry permit. An Illinois captive propagation permit holder may transfer, purchase, sell, or barter raptors, raptor eggs, or raptor semen in accordance with federal regulations (50 CFR 21.30, effective September 14, 1989) (no incorporation in this Part includes later amendments or editions), this Part, and the laws of other jurisdictions in which these products are transferred, purchased, sold, or bartered. Nothing in this Part shall prevent a permittee from holding individual birds under the authority of both the falconry permit and the captive propagation permit at the same time within the numerical limits for the falconry permit.~~

~~1) Raptors shall not be cross-bred (hybridization) unless specific authorization is granted by the Department.~~

~~2) Raptors may be loaned for breeding purposes in accordance with Section 1590.100 of this Part.~~

~~3) Markers shall be placed on all raptors used for captive propagation and all captive-produced raptors as directed by the Department or the U.S. Fish and Wildlife Service (50 CFR 21, effective September 14, 1989).~~

~~f) All raptors possessed under authority of an Illinois falconry permit must be identified by a marker. The loss or removal of any marker must be reported to the Department and the U.S. Fish and Wildlife Service (on U.S. Fish and Wildlife Service Form 3-186A) within 5 working days after the loss or removal. The band must be replaced by a marker provided by the Department. A U.S. Fish and Wildlife Service Form 3-186A must be filed within 5 days after receipt of the replacement marker.~~

~~g) No person may possess a bald eagle, osprey, or any owl, except great-horned owls, for falconry purposes [520 ILCS 5/2.4].~~

~~h) The Department shall issue special use permits in accordance with 17 Ill. Adm. Code 520.~~

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.82 Banding Requirements – Falconry Raptors

a) Every raptor possessed under authority of an Illinois falconry permit must be identified by a band within 5 days after acquisition of the raptor. A seamless numbered band may not be placed on a wild raptor but must be placed on a captive-reared raptor in accordance with Section 1580.85(a)(2). A seamless band may not be placed on a wild raptor. If a marker or band must be removed or is lost, the loss must be reported within 5 days and the permittee must request a U.S. Fish and Wildlife Service nonreusable band from the Department. The required information must be submitted within 10 days after rebanding the raptor at http://permits.fws.gov/186A and by submitting a form 3-186A to the Department. The marker or band must be replaced by a marker or bank provided by the Department. An ISO (International Organization for Standardization) compliant (134.2kHz) microchip may be implanted in a falconry raptor in addition to the band.

b) A marker or band must not be altered, defaced or counterfeited. The rear tab from a band on a raptor taken from the wild may be removed and any imperfect surface may be smoothed as long as the integrity of the marker or band and numbering on it is not affected.

c) If health or injury problems are detected in a raptor due to the band, then a falconer can apply to the Department for an exemption to the banding requirement by a written letter and photographs, describing the history of the injury or health problem. If an exemption is granted, then the band must be replaced with an implanted ISO compliant (134.2 kHz) microchip. If the bird is a wild goshawk, Harris's Hawk (Parabuteo unicinctus), peregrine falcon, or gyrfalcon (Falco rusticolus), then the band must be replaced with an implanted ISO compliant microchip supplied by FWS and obtained from the Department. FWS and the Department will not provide microchips for any other species.

(Source: Added at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.85 Captive Propagation − Regulations

Captive Propagation. Unless this Part is more restrictive, federal regulations at 50 CFR 21.30 shall govern the activities of Illinois captive propagation permittees. Raptors held for captive propagation purposes may be held only under permits from both the U.S. Fish and Wildlife Service and the Department. The initial fee for a captive propagation permit is $200 for 5 years. The permit must be renewed every 5 years for a fee of $200 if raptors are to be possessed beyond the permit expiration date. A holder of an Illinois captive propagation permit must also hold a general or master class Illinois falconry permit. An Illinois captive propagation permit holder may transfer, purchase, sell or barter captive-bred raptors, raptor eggs or raptor semen in accordance with 50 CFR 21.30, this Part and the laws of other jurisdictions in which these products are transferred, purchased, sold or bartered. Nothing in this Part shall prevent a permittee from holding individual birds under the authority of both the falconry permit and the captive propagation permit at the same time, within the numerical limits for the falconry permit.

a) Raptors possessed for falconry may be used for captive propagation if the person overseeing the propagation has the proper State captive propagation permit and a federal raptor propagation permit. A falconry raptor does not need to be transferred to a propagation permit if it is used in captive propagation less than 8 months a year. However, a falconry raptor shall be transferred, if it is to be used permanently for captive propagation, in accordance with Section 1590.100 and banded in accordance with subsections (b) and (c) of this Section.

b) A raptor bred in captivity shall be banded with an FWS seamless metal band. If a band must be removed or is lost, it shall be reported electronically at http://permits.fws.gov/186A and by submitting a form 3-186A to the Department and a replacement band requested of the FWS no less than 10 days after the band

is removed or lost. A seamless band that is removed or lost shall be replaced on the raptor with a nonreusable band supplied by the Department.

c) An ISO compliant microchip (134.2 kHz) may be implanted in a falconry raptor bred in captivity, in addition to the seamless metal band.

(Source: Added at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.90 Capturing of Raptors − Regulations

a) No permittee may capture any raptor without an appropriate permit from the Department. A permittee in possession of a valid capture permit may capture raptors of a non-prohibited species or subspecies. A person shall hold a valid falconry permit in Illinois or another state to be eligible for a capture permit. The Department will authorize up to 250 capture permits annually. Requests for capture permits in excess of 250 will be considered first in following years.~~A permittee in possession of a valid "Capture Permit" may capture raptors of a non-prohibited species or subspecies. The capture season for immature raptors capable of flight (passage) and adult (haggard) kestrels and great horned owls shall be between September 1 and January 31; the capture or taking of any young bird in Illinois not yet capable of flight (eyas) is limited to general and master class permittees during the first, second, third and fourth Saturdays in March and from May 20 to June 11; permittees may take no more than two eyasses during this period. When eyasses are captured, at least one eyas shall be left in the nest. No permittee may capture any raptor without an appropriate permit from the Department to do so. The Department shall determine eligibility by compliance with the provisions of this Part. The fee for a raptor capture permit for a resident of the State of Illinois is thirty ($30) dollars. The fee for a non-resident raptor capture permit is fifty ($50) dollars. Such permits shall expire on January 31 of each year, and shall authorize the permittee to take up to his legal limit of raptors for possession and/or replacement. The Department will authorize up to 250 "Capture Permits" annually. Requests for capture permits in excess of 250 will be considered first in following years. All raptors shall be captured in a humane manner. Marked raptors that escape or are lost may be recaptured at any time without a capture permit.~~

1) A capture permittee may only intentionally capture a raptor species that he or she is allowed to possess. A permittee that captures a raptor that he or she may not possess shall immediately release the bird.~~A marker must be~~

~~attached to any raptor taken in Illinois within 5 days after capture, and the State's copy of U.S. Fish and Wildlife Service form 3-186A provided to the Department within five days of capture as determined by the postmark.~~

2) Immature passage raptors may be captured from September 1 until March 1.~~Markers shall not be altered, counterfeited, or defaced.~~

3) Haggard American kestrels (Falco sparverius) and great horned owls may be captured between September 1 and January 1.~~Permit holders capturing any previously marked raptor(s) shall immediately report such trapping to the Department or the previous owner.~~

4) The capture or taking of any eyass raptor in Illinois shall be permitted between February 1 and August 1. When eyasses are captured, at least one eyass shall be left in the nest.

5) The fee for a raptor capture permit for a resident of the State of Illinois is $50 per year. The fee for a non-resident raptor capture permit is $100 per year.

6) A capture permit shall expire on March 1 of each year and shall authorize the permittee to take up to his or her legal limit of raptors for possession and/or replacement, but no more than 2 raptors shall be taken from the wild per calendar year. All raptors shall be captured in a humane manner. Marked raptors that escape or are lost may be recaptured at any time without a capture permit and do not count as a bird taken from the wild.

7) The take of raptors from the wild must be reported by entering the required information into the electronic database at http://permits.fws.gov/186A or submitting a paper form 3-186A to the Department at the capturer's first opportunity to do so, but no later than 10 days after the capture of the raptor.

b) A raptor taken from the wild is always considered to be a wild raptor no matter how long it is held in captivity or whether it is transferred to another person. However, it is only considered to be taken from the wild by the person who captured it. The raptor is not considered to be taken from the wild by any subsequent permittee to whom it is legally transferred.

c~~b~~) Wild raptors~~Any wild raptor~~ listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17~~, effective July 15, 1991~~) and golden eagles may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a master class permittee from obtaining a wild raptor listed as threatened by FWS~~the U.S. Fish and Wildlife Service~~ at ~~(~~50 CFR 17~~, effective July 15, 1991)~~, or a golden eagle, provided listed~~such~~ raptors are captured legally in another state or country, or transferred from another falconer in accordance with federal regulations (50 CFR 21.29~~, effective September 14, 1989~~), this Part~~,~~ and the laws of the jurisdiction in which the~~such~~ raptors are obtained.

d~~c~~) No~~Any~~ wild raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) but not by FWS~~the U.S. Fish and Wildlife Service~~ (50 CFR 17~~, effective July 15, 1991~~) may ~~not~~ be captured in Illinois for falconry purposes. This prohibition shall not prevent a permittee~~permitee~~ from obtaining a raptor of any listed~~such~~ species, provided that it is~~they are~~ captured legally in another state or country or transferred from another falconer in accordance with federal regulations (50 CFR 21.29~~, effective September 14, 1989~~), this Part, and the laws of the jurisdiction in which the raptor was~~such raptors are~~ obtained.

e~~d~~) Except as provided for in Section~~Sections~~ 1590.50(a)(2) and ~~1590.50~~(d), any unmarked raptors imported into Illinois must be identified with a marker provided by the Department, and the State's copy of FWS~~U.S. Fish and Wildlife Service~~ electronic form~~Form~~ 3-186A must be sent~~returned~~ to the Department within 5~~five~~ days after marking, as determined by the postmark.

f~~e~~) A raptor~~Raptors~~ taken under a depredation (or special purpose) permit may be used for falconry by general or master falconers in compliance with federal regulations (50 CFR 21.29~~, effective September 14, 1989~~) ~~(No incorporation in this Part includes later amendments or editions)~~.

g) A capture permittee who is present at the capture site and immediately receives a captured raptor from another permittee is considered to be the person who removed the raptor from the wild. The capture permittee receiving the raptor is responsible for submitting a form 3-186A reporting take of the raptor from the wild. This would occur, for example, if another person climbs a tree or rappels down a cliff and takes a nestling for the permittee and gives it to the permittee at the tree or cliff.

h) If the capture permittee is not at the immediate location where the raptor is taken from the wild, then the person who takes it must be a general or master falconer, have a valid capture permit, and report take of the raptor. If the falconer capturing the raptor then transfers the raptor to the first capture permittee, the permittee capturing the raptor and the permittee receiving the raptor both must submit a 3-186A form reporting the transaction at the first opportunity to do so, but no later than 10 days after the transfer. The raptor will count as one of the two raptors the falconer who took it from the wild is allowed to capture in any year. The raptor will not count as a raptor taken from the wild by the capture permittee who received the raptor. The falconer who takes the raptor from the wild shall report the take even if he or she promptly transfers it.

i) If a capture permittee has a long-term or permanent physical impairment that prevents attending the capture of a species that is permitted for that permittee's use in falconry, then a general or master falconer holding a valid capture permit may capture the raptor for the permittee. The capture permittee receiving the raptor is then responsible for submitting a 3-186A form reporting take of the raptor from the wild and the raptor will count against the capture permittee's take of wild raptors allowed in any year.

j) Any raptor unintentionally captured shall be promptly released.

k) If a capture permittee transfers a raptor taken from the wild to a falconry permittee in the same year it was captured, the raptor will count as one of the raptors allowed to be taken from the wild in that year, but it will not count as a capture by the recipient, though it will always be considered a wild bird for purposes of bird counts and permits.

l) A raptor wearing falconry equipment or a captive-bred raptor may be recaptured at any time, even if the permittee is not allowed to possess the species. The raptor will not count against the capture permittee's possession limit, nor will its take from the wild count against the permittee's take limit. The recapture must be reported to the Department no more than 5 working days after the recapture by submitting a form 3-186A. A recaptured falconry raptor must be returned to the person who lost it, if that person may legally possess it. Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the Department.

m) A raptor banded with an aluminum federal band issued by the federal Bird Banding Laboratory may be taken from the wild, except that a banded peregrine falcon may not be taken.

1) If a captured raptor (including a peregrine falcon) is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry raptor, it shall be reported to the Department by submitting a form 3-186A within 5 working days after the capture. A recaptured falconry raptor shall be returned to the person who lost it. Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the Department. While a bird is temporarily held for the purpose of returning it to the person who lost it, it will not count against the possession limit or the limit of take from the wild if it has been reported to the Department.

2) If a peregrine falcon having a research band (such as a colored band with alphanumeric codes) or a research marking attached to it is captured, then it shall immediately be released unless the falcon has a transmitter attached to it, in which case it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the batteries and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the batteries or remove the transmitter, then the researcher or its designee can make the change or allow the captor to do so before the falcon is released. If the researcher does not wish to keep the transmitter on the falcon, then the peregrine falcon may be kept for falconry purposes only if the species is not on the Illinois list of endangered and threatened species.

3) If a captured raptor has any other band, research marking or transmitter attached to it, the band numbers and all other relevant information must be promptly reported to the federal Bird Banding Laboratory at 1-800-327-2263.

A) If the raptor has a transmitter attached to it, then it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the transmitter and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the transmitter,

then the researcher or its designee can make the change or allow the captor to do so before the raptor is released. Disposition of the raptor will be at the discretion of the researcher and the Department.

B) A temporarily possessed raptor having a transmitter attached will not count against the raptor possession limit for falconry raptors.

n) A capture permittee is responsible for the costs of care and rehabilitation for any raptor that is injured as a result of the permittee's trapping efforts and the permittee may either:

1) place the raptor on the capture permittee's falconry permit. Take of the raptor shall be reported by entering the required information into the electronic database at http://permits.fws.gov/186A and by submitting a paper form 3-186A to the Department no more than 10 days after capture. The raptor must then be treated by a veterinarian or licensed wildlife rehabilitator. The raptor will count against the permittee's possession limit; or

2) the raptor may be given directly to a veterinarian or permitted wildlife rehabilitator or an appropriate Department employee. The raptor will then not count against the permittee's allowed take or possession limit.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.100 Transfer, Change in Status, Release, Acquisition~~Temporary Care~~ and Reporting Requirements

a) Permittees shall not purchase or sell any raptor except as specified in Section 1590.85(a)~~80(e)~~ or ~~1590.100~~in subsection (d~~e~~) of this Section.

b) If a raptor is acquired, transferred, rebanded or microchipped, if a raptor is stolen, if a raptor is lost to the wild and not recovered within 30 days, or if a raptor possessed for falconry dies, the change in status must be reported within 10 days by entering the required information into the electronic database at http://permits.fws.gov/186A and to the Department by submitting a form 3-186A. If a raptor is stolen, then it must be reported to the Department and to the local Fish and Wildlife Service Regional Law Enforcement office at 618-713-5320

within 10 days after the theft of the raptor. Copies of electronic database submissions documenting take, transfer, loss, rebanding or microchipping must be kept for 5 years after the transaction.~~Any change in the status of a raptor shall be reported, in writing, to the Department within five days, as determined by the postmark, on the State's copy of U.S. Fish and Wildlife Service Form 3-186A. A change in status shall include, but is not limited to, death, escape, release, theft, gift, loan, sale, transfer, capture, and re-banding. The carcasses of dead raptors shall be disposed of at the direction of the Department, and markers shall be turned over to the Department.~~

c) Non-native raptors, hybrids, imprinted raptors and golden eagles may not be permanently released in Illinois. ~~Raptors to be released must be banded with an official U.S. Fish and Wildlife Service aluminum bird band by the Department or an authorized bird bander whenever possible and have the permanent marker removed and surrendered to the Department.~~

1) If the species is native to Illinois and was taken from the wild, it may be released only at an appropriate time of year and an appropriate location with permission of the respective landowner. The falconry band and equipment (anklets, jesses, etc.) must be removed and the release must be reported by entering the required information into the electronic database at http://permits.fws.gov/186A and reported to the Department by submitting a form 3-186A.

2) If the raptor species is native to Illinois and is captive-bred, it may be released only by hacking the raptor to the wild at an appropriate time of year and an appropriate location. The falconry band and equipment (anklets, jesses, etc.) must be removed and the release must be reported by entering the required information into the electronic database at http://permits.fws.gov/186A and reported to the Department by submitting a form 3-186A.

~~d) Falconry permit holders of the appropriate class may temporarily care for the raptor(s) of another permittee in accordance with the following:~~

~~1) Each raptor must be accompanied at all times by a copy of the U.S. Fish and Wildlife Service Form 3-186A (See Appendix A) which shows that the raptor was legally acquired and possessed by the owner.~~

~~2) The permittee providing temporary care for the raptor(s) must possess a signed, dated letter of authorization from the owner which includes the names, addresses, and permit numbers of the owner and persons providing care, the marker number(s) of the raptor(s) which are being cared for, and the location at which the raptors will be held during the temporary care period.~~

d~~e~~) Nothing in this Section shall prohibit a falconry permittee from purchasing, selling~~,~~ or bartering a captive-bred raptor marked with a seamless band provided that the transaction is in accordance with federal regulations (50 CFR 21.29~~28, effective September 14, 1989~~) ~~(no incorporation in this Part includes later amendments or editions)~~, this Part, and the laws of the jurisdiction in which the captive-bred raptor is purchased, sold~~,~~ or bartered, the captive-bred raptor is of a species that~~which~~ may be legally held by the permittee (see Section 1590.80), and the captive-bred raptor was legally acquired by the person from whom it is being purchased as demonstrated by the FWS~~U.S. Fish and Wildlife Service~~ forms). Wild raptors may be transferred, but shall not be purchased, sold, traded or bartered.

e) A raptor of any age and species that a falconry permittee is allowed to possess (except a golden eagle) may be acquired directly from a licensed wildlife rehabilitator. The transfer is at the discretion of the rehabilitator.

1) A raptor acquired from a rehabilitator must be reported within 10 days by entering the required information into the electronic database at http://permits.fws.gov/186A and by submitting a form 3-186A to the Department.

2) A raptor acquired from a rehabilitator will count as one of the raptors that a permittee is allowed to take from the wild that year.

f) Captive-bred falconry raptors may be transferred to another permit type if the holder of the other permit is authorized to possess the raptors. The transfer must be reported within 10 days by entering the required information into the electronic database at http://permits.fws.gov/186A and by submitting a form 3-186A to the Department.

g) A wild-caught falconry raptor may be transferred to another permit type if the holder of the other permit is authorized to possess the raptor under the following circumstances:

1) A wild-caught falconry raptor may be transferred to a captive propagation permit after the raptor has been used in falconry for at least 2 years (1 year for a sharp-shinned hawk (Accipiter striatus), Cooper's hawk (Accipiter cooperii), merlin (Falco columbarius) or American kestrel). A copy of the 3-186A form documenting the acquisition of a raptor by the propagator must be provided to the Department and the federal migratory bird permit office that administers the federal propagation permit.

2) A wild-caught falconry raptor may be transferred to another permit type in less than 2 years (1 year for a sharp-shinned hawk, Cooper's hawk, merlin or an American kestrel) if the raptor has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the raptor can no longer be flown for falconry. Within 10 days after transferring the raptor, a copy of the 3-186A form documenting acquisition of the raptor must be submitted to the Department and the federal migratory bird permitting office that administers the other permit type. When the raptor is transferred, a copy of the certification from the veterinarian or rehabilitator that the raptor is not useable in falconry must also be submitted to the Department and the federal migratory bird permitting office that administers the other permit type.

h) A surviving spouse, executor, administrator or other legal representative of a deceased falconry permittee may transfer any falconry raptor held by the deceased permittee to another authorized permittee within 90 days after the death of the falconry permittee. After 90 days, the disposition of the raptors is at the discretion of the Department.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.110 Hunting Seasons for Falconers

a) Falconers shall possess a valid hunting license and~~,~~ appropriate State and federal stamps and shall abide by all Wildlife Code regulations.

b) The statewide seasons for harvesting the following game birds, game mammals~~,~~

and fur-bearing mammals by falconry methods shall be:

1) Cock and hen pheasant, bobwhite quail, Hungarian (gray) partridge, cottontail and swamp rabbits, raccoon, opossum, skunk, gray fox~~,~~ and red fox: ~~1~~ October 1-~~131~~ March 31~~1 October-31 March~~.

2) Fox and gray squirrels: ~~1~~ August 1-~~31~~ January 31.

c) No bag or possession limits shall be in effect for fur-bearing mammals. Bag and possession limits for fox and gray squirrels shall be the same as specified in 17 Ill. Adm. Code 690.20. Bag and possession limits for pheasant, bobwhite quail, Hungarian (gray) partridge, cottontail and swamp rabbits shall be the same as specified in 17 Ill. Adm. Code 530.20, except that hen pheasants may be included as part of bag and possession limits in accordance with 520 ILCS 5/2.6. Blaze orange clothing is not required to take pheasant, bobwhite quail, Hungarian (gray) partridge, cottontail and swamp rabbits by falconry during the upland game season except as may be required by local rules and in 17 Ill. Adm. Code 530. Blaze orange clothing consisting of a cap and upper outer garment, with those articles of clothing displaying a minimum of 400 square inches of blaze orange material, is required to take any protected species, except migratory waterfowl, by any means, including falconry, during the gun deer hunting season in counties open to gun deer hunting.

d) Seasons, bag limits and possession limits for harvesting the following migratory birds by falconry methods shall be in accordance with federal regulations (50 CFR 20.109~~, effective August 18, 1995) (no incorporation in this Part includes later amendments or editions)~~): snipe~~Snipe~~, rails (sora and Virginia), ducks, geese, coots~~coot~~, woodcock, doves~~dove~~ and crows~~crow~~.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

Section 1590.120 Additional~~Special~~ Provisions

a) Molted~~Moulted~~ and salvaged feathers from falconry raptors~~birds~~ held in captivity may be retained and received from other falconry~~exchanged by their~~ permittees and licensed wildlife rehabilitators for imping purposes only. Feathers from raptors other than golden eagles may also be left where they fell, destroyed or donated as provided for in this subsection. Buying, selling or bartering the feathers is prohibited.

1) Feathers from a falconry bird, except golden eagle feathers, may be donated to a person or institution that is authorized by the U.S. Department of Agriculture, FWS or DNR to possess them.

2) Molted primary and secondary flight feathers and retrices from a golden eagle that are not kept for imping must be sent to the National Golden Eagle Repository, Rocky Mountain Arsenal, Bldg. 128, Commerce City, CO 80022; phone number 303-287-2110. All other feathers from a golden eagle, including body feathers, should also be sent to the National Eagle Depository.

3) Persons whose falconry permit is expired or revoked must donate the feathers of any species of falconry raptor, except a golden eagle, to any person who is authorized by the U.S. Department of Agriculture, FWS or DNR to possess them or burn, bury or otherwise destroy them.

b) Any person convicted of illegal possession of raptors shall have his ~~(~~or her~~)~~ permit revoked and his ~~(~~or her~~)~~ raptors confiscated by the Department. The Department shall dispose of any~~the~~ confiscated raptors~~raptor~~ by transferring them~~the raptor~~ to another permittee or permittees, releasing them to the wild, or destroying them~~the raptor~~ if they are~~it is~~ unsuitable to be transferred or released.

c) Convictions of violating any Section of this Part shall result in a period of suspension or revocation by the Department of the permittee's falconry privileges for up to 5 years~~ by the Department~~, pursuant to 17 Ill. Adm. Code 2530.

~~d) Individual raptors in possession prior to February 1, 1975 (excluding species subject to the Illinois Endangered Species Protection Act) are exempt from the possession requirements of Section 1590.60 of this Part.~~

d~~e~~) A permittee who possesses a lawfully acquired raptor on which a marker is attached and is listed as endangered by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the Fish and Wildlife Service (50 CFR 17~~, effective September 30, 1985~~), and if the~~such~~ raptor was~~raptor(s) were~~ acquired prior to the enactment of these regulations or prior to listing of the~~such~~ bird in~~to~~ the Endangered Species List~~list~~ of Illinois or the United States, legally acquired out of State (see Section 1590.90(c~~b~~)), or is the progeny of 2~~two~~ legally held birds (see Section 1590.85(a)~~80 (e)~~ and Section 1590.100 (d~~e~~)), shall be

allowed to possess the~~such~~ raptor~~raptor(s)~~ as part of the permittee's falconry permit class.

e~~f~~) Nothing in this Part shall prohibit public educational presentations and other educational uses of raptors held on a falconry permit in accordance with Federal regulations (50 CFR 21.29).

f~~g~~) Falconers may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons or kites in training or conditioning falconry raptors. Permittees in possession of an Illinois game breeders permit~~Game Breeders Permit~~ may train raptors by using or killing pen reared game at any time.

g) Hacking of falconry raptors is an allowed method of conditioning raptors, but only by general or master class falconers under the following conditions:

1) any raptor that is being hacked counts against the falconer's possession limit and must be a species that is authorized to be possessed;

2) any hybrid that is hacked must have 2 attached functioning radio transmitters during hacking; and

3) a falconry raptor may not be hacked near a nesting area of a State or federally endangered or threatened species that might be disturbed or taken by the falconry raptor. Falconers should contact the Department for information to ensure that this does not occur.

h) A general or master falconer may assist a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild in accordance with federal regulations (50 CFR 21.29). A raptor held for rehabilitation may be held in the falconer's facilities.

i) A master falconer may use a falconry bird to scare away protected species that are causing property damage or a risk to human health or safety in accordance with 17 Ill. Adm. Code 525 and federal regulations (50 CFR 21). A master falconer may use a falconry bird to kill protected species that are causing property damage or a risk to human health or safety on the land of another for a fee, only if he or she has the appropriate class of nuisance wildlife control permit from the

Department (17 Ill. Adm. Code 525) and the appropriate Fish and Wildlife Service permit (50 CFR 21).

j) Falconry birds that die must be disposed of under the following conditions:

1) The entire body of a golden eagle held for falconry, including all feathers, talons and other parts, must be donated to the National Eagle Depository.

2) The entire body or feathers of any other species of falconry raptor may be donated to any person or educational institution authorized by the U.S. Department of Agriculture, FWS or DNR to possess the raptor or feathers.

3) The entire body of a raptor, except a golden eagle, that was banded or microchipped prior to death may be kept so that the feathers are available for imping. The body of captive-bred raptors may be mounted by a taxidermist. Taxidermy mounts may be used in giving conservation education programs. The bird band and microchip must be left in place.

4) The flight feathers from dead raptors not donated or mounted by a taxidermist may be kept for as long as the falconer possessing them has a valid falconry permit. The flight feathers may not be bought, sold or bartered. All paperwork documenting the acquisition of the raptor must be retained.

5) Falconry raptors not otherwise disposed of as provided in this subsection (j) shall be burned, buried or otherwise destroyed as approved by the Department within 10 days after the death of the raptor or after final examination by a veterinarian to determine cause of death. Euthanized falconry raptors could pose a risk of secondary poisoning to other animals. Appropriate precautions must be taken to avoid such poisonings.

k) An unintentional prey item taken by a falconry raptor may be fed upon by the raptor but not be possessed by the falconer.

l) Falconers must ensure that State and federally listed endangered and threatened species are not taken by falconry raptors. Take, for the purposes of this Section, includes to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture or collect, or to attempt to engage in this conduct. Falconers must report unintentional take of State listed species to the

Department's endangered species program manager in addition to reporting the take of federally listed species to the Ecological Services Field Office for the location where the take occurred.

m) When flown free, a hybrid raptor must have attached at least 2 functioning radio transmitters to assist in locating the raptor.

(Source: Amended at 38 Ill. Reg. 895, effective January 1, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 1590.APPENDIX A Migratory Bird Acquisition and Disposition Report (Repealed)

~~UNITED STATES DEPARTMENT OF THE INTERIOR~~
~~Fish and Wildlife Service~~
~~MIGRATORY BIRD ACQUISITION AND DISPOSITION~~

~~TRANSFER~~

~~Name:~~ _____ ~~FWS Permit No:~~ _____
~~Address:~~ _____
~~City:~~ _____ ~~State:~~ _____ ~~Zip:~~ _____
~~Species:~~ _____ ~~Band No:~~ _____
~~1~~ ~~Age:~~ ___ ~~Nestling~~ ___ ~~Adult~~ ___ ~~Year of Hatch~~
~~Sex:~~ ___ ~~Male~~ ___ ~~Female~~ ___ ~~Unknown~~
~~Type of Disposition:~~ ___ ~~Release~~ ___ ~~Escape~~ ___ ~~Theft~~
~~Date:~~ _____ ___ ~~Death~~ ___ ~~Gift~~ ___ ~~Sale~~ ___ ~~Loan~~

~~ACQUIRE~~

~~Name:~~ _____ ~~FWS Permit No.~~ _____
~~Address:~~ _____
~~City:~~ _____ ~~State:~~ _____ ~~Zip:~~ _____
~~Species:~~ _____ ~~Band No:~~ _____
~~2~~ ~~Age:~~ ___ ~~Nestling~~ ___ ~~Adult~~ ___ ~~Year of Hatch~~
~~Sex:~~ ___ ~~Male~~ ___ ~~Female~~ ___ ~~Unknown~~
~~Type of Acquisition:~~ ___ ~~Wild-Caught~~ ___ ~~Purchase~~ ___ ~~Gift~~ ___ ~~Loan~~
~~Date:~~ _____

~~BANDING~~

~~3~~ ~~If this form reports the acquisition of a bird from the wild, the person who bands the bird must complete the information below:~~

~~Band Number:~~ _____ ~~Band Type:~~ _____

~~I certify that the above statements are true and correct to the best of my knowledge. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.~~

~~Signature:~~ _____ ~~Date~~ _____

~~NOTE: Each individual fully completes a separate form~~

~~TRANSFER (PART 1) Transferor completes parts 1 and 2, retains white copy, and sends original and colored copies to U.S. Fish and Wildlife Service Regional Law Office which has responsibility for the State in which the permittee is located.~~

~~ACQUIRE (PART 2) Person acquiring bird completes part 2 and (part 1 or 3, if applicable), retains white copy, and sends original and colored copies to the U.S. Fish and Wildlife Service Regional Law Enforcement Office which has responsibility for the State in which the permittee is located.~~

~~BANDING (PART 3) Person banding the bird completes this part and parts 1 and/or 2 if bander transfers or acquires the bird, retains the white copy, and sends original and colored copies to the U.S. Fish and Wildlife Service Regional Law Enforcement Office which has responsibility for the State in which the permitted activity takes place.~~

~~AREAS OF RESPONSIBILITY AND OFFICE ADDRESSES~~

~~California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, the Marshall Islands, Northern Mariana Islands, and the Trust Territory of the Pacific Islands (District 1): 1002 N.E. Holladay St., Portland, OR 97232-4181, Telephone 503-231-6125~~

~~Arizona, New Mexico, Oklahoma and Texas (District 2): P.O. Box 329, Albuquerque, NM 87103, Telephone 505-766-2091~~

~~Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin (District 3): P.O. Box 45, Twin Cities, MN 55111, Telephone: 612-725-3530~~

~~Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands (District 4): P.O. Box 4839, Atlanta,~~

~~GA 30302, Telephone 404-331-5872~~

~~Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia (District 5) P.O. Box 129, New Town Branch, Boston, MA 02258, Telephone 617-965-2298~~

~~Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming (District 6): P.O. Box 25486, Denver Federal Center, Denver, CO 80225, Telephone 303-236-7540~~

~~Alaska (District 7): P.O. Box 92597, Anchorage, AK 99509-2597, Telephone 907-786-3311~~

~~Any foreign country (Washington Office): P.O. Box 3247, Arlington, VA 22203-3247, Telephone 703-358-1949~~

~~Migratory Bird Acquisition and Disposition Report~~

~~NOTICE:~~

~~In accordance with the Privacy Act of 1974 (Pub. L 93-579) and the Paperwork Reduction Act (Pub. L 96-511), please be advised that~~

~~1. The gathering of information on fish and wildlife is authorized by:~~

~~(a) Migratory Bird Treaty Act (16 U.S.C. 703-712)~~
~~(b) Part 13 of Title 50 of the Code of Federal Regulations, and~~
~~(c) Part 21 of Title 50 of the Code of Federal Regulations.~~

~~2. The disclosure of the requested information is required in order to administer permits under the above Act. Response to this request is required to exercise benefits of a permit issued by the U.S. Fish and Wildlife Service. Failure to disclose all of the requested information may be sufficient cause for the U.S. Fish and Wildlife Service to suspend or revoke your permit.~~

~~3. In the event there is indicated a violation of a statute, regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, the requested information may be transferred to the appropriate Federal, State, local or foreign agency charged with investigating or prosecuting such violations.~~

~~4. In the event of litigation involving the records or the subject matter of the records, the requested information may be transferred to the U.S. Department of Justice.~~

~~5. The requested information may be subject to disclosure under provisions of the Freedom of Information Act (5 U.S.C. 552)~~

~~6. Public reporting burden for this form is estimated to be 10 minutes per response including time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Service Information Collection Clearance Officer, Fish and Wildlife Service, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240, and the Office of Management and Budget, Paperwork Reduction Act Project (1018-0022), Washington, D.C. 20503.~~

(Source: Repealed at 38 Ill. Reg. _____, effective January 1, 2014)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Construction in Floodways of Rivers, Lakes and Streams

2) Code Citation: 17 Ill. Adm. Code 3700

3)

Section Numbers:	Adopted Action:
3700.20	Amend
3700.40	Amend
3700.45	New
3700.60	Amend
3700.70	Amend
3700.75	Amend
3700.80	Amend
3700.85	New
3700.88	New

4) Statutory Authority: Implemented and authorized by Sections 23, 29a and 30 of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 30 and 35]

5) Effective Date of Rule: December 27, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: April 5, 2013, 37 Ill. Reg. 4156

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

In Section 3700.20, after the definition of "Department", the following has been added:

"Floodplain – The land area adjacent to a stream or watercourse with ground surface elevations at or below the 1% of annual chance of exceedence (100-year frequency) flood elevation."

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

In Section 3700.20, the definition of "Floodway" has been changed to read:

"Floodway" The channel of a river, lake or stream and that portion of the floodplain that is needed to store and convey the 1% annual chance of flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance and storage. Where floodways have been delineated for regulatory purposes, the mapped lines show the floodway encroachment limits and will be used. For other areas, the entire floodplain shall be considered to be in the floodway unless an analysis is approved by the Department demonstrating that a project site is outside of the floodway. The Department will review floodway delineation analyses provided by the applicants to verify that the resulting loss of flood conveyance and storage will result in no more than a 0.1 foot increase in stage. The Department will either approve or disapprove floodway delineation analyses and inform applicants of the reason for disapproval.

In Section 3700.45(a) has been changed to read as follows:

a) If a permit is required for the activity proposed and is not already permitted by a Statewide Permit authorization (see Section 3700.80), permit applicants must pay a non-refundable permit application review fee. The fee will be determined by the Department, and the applicant shall be notified of that determination immediately after review of the application. When appropriate and when it is in the best interest of the State, the Department may enter into agreements to allow other State agencies to offset the cost of fees by providing in-kind services in lieu of cash payments. As outlined in this subsection (a), the review fee shall be calculated based on the determination of the base review fee, the application of an escalation adjustment factor, and the addition of review fees from any other applicable Parts (see subsection (a)(3)). Further processing of the application will not be initiated until the review fee is received.

1) The base review fee will be as follows:

A) $200 for previously permitted construction activities requiring new permit authorization in accordance with Section 3700.125 and not involving any changes from the previously permitted activity; or

B) $500 for construction activities that comply with the terms and conditions of a general permit (in accordance with Section 3700.85); or

C) $1000 for construction activities that the Department determines will not require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Sections 3700.60, 3700.70 and 3700.75; or

D) $2500 for construction activities such as levees, certain bridge/culvert crossings, and major floodway filling that the Department determines will require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Sections 3700.60, 3700.70 and 3700.75. The base review fee shall be increased an additional $1500 for applications requiring public notice in accordance with Section 3700.50.

2) Annual Escalation Adjustment

A) The base review fee amounts in subsection (a)(1) shall be adjusted on July 1 each year to account for inflation. The U.S. Bureau of Labor Statistics' Consumer Price Index Table for all urban consumers (CPI-U), U.S. city average, all items, base period 1982-1984 = 100 (Series ID: CUUR0000SA0) (available on the U.S. Bureau of Labor Statistics' website) shall be used to calculate the adjustment factor. The adjustment factor shall be directly proportional to the change in the CPI index since June 2013 and shall be calculated according to the following formula:

$$\text{Adjustment factor} = \frac{\text{CPI (May of current year)} - \text{CPI (June 2013)}}{\text{CPI (June 2013)}}$$

B) The base fee amounts in subsection (a)(1) shall be multiplied by this factor and rounded to the nearest $10 to compute the review fee for the coming fiscal year (July 1 through June 30). The review fee shall be capped at $5000. The dollar amounts that result from these calculations will be posted on the Department's website at: www.dnr.illinois.gov.

3) Review Fee for Multiple-Regulation Projects
If the construction activity being applied for also requires authorization under 17 Ill. Adm. Code 3702 and/or 3704, the review fee for each Part

shall be added to calculate the total review fee. The total review fee shall be capped at $5000.

In Section 3700.45(b)(2) has been deleted.

In Section 3700.45(b)(3) has been relabeled to "2)"; "principal" and "accompanying initial" has been deleted.

In Section 3700.45(b)(4) has been relabed to "3)" and "Failure" has been changed to "Insufficient payment or failure".

In Section 3700.45(b), the following has been added:

"4) All fees shall be deposited into the State Boating Act Fund (see 615 ILCS 5/35)."

In Section 3700.88, "Department to be pertinent to the new permit" has been changed to read "Department to be pertinent to the new application"; and "For applications in which the project is not being changed, only the initial review fee component of the permit application fee (see Section 3700.45) will be required." has been deleted.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being amended to implement the recent change to the Rivers, Lakes and Streams Act (615 ILCS 5) which allows the Department to collect fees per application for permits issued under the Act. Additionally, some minor amendments have been made for clarification.

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCES

PART 3700
CONSTRUCTION IN FLOODWAYS OF RIVERS, LAKES AND STREAMS

Section
3700.10 Purpose
3700.20 Definitions
3700.30 Jurisdiction
3700.40 Permit Application
3700.45 Permit Application Fee
3700.50 Notice to Interested Parties
3700.60 Departmental Standards
3700.70 Special Provisions for Bridges and Culverts
3700.75 Special Provisions for Levees and Floodwalls
3700.80 Statewide Permits
3700.85 General Permits
3700.88 Permits Not Transferrable
3700.90 Denial of Applications
3700.100 Violations and Enforcement
3700.110 Final Administrative Decision

AUTHORITY: Implementing and authorized by Sections 23, 29a, 30 and 35 of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 29a, 30 and 35].

SOURCE: Adopted at 17 Ill. Reg. 4484, effective March 23, 1993; emergency amendment at 18 Ill. Reg. 790, effective January 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8167, effective May 16, 1994; recodified from 92 Ill. Adm. Code 700, Department of Transportation, to the Department of Natural Resources, at 22 Ill. Reg. 7362; amended at 27 Ill. Reg. 7774, effective April 21, 2003; amended at 29 Ill. Reg. 8316, effective May 26, 2005; amended at 34 Ill. Reg. 12875, effective August 20, 2010; amended at 38 Ill. Reg. 934, effective December 27, 2013.

Section 3700.20 Definitions

As used in this Part, the words and terms listed shall have the meanings ascribed to them as follows:

"Bridge or Culvert Reconstruction" – The total replacement of an existing bridge or culvert, including substructure and superstructure, on the existing road alignment or on an alignment within 100 feet upstream or downstream of the existing alignment in an urban area, or within 500 feet upstream or downstream of the existing alignment in a rural area.

"Construction" – The placement, erection, or reconstruction of any building or structure, any filling or excavation, the installation of any utility, or the storage of any materials. Construction includes, but is not limited to, modifications to an existing building thatwhich would increase the building's outside dimensions, channel modifications and enclosures, roads, bridges, culverts, levees, bank protection, walls, fences, and any other man-made activity thatwhich would modify the physical features of a floodway with respect to the storage or conveyance of flood waters. Construction does not include normal maintenance and repair activities or farming operations such as discing and plowing.

"Department" – The Illinois Department of Natural Resources.

Floodplain – The land area adjacent to a stream or watercourse with ground surface elevations at or below the 1% annual chance of exceedence (100-year frequency) flood elevation.

"Floodway" The channel of a river, lake or stream and that portion of the floodplainadjacent land area that is needed to safely store and convey flood waters the 1% annual chance of exceedence flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance and storage. Where floodways have been delineated for regulatory purposes, the mapped lines show the floodway encroachment limits and will be used. For other areas, the entire floodplain shall be considered to be in the floodway unless an analysis is approved by the Department demonstrating that a project site is outside of the floodway. The Department will review floodway delineation analyses provided by the applicants to verify that the resulting loss of flood conveyance and storage will result in no more than a 0.1 foot increase in stage. The Department will either approve or disapprove floodway delineation analyses and inform applicants of the reason for disapproval.floodway limits will be estimated, using hydrologic and hydraulic calculations, to preserve adequate conveyance and storage so that stage increases for the 100-year frequency flood would not exceed 0.1 foot.

"Office of Water Resources" – The Office of Water Resources of the Illinois Department of Natural Resources.

"Permittee" – The entity~~person~~ issued a permit pursuant to this Part.

"Rural Areas" – All areas of the State not classified as urban areas.

"Urban Areas" – Areas of the State where residential, commercial or industrial development currently exists or, based on land use plans or controls, is expected to occur within 10 years after~~of~~ the application date. In determining urban areas, the Department will consider the expertise of local officials, regional and local planning commissions, city and county planners, or private development planners, as well as all available mapping. Areas with only isolated or widely scattered buildings will not be classified as urban areas.

"Worst-case Analysis" – The calculation of the maximum increases in flood heights, velocities and damages a project would cause due to conveyance and storage losses considering both the project alone and the combined effects of other existing construction and reasonably anticipated equally obstructive construction on other similarly situated properties~~which could reasonably be anticipated to be proposed~~ in the locality. Flood events up to and including the ~~100-year frequency~~ flood which has a 1% annual chance of exceedence shall be used in this analysis (see Section 3700.75 for exception).

(Source: Amended at 38 Ill. Reg. 934, effective December 27, 2013)

Section 3700.40 Permit Application

a) An applicant requesting~~who desires~~ a permit under this Part shall file with the Department an application consisting of a properly executed application form, ~~and~~ all plans and information required to determine the effect of the construction on the carrying capacity of the stream, and the permit application fee (see Section 3700.45). All portions of the application form, including the name and address of the applicant, a description of the proposed activity, the location of the proposed activity, and the names and addresses of all adjoining property owners, shall be completed and all required attachments must be submitted before a determination of permissibility will be made. Application forms may be obtained from the Illinois Department of Natural Resources, Office of Water Resources. For projects involving floodway construction activities at more than one location,

separate permit applications shall be submitted for each location. ~~at the following addresses:~~

~~One Natural Resources Way~~
~~Springfield IL 62702-1271~~

~~Michael A. Bilandic Building~~
~~160 N. LaSalle Street, Suite S-700~~
~~Chicago IL 60601~~

~~Region 2 Office~~
~~2050 West Stearns Road~~
~~Bartlett IL 60103~~

b) Many activities permitted under this Part require review of the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency. To simplify application procedures, the ~~Illinois Department of Natural Resources,~~ Office of Water Resources utilizes a joint application form with these two agencies.

(Source: Amended at 38 Ill. Reg. 934, effective December 27, 2013)

Section 3700.45 Permit Application Fee

a) If a permit is required for the activity proposed and is not already permitted by a Statewide Permit authorization (see Section 3700.80), permit applicants must pay a non-refundable permit application review fee. The fee will be determined by the Department, and the applicant shall be notified of that determination immediately after review of the application. When appropriate and when it is in the best interest of the State, the Department may enter into agreements to allow other State agencies to offset the cost of fees by providing in-kind services in lieu of cash payments. As outlined in this subsection (a), the review fee shall be calculated based on the determination of the base review fee, the application of an escalation adjustment factor, and the addition of review fees from any other applicable Parts (see subsection (a)(3)). Further processing of the application will not be initiated until the review fee is received.

1) The base review fee will be as follows:

A) $200 for previously permitted construction activities requiring new

permit authorization in accordance with Section 3700.125 and not involving any changes from the previously permitted activity; or

B) $500 for construction activities that comply with the terms and conditions of a general permit (in accordance with Section 3700.85); or

C) $1000 for construction activities that the Department determines will not require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Sections 3700.60, 3700.70 and 3700.75; or

D) $2500 for construction activities such as levees, certain bridge/culvert crossings, and major floodway filling that the Department determines will require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Sections 3700.60, 3700.70 and 3700.75. The base review fee shall be increased an additional $1500 for applications requiring public notice in accordance with Section 3700.50.

2) Annual Escalation Adjustment

A) The base review fee amounts in subsection (a)(1) shall be adjusted on July 1 each year to account for inflation. The U.S. Bureau of Labor Statistics' Consumer Price Index Table for all urban consumers (CPI-U), U.S. city average, all items, base period 1982-1984 = 100 (Series ID: CUUR0000SA0) (available on the U.S. Bureau of Labor Statistics' website) shall be used to calculate the adjustment factor. The adjustment factor shall be directly proportional to the change in the CPI index since June 2013 and shall be calculated according to the following formula:

$$\text{Adjustment factor} = \frac{\text{CPI (May of current year)} - \text{CPI (June 2013)}}{\text{CPI (June 2013)}}$$

B) The base fee amounts in subsection (a)(1) shall be multiplied by this factor and rounded to the nearest $10 to compute the review fee for the coming fiscal year (July 1 through June 30). The review fee shall be capped at $5000. The dollar amounts that

result from these calculations will be posted on the Department's website at: www.dnr.illinois.gov.

3) Review Fee for Multiple-Regulation Projects
If the construction activity being applied for also requires authorization under 17 Ill. Adm. Code 3702 and/or 3704, the review fee for each Part shall be added to calculate the total review fee. The total review fee shall be capped at $5000.

b) Submission of Fees

1) Except when possible through electronic fee submittal, the applicant shall submit the required fee amounts in the form of a check or money order made payable to the Illinois Department of Natural Resources.

2) If the review fee is not received within 90 days after the Department's notification of the amount of that fee, the application shall be deemed withdrawn. A new application and review fee will need to be submitted to restart the application process.

3) Insufficient payment or failure of a fee payment to clear the bank it is drawn against will result in the automatic withdrawal of the application.

4) All fees shall be deposited into the State Boating Act Fund (see 615 ILCS 5/35).

c) Refund of Permit Application Fees
Except for refunding of overpayments, permit application fees shall not be refunded. Application fees are tendered for consideration of the application only and do not imply any promise of permit issuance by the Department.

(Source: Added at 38 Ill. Reg. 934, effective December 27, 2013)

Section 3700.60 Departmental Standards

a) Except as provided in Section 3700.70, construction that~~which~~ would result in an obstruction to flood flows or a reduction in flood storage capacity in a delineated floodway will not be permitted unless the application shows the criteria of subsection (b) ~~below~~ are met.

b) Permits will be granted for construction that~~which~~ would not singularly or cumulatively result in flood damages or potential flood damages outside the project right-of-way due to increases in flood heights or velocities. Absent contrary evidence, this standard will be considered met if, for the worst-case analysis (see Section 3700.20):~~,~~

1) the application shows that:

A)~~1)~~ any water surface profile increase would be contained within the channel banks (or within existing vertical extensions of the channel banks such as within the design protection grade of existing levees or floodwalls) or flood easements; or

B)~~2)~~ in urban areas, the water surface profile increase would not exceed 0.1 foot; or

C)~~3)~~ in rural areas, the water surface profile increase would not exceed 0.5 feet; and

2) the application shows that:

A)~~4)~~ any increase in average channel velocity would not be beyond the scour velocity of the predominant soil type of the channel; or

B)~~5)~~ increased scour, erosion and sedimentation would be prevented by the use of riprap or other design measures.

(Source: Amended at 38 Ill. Reg. 934, effective December 27, 2013)

Section 3700.70 Special Provisions for Bridges and Culverts

a) General Standards for New Bridges and Culverts
Permits will be granted for new bridges and culverts that~~which~~ would not result in flood damages or potential flood damages outside the project right-of-way due to increases in flood heights or velocities. Absent contrary evidence, this standard will be considered met if, for the worst-case analysis (see Section 3700.20):~~,~~

1) the application shows that:

A)~~1)~~ any water surface profile increase would be contained within the channel banks (or within existing vertical extensions of the channel banks such as within the design protection grade of existing levees or floodwalls) or flood easements; or

B)~~2)~~ in urban areas, the water surface profile increase would not exceed 0.5 feet at the structure, nor 0.1 foot at a point 1000 feet upstream of the structure as determined by the horizontal projection of the increase and the slope of the hydraulic grade line; or

C)~~3)~~ in rural areas, the water surface profile increase would not exceed 1.0 foot at the structure, nor 0.5 feet at a point 1000 feet upstream of the structure as determined by the horizontal projection of the increase and the slope of the hydraulic grade line; and

2) the application shows that:

A)~~4)~~ any increase in average channel velocity would not be beyond the scour velocity of the predominant soil type of the channel; or

B)~~5)~~ increased scour, erosion and sedimentation would be prevented by the use of riprap or other design measures.

b) General Standards for Bridge and Culvert Reconstruction
A bridge or culvert reconstruction project that~~which~~ would meet the following provisions will be permissible. A reconstruction project that~~which~~ would not meet these provisions must either comply with the general standards for new bridges and culverts or be designed to reduce the induced flood damages to the fullest practicable extent.

1) The reconstruction (including approach roads) shall be no more restrictive to normal and flood flows than the existing bridge or culvert crossing; and

2) Documentation must be provided that the existing crossing has not caused demonstrable flood damage. In the case of public projects, certification by a District Engineer of the Department of Transportation's Division of Highways, a County Engineer (if a Professional Engineer), or a Municipal Engineer (if a Professional Engineer) that the existing crossing has not

caused demonstrable flood damage will be adequate documentation.

(Source: Amended at 38 Ill. Reg. 934, effective December 27, 2013)

Section 3700.75 Special Provisions for Levees and Floodwalls

The flood discharge that~~which~~ would just overtop a levee or floodwall shall be used for the worst-case analysis (see Section 3700.20).

(Source: Amended at 38 Ill. Reg. 934, effective December 27, 2013)

Section 3700.80 Statewide Permits

The Department may, by issuance of a statewide permit, grant approval for specific types of activities that~~, for example, minor boat docks and utility crossings, which~~ meet the standards defined in Section~~Sections~~ 3700.60 or 3700.70. Subsequent to the issuance of a statewide permit, no application or further authorization will be required by the Department for activities meeting the terms and conditions of the statewide permit. Statewide permits will be issued only after notice and opportunity for public review and comment.

(Source: Amended at 38 Ill. Reg. 934, effective December 27, 2013)

Section 3700.85 General Permits

The Department may, for the purpose of providing more expeditious processing of permit applications, issue general permits pertaining to specific types of activities, such as boat launching facilities, meeting conditions necessary to assure compliance with the purpose and intent of this Part. General permits may be applicable on a statewide basis or may be restricted to specified rivers, lakes and streams, or reaches of rivers and streams. Subsequent to the issuance of a general permit, individual applications must still be submitted but authorizations will be granted for activities meeting all of the terms and conditions of the general permit without notice or interagency coordination. General permits will be issued only after notice and opportunity for public review and comment.

(Source: Added at 38 Ill. Reg. 934, effective December 27, 2013)

Section 3700.88 Permits Not Transferable

Permits issued pursuant to this Part are not transferable. If the property rights for the grounds on

which the project will be located are transferred before the authorized construction is completed, the new entity must apply for a permit under its name. The application for permit may incorporate by reference all information from the previous permit that is determined by the Department to be pertinent to the new application.

(Source: Added at 38 Ill. Reg. 934, effective December 27, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Construction and Maintenance of Dams

2) Code Citation: 17 Ill. Adm. Code 3702

3)

Section Numbers:	Adopted Action:
3702.30	Amend
3702.35	New
3702.60	Amend
3702.70	Amend

4) Statutory Authority: Implementing and authorized by Sections 23 and 23a of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 23a and 35]

5) Effective Date of Rule: December 27, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: May 17, 2013, 37 Ill. Reg. 6614

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

Section 3702.35(a) has been changed to read as follows:

"a) If a permit is required for the activity, permit applicants must pay a non-refundable permit application review fee. The fee will be determined by the Department, and the applicant shall be notified of that determination immediately after review of the application. When appropriate and when it is in the best interest of the State, the Department may enter into agreements to allow other State agencies to offset the cost of fees by providing in-kind services in lieu of cash payments. As outlined in this subsection (a), the review fee shall be calculated based on the determination of the base review fee, the application of an

escalation adjustment factor, and the addition of the review fees from any other applicable Parts (see subsection (a)(3)). Further processing of the application will not be initiated until the review fee is received.

1) The base review fee shall be as follows:

Construction of New Dam	
Class I & II	$5000
Class III	$4500
Major Modification of Existing Dam	
Class I & II	$3500
Class III	$2500
Operating Authorization for Existing Dam (as required under Sections 3702.30(c)(1)(E) and 3702.100)	
All classifications	$1500
Removal of Dam	
All classifications	$2500

2) Annual Escalation Adjustment

A) The base review fee amounts in subsection (a)(1) shall be adjusted on July 1 each year to account for inflation. The U.S. Bureau of Labor Statistics' Consumer Price Index Table for all urban consumers (CPI-U), U.S. city average, all items, base period 1982-1984 = 100 (Series ID: CUUR0000SA0) (available on the U.S. Bureau of Labor Statistics' website) shall be used to calculate the adjustment factor. The adjustment factor shall be directly proportional to the change in the CPI since June 2013 and shall be calculated according to the following formula:

$$\text{Adjustment factor} = \frac{\text{CPI (May of current year)} - \text{CPI (June 2013)}}{\text{CPI (June 2013)}}$$

B) The base fee amounts in subsection (a)(1) shall be multiplied by this factor and rounded to the nearest $10 to compute the review

fee for the coming fiscal year (July 1 through June 30). The review shall be capped at $5000. The dollar amounts that result from these calculations will be posted on the Department's website at www.dnr.illinois.gov.

3) Review Fee for Multiple-Regulation Projects
If the construction activity being applied for also requires authorization under 17 Ill. Adm. Code 3700, 3704 and/or 3708, the review fee for each Part shall be added to calculate the total review fee. The total review fee shall be capped at $5000.

b) Submission of Fees

1) Except when possible through electronic fee submittal, the applicant shall submit the required fee amount in the form of a check or money order made payable to the Illinois Department of Natural Resources.

2) If the review fee is not received within 90 days after the Department's notification of the amount of that fee, the application shall be deemed withdrawn. A new application and review fee will need to be submitted to restart the application process.

3) Insufficient payment or failure of a permit application fee payment to clear the bank it is drawn against will result in the automatic withdrawal of the application.

4) All fees shall be deposited into the State Boating Act Fund (see 615 ILCS 5/35).

c) Refund of Permit Application Fees
Except for refunding of overpayments, permit application fees shall not be refunded. Application fees are tendered for consideration of the application only and do not imply any promise of permit issuance by the Department."

Section 3702.60(m) and (n), strike "State" and add "OWR"

Section 3702.70(l), strike "State" and add "OWR".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the

agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being amended to provide rules governing construction and filling in the regulatory floodway of rivers, lakes, streams of Cook, Dupage, Kane, Lake, McHenry and Will Counties excluding the City of Chicago and to implement the recent change to the Rivers, Lakes and Streams Act to allow the Department to collect fees of up to $5,000 per application for permits issued under this Act.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCES

PART 3702
CONSTRUCTION AND MAINTENANCE OF DAMS

Section
3702.10 Purpose
3702.20 Definitions
3702.30 Applicability
3702.35 Permit Application Fee
3702.40 Requirements for Approval of Permits for Construction of New Dams and Major Modifications of Existing Dams
3702.50 Requirements for Approval of Permits for Removal of Dams
3702.60 Application for Permit to Construct New Dams or Make Major Modifications to Existing Dams – Contents
3702.70 Application for Permit to Remove Dams – Contents
3702.80 Dam Breach Wave Advisories
3702.90 Datum for Dam Elevations
3702.100 Permits Not Transferable
3702.110 Acceptance of Other Agency Permits
3702.120 Use of Joint Permit Forms
3702.130 Permit Application
3702.140 Permit Approval
3702.150 Enforcement, Administrative Order, and Judicial Action
3702.160 Dam Owner Non-Compliance
3702.170 Permit, Enforcement, Dam Classification, Existing Dam Spillway Design Variation, and Non-Compliance Hearing Procedures
3702.180 Assistance Concerning Non-Complying Dams
3702.190 Emergency Procedures
3702.200 Standard Permit Conditions

AUTHORITY: Implementing and authorized by Sections 23 and 23a of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 23a, and 35].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 808, effective September 2, 1980; codified at 7 Ill. Reg. 2753; amended at 11 Ill. Reg. 1941, effective January 13, 1987; recodified from 92 Ill. Adm.

Code 702, Department of Transportation, to the Department of Natural Resources at 22 Ill. Reg. 7362; amended at 38 Ill. Reg. 949, effective December 27, 2013.

Section 3702.30 Applicability

a) Classification

1) Dams will be categorized in one of three classes, according to the degree of threat to life and property in the event of a dam failure. The three classes of dams are:

A) Class I − Dams located where failure has a high probability for causing loss of life or substantial economic loss in excess of that which would naturally occur downstream of the dam if the dam had not failed. A dam has a high probability for causing loss of life or substantial economic loss if it is located where its failure may cause additional damage to such structures as a home, a hospital, a nursing home, a highly traveled~~travelled~~ roadway, a shopping center, or similar type facilities where people are normally present downstream of the dam. This is similar to U.S. Army Corps of Engineers HIGH HAZARD POTENTIAL category as defined in the Corps Guidelines, and the U.S. Soil Conservation Service Class (c) dams as defined in Soil Conservation Service Technical Release No. 60.

B) Class II – Dams located where failure has a moderate probability for causing loss of life or may cause substantial economic loss in excess of that which would naturally occur downstream of the dam if the dam had not failed. A dam has a moderate probability for causing loss of life or substantial economic loss if it is located where its failure may cause additional damage to such structures as ~~to~~ a water treatment facility, a sewage treatment facility, a power substation, a city park, a U.S. Route or Illinois Route highway, a railroad or similar type facilities where people are downstream of the dam for only a portion of the day or on a more sporadic basis. This is similar to U.S. Army Corps of Engineers SIGNIFICANT HAZARD POTENTIAL category and the U.S. Soil Conservation Service Class (b) dams.

C) Class III – Dams located where failure has low probability for causing loss of life, where there are no permanent structures for human habitation, or minimal economic loss in excess of that which would naturally occur downstream of the dam if the dam had not failed. A dam has a low probability for causing loss of life or minimal economic loss if it is located where its failure may cause additional damage to agricultural fields, timber areas, township roads or similar type areas where people seldom are present and where there are few structures. This corresponds to U.S. Army Corps of Engineers LOW HAZARD POTENTIAL category and U.S. Soil Conservation Service Class (a) dams.

2) Dams will be categorized in one of three size classifications. The~~Such~~ size classifications shall be based on dam height and impounding capacity. If either the height or impounding capacity meets the minimum requirement for the larger size, the dam will be classified in the larger size category.

CLASSIFICATION	IMPOUNDING CAPACITY ACRE-FEET	DAM HEIGHT FEET
Small	≤~~Less than~~ 1,000	≤~~Less than~~ 40
Intermediate	≥~~Greater than~~ 1,000 to ≤~~Less than~~ 50,000	≥~~Greater than~~ 40 to ≤~~Less than~~ 100
Large	≥~~Greater than~~ 50,000	≥~~Greater than~~ 100

b) New Dams

1) Class I and II Dams
The owner of a proposed Class I or II dam shall obtain an~~a~~ OWR permit prior to the start of construction. The owner must do all construction and maintenance of the dam in accordance with this Part, as it applies to~~governing such~~ Class I or II dams~~dam~~.

2) Class III Dams

A) The owner of a proposed Class III dam shall obtain an~~a~~ OWR permit prior to the start of construction if the dam meets any of the

following criteria:

i) the drainage area of the proposed dam is 6400 acres or more in a rural area~~Rural Area~~ or 640 acres or more in an urban area;~~Urban Area,~~ or

ii) the dam is 25 feet or more in height, provided that the impounding capacity is greater than 15 acre-feet;~~,~~ or

iii) the dam has an impounding capacity of 50 acre-feet or more, provided that the dam height is greater than 6 feet.

B) If a permit is required for the Class III dam under any of these criteria, then the owner must do all construction and maintenance of the dam in accordance with this Part, as it applies to ~~governing~~ Class III dams.

c) Existing Dams

The owner of a dam that was permitted and built in compliance with an~~a~~ OWR permit before September 2, 1980~~,~~ and that is currently in good repair shall not be required, except in compliance with Section~~Sections~~ 3702.150 or 3702.190, to make changes in the design, structure~~,~~ or construction of the~~such~~ dam. The owner of a dam that was permitted and built before September 2, 1980, but is not in accordance with the OWR permit or is not in good repair, shall be required to meet all current standards for existing dams. The owner of a dam built after September 2, 1980~~,~~ shall be required to meet all standards for proposed dams existing at the time of its construction. Operation, maintenance, inspection and financial responsibility standards must be complied with at all dams.

1) Class I and II Dams

A) OWR has developed an inventory of dams in Illinois. OWR and federal agencies have conducted and are conducting inspections of existing dams having a potential for loss of life or property damage in case of a dam failure. As inspection reports are completed, OWR will furnish in writing to the owner of the dam a detailed and specific list of defects discovered in the course of the inspection of the dam, including the specific nature of any inadequacies of the capacity of the spillway system and any indications of seepage,

erosion or other evidence of structural deficiency in the dam or spillway,~~;~~ together with a statement of the applicable standards of this Part that,~~found in 17 Ill. Adm. Code 3702 which~~ if complied with by the owner of the dam, will put the dam into compliance with this Part.

B) If an inspection by OWR, or in which OWR concurs, finds that a dam is in an unsafe condition, OWR will notify the appropriate officials of the affected city or county, the State's Attorney of the county in which the dam is located, and the Illinois Emergency Management Agency (IEMA),~~;~~ and will assist IEMA~~)~~ in any emergency actions deemed necessary by IEMA~~that agency~~.

C) OWR will notify the ~~dam~~ owner of an inspected~~whose~~ dam ~~has been inspected~~ if the owner must obtain a permit or amendment to an existing permit for the dam. Separate permit applications are required for each dam.

D) If an existing Class I or II dam has been inspected and found to have serious deficiencies requiring major modifications, ~~then~~ within 90 days after receipt of notice from OWR that a permit or amendment to an existing permit is required under this Part, the owner of the~~a Class I or II~~ dam must provide written assurance to OWR of the following: the owner's intention to rectify the deficiencies noted, the date ~~which~~ the owner will submit a completed permit application, the time frame for initiating and completing the appropriate remedial measures, and the methods and designs to be used for the remedial measures.

E) If an existing Class I or II dam has been inspected and found to have no serious deficiencies requiring major modifications, OWR will notify the owner of the dam that it~~he~~ must submit, within 90 days, a permit application including the following, if the following~~such~~ has not been previously provided to OWR:

i) an Operating Plan (Section 3702.40(b)(4));

ii) a Maintenance Plan (Section 3702.40(b)(5));

iii) a Financial Responsibility Statement (Section 3702.40(b)(6)); and

iv) a Right of Access Statement (Section 3702.40(b)(7)(A)).

F) An owner initiating major modifications to an existing Class I or Class II dam must obtain a new permit or amendment to an existing permit prior to the initiation of the modifications.

2) Class III Dams

A) Using the inventory of dams or other similar information, OWR, over a period of time, upon receipt of a complaint or upon its own investigation, may contact owners of those existing Class III dams that:~~which~~

i) have a drainage area of 6400 acres or more in a rural area~~Rural Area~~ or 640 acres or more in an urban area;~~Urban Area,~~ or

ii) are 25 feet or more in height, provided that the impounding capacity is greater than 15 acre-feet;~~,~~ or

iii) have an impounding capacity of 50 acre-feet or more, provided that the dam height is greater than 6 feet.

B) OWR will inform the owners of the~~such~~ dams that they must submit to OWR a maintenance program and a statement indicating actions to be taken to remedy the noted deficiencies.

C) If an inspection by OWR, or in which OWR concurs, finds that a dam is in an unsafe condition, OWR will notify the appropriate officials of the affected city or county, the State's Attorney of the county in which the dam is located, and IEMA.

D) Owners of existing Class III dams in locations where there is potential for downstream urban development, which could cause a change in dam classification in the foreseeable future, when so notified by OWR, shall be required to report annually the existing

land uses downstream of the dam. Extent of downstream land use to be reported is dependent upon factors such as slope and width of flood plain and density and intensity of downstream development. Extent downstream will not exceed 2 miles unless otherwise indicated by OWR. The owner may provide information indicating that an extent downstream ~~which is~~ shorter than 2 miles is appropriate. The width of flood plain shall be the width of the area inundated by the 100-year flood.

E) Owners of Class III dams desiring to make major modifications to their dams shall obtain an~~a~~ OWR permit or an amendment to an existing OWR permit for the work prior to the initiation of the modifications.

d) Designation by OWR of Dam Classification
Before assigning or changing the dam classification for a new or existing dam, OWR shall give notice and opportunity for hearing pursuant to Section 3702.170 to the applicant or existing dam owner and other interested persons of that~~such~~ action.

1) Initial Assignment of Dam Classification

A) New Dams
The classification of new dams will be based upon information available to OWR. This~~Such~~ information includes, but is not limited to, USGS~~U.S.G.S.~~ quadrangle maps of the downstream area, the preliminary report and support data from the owner's engineer, known elevations of structures downstream of the proposed dam, information from the public, and previous study data. This~~Such~~ information is available from OWR~~in-house~~ data and data supplied by the owner's engineer, the public and~~,~~ federal or State~~state~~ agencies. The owner of the proposed dam shall submit information to establish the degree of threat to life and property damage in the event of a dam failure.

B) Existing Dams

i) The classification of existing dams that~~which~~ have been inspected by the U.S. Army Corps of Engineers, other

federal agencies, or OWR will be based upon that~~the~~ agency's inspection report.

ii) The classification of existing dams that~~which~~ have not been inspected by a federal agency or OWR but that~~which~~ have had major modifications proposed by the dam owner will be processed as new dams in accordance with subsection ~~Section 3702.30~~(d)(1)(A).

2) Change in Dam Classification
Upon receipt and verification of information indicating that significant change in the degree of threat to life or property from a dam failure has occurred since the dam's original classification, the classification of that dam shall be changed to reflect the new hazard potential. Upon reclassification, the dam owner shall be subject to the applicable dam safety requirements for the current classification (subsection ~~Section 3702.30~~(c)).

e) Removal of Dams
The owner of a Class I, II or III dam ~~as defined in this Part,~~ who wishes to remove a~~his~~ dam~~,~~ shall obtain, prior to the initiation of the dam removal, an~~a~~ OWR permit to remove the dam in accordance with Section 3702.50 governing the removal of dams.

(Source: Amended at 38 Ill. Reg. _____, effective December 27, 2013)

Section 3702.35 Permit Application Fee

a) If a permit is required for the activity, permit applicants must pay a non-refundable permit application review fee. The fee will be determined by the Department, and the applicant shall be notified of that determination immediately after review of the application. When appropriate and when it is in the best interest of the State, the Department may enter into agreements to allow other State agencies to offset the cost of fees by providing in-kind services in lieu of cash payments. As outlined in this subsection (a), the review fee shall be calculated based on the determination of the base review fee, the application of an escalation adjustment factor, and the addition of the review fees from any other applicable Parts (see subsection (a)(3)). Further processing of the application will not be initiated until the review fee is received.

1) The base review fee shall be as follows:

Construction of New Dam	
Class I & II	$5000
Class III	$4500
Major Modification of Existing Dam	
Class I & II	$3500
Class III	$2500
Operating Authorization for Existing Dam (as required under Sections 3702.30(c)(1)(E) and 3702.100)	
All classifications	$1500
Removal of Dam	
All classifications	$2500

2) Annual Escalation Adjustment

A) The base review fee amounts in subsection (a)(1) shall be adjusted on July 1 each year to account for inflation. The U.S. Bureau of Labor Statistics' Consumer Price Index Table for all urban consumers (CPI-U), U.S. city average, all items, base period 1982-1984 = 100 (Series ID: CUUR0000SA0) (available on the U.S. Bureau of Labor Statistics' website) shall be used to calculate the adjustment factor. The adjustment factor shall be directly proportional to the change in the CPI since June 2013 and shall be calculated according to the following formula:

$$\text{Adjustment factor} = \frac{\text{CPI (May of current year)} - \text{CPI (June 2013)}}{\text{CPI (June 2013)}}$$

B) The base fee amounts in subsection (a)(1) shall be multiplied by this factor and rounded to the nearest $10 to compute the review fee for the coming fiscal year (July 1 through June 30). The review shall be capped at $5000. The dollar amounts that result

from these calculations will be posted on the Department's website at www.dnr.illinois.gov.

3) Review Fee for Multiple-Regulation Projects
If the construction activity being applied for also requires authorization under 17 Ill. Adm. Code 3700, 3704 and/or 3708, the review fee for each Part shall be added to calculate the total review fee. The total review fee shall be capped at $5000.

b) Submission of Fees

1) Except when possible through electronic fee submittal, the applicant shall submit the required fee amount in the form of a check or money order made payable to the Illinois Department of Natural Resources.

2) If the review fee is not received within 90 days after the Department's notification of the amount of that fee, the application shall be deemed withdrawn. A new application and review fee will need to be submitted to restart the application process.

3) Insufficient payment or failure of a permit application fee payment to clear the bank it is drawn against will result in the automatic withdrawal of the application.

4) All fees shall be deposited into the State Boating Act Fund (see 615 ILCS 5/35).

c) Refund of Permit Application Fees
Except for refunding of overpayments, permit application fees shall not be refunded. Application fees are tendered for consideration of the application only and do not imply any promise of permit issuance by the Department.

(Source: Added at 38 Ill. Reg. _____, effective December 27, 2013)

Section 3702.60 Application for Permit to Construct New Dams or Make Major Modifications to Existing Dams – Contents

Application for a permit shall be made on forms provided by OWR. Separate applications are required for each dam. The application shall include, as a minimum:

a) Construction plans and documents, sealed, signed and dated by an engineer, stating that the dam design and construction documents have been prepared under the engineer's~~his~~ personal supervision and are in conformance with this Part.

b) For all Class I and II dams, and for Class III dams when~~where~~ the dam height multiplied by the impounding capacity is greater than 300, computations for structural and geotechnical design of the dam.

c) Computations for the hydrologic and hydraulic design of the spillway or combination of the spillway and the outlet works.

d) For Class I and II dams, computations for the design flood and the 100-year frequency flood routed through the design spillway system.

e) For Class I and II dams, computations for the dam breach wave analysis for downstream impacts.

f) Computations of length of time required to dewater the reservoir, together with a detailed plan indicating methods of dewatering for normal and emergency conditions.

g) Computations for the design of minimum dam height, including freeboard.

h) Sketch showing flood plain land use downstream of the dam.

i) Computations for the design of the energy dissipating structures, including an assessment of the impact of the design discharges and other critical flows in downstream channels immediately below the energy dissipators.

j) Time schedule for the construction of the dam (applicant must notify OWR immediately if any advances in the schedule are made).

k) Agreement of the applicant to provide as-built plans and specifications upon completion of construction. These plans and specifications shall be signed by the engineer or other qualified personnel who was responsible for inspection during the construction.

l) For all Class I and II dams, a detailed plan for inspection of the dam and its

appurtenances during construction, immediately after completion, at frequent intervals during initial filling of the reservoir, and for a one-year period immediately following completion of the filling. Inspections during the initial filling shall be conducted at least every 30 days. Additional inspections will be required after major storms or seismic events. Following a seismic event, OWR will consult with IEMA~~ESDA~~ and university seismic experts to determine when additional inspections will be required.

m) For all Class I and II dams, and for Class III dams when~~where~~ the height multiplied by impounding capacity is greater than 300, authorization for the OWR~~State~~, in the event that a dam is found by OWR to be in imminent danger of failure, to enter upon the dam property if necessary to prevent or alleviate dam breach damage pursuant to Section 3702.190~~,~~ and agreement by the applicant to compensate the State for costs reasonably incurred by ~~such~~ emergency action.

n) Right of access authorization for the OWR~~State~~ to inspect the dam site and immediate vicinity before, during and after construction and for the life of the dam and its appurtenances. OWR shall notify the owner 10 days in advance of any inspection other than an emergency inspection.

o) For Class I and II dams, an operational plan.

p) For all Class I and II dams, and for Class III dams when~~where~~ the dam height multiplied by the impounding capacity is greater than 300, a maintenance plan.

q) For Class I and II dams, a financial responsibility statement.

r) Copies of ownership documents or flood easement agreements for all land that will be inundated in the reservoir up to the 100-year frequency flood pool elevation, or hydraulic computations showing no increase in the flood pool elevations above existing conditions for floods up to the 100-year frequency flood.

(Source: Amended at 38 Ill. Reg. _____, effective December 27, 2013)

Section 3702.70 Application for Permit to Remove Dams – Contents

Application for a permit to remove a dam shall be made on forms provided by OWR. Separate applications are required for each dam. The application shall include, as a minimum:

a) Plans and documents, sealed, signed and dated by an engineer, stating that the design documents have been prepared under the engineer's~~his~~ personal supervision and are in conformance with this Part.

b) Computations for design of the method and timing for dewatering the reservoir.

c) Design plans and computations to effect the breach, including size of breach, shape of breach and disposal of spoil material.

d) Plans and computations for controlling erosion at the site of the breach during and after the breach~~ has been effected~~.

e) Computations detailing the effects of the breach on the channel downstream of the breach.

f) Plans and computations for restoring the channel upstream of the breach.

g) Plans and computations for control of sediment deposits in the reservoir.

h) Plans for the restoration of the bed of the reservoir.

i) Plans for maintenance of the breach, downstream and upstream channels, and reservoir bed.

j) A time schedule for initiation and completion of all phases of the removal of the dam operation.

k) Agreement of the applicant to provide as-built plans upon completion of removal. These plans shall be signed by the engineer or other qualified personnel who was responsible for inspection during the removal.

l) Right of access authorization for the OWR~~State~~ to inspect the breach site and vicinity~~,~~ before, during and after breaching operations and until restoration of the stream and impacted area is complete.

(Source: Amended at 38 Ill. Reg. _____, effective December 27, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Regulation of Public Waters

2) Code Citation: 17 Ill. Adm. Code 3704

3)

Section Numbers:	Adopted Action:
3704.20	Amend
3704.30	Amend
3704.50	Amend
3704.55	New
3704.110	Amend
3704.125	New
3704.Appendix A	Amend

4) Statutory Authority: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5]

5) Effective Date of Rule: December 27, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: April 5, 2013, 37 Ill. Reg. 4168

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Differences between Proposal and Final Version:

Section 3704.55(a) has been changed to read:

"a) If permit is required for the activity proposed and is not already permitted by a Statewide Permit authorization (see Section 3704.110), permit applicants must pay a non-refundable permit application review fee. The fee will be determined by the Department, and the applicant shall be notified of that determination immediately after review of the application. When appropriate and when it is in

the best interest of the State, the Department may enter into agreements to allow other State agencies to offset the cost of fees by providing in-kind services in lieu of cash payments. As outlined in this subsection (a), the review fee shall be calculated based on the determination of the base review fee, the application of an escalation adjustment factor, and the addition of review fees from any other applicable Parts (see subsection (a)(3)). Further processing of the application shall not be initiated until the review fee is received.

1) The base principal review fee shall be as follows:

A) $200 for previously permitted activities requiring new permit authorization in accordance with Section 3704.125 and not involving any changes from the previously permitted activity; or

B) $500 for activities that comply with the terms and conditions of a general permit, in accordance with Section 3704.120; or

C) $2500 for activities that the Department determines would not likely have any of the impacts listed in Section 3704.80(a); or

D) $4500 ($5000 for Lake Michigan) for more extensive activities such as new barge terminals, marinas and water level management structures that would likely have one or more of the impacts listed in Section 3704.80(a).

2) Annual Escalation Adjustment

A) The review fee amounts in subsection (a)(1) shall be adjusted on July 1 each year to account for inflation. The U.S. Bureau of Labor Statistics' Consumer Price Index Table for all urban consumers (CPI-U), U.S. city average, all items, base period 1982-1984=100 (Series ID: CUUR0000SA0) (available on the U.S. Bureau of Labor Statistics' website) shall be used to calculate the adjustment factor. The adjustment factor shall be directly proportional to the change in the CPI index since June 2013 and shall be calculated according to the following formula:

$$\text{Adjustment factor} = \frac{\text{CPI (May of current year)} - \text{CPI (June 2013)}}{\text{CPI (June 2013)}}$$

B) The base fee amounts in subsection (a)(1) shall be multiplied by this factor and rounded to the nearest $10 to compute the review fee for the coming fiscal year (July 1 through June 30). The review fee shall be capped at $5000. The dollar amounts that result from these calculations will be posted on the Department's website at: www.dnr.illinois.gov.

3) Review Fee for Multiple-Regulation Projects
If the construction activity being applied for also requires authorization under 17 Ill. Adm. Code 3700, 3702 and/or 3708, the review fee for each Part shall be added to calculate the total review fee. The review fee shall be capped at $5000.

b) Submission of Fees

1) Except when possible through electronic fee submittal, the applicant shall submit the required fee amounts in the form of a check or money order made payable to the Illinois Department of Natural Resources.

2) If the review fee is not received within 90 days after the Department's notification of the amount of that fee, the application shall be withdrawn. A new application and review fee will need to be submitted to restart the application process.

3) Insufficient payment or failure of a fee payment to clear the bank it is drawn against will result in the automatic withdrawal of the application.

4) All fees shall be deposited into the State Boating Act Fund (see 615 ILCS 5/35).

c) Refund of Permit Application Fees
Except for refunding of overpayments, permit application fees shall not be refunded. Application fees are tendered for consideration of the application only and do not imply any promise of permit issuance by the Department."

In Section 3704.125, "new permit" has been changed to "new application" and "For applications in which the project is not being changed, only the initial review fee

component of the permit application fee (see Section 3704.55) will be required." has been deleted.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being amended to implement the recent changes to the Rivers, Lakes and Streams Act which allows the Department to collect fees for permits issued under the Act. Additionally, some minor amendments have been made for clarification.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCES

PART 3704
REGULATION OF PUBLIC WATERS

Section

3704.10 Purpose
3704.20 Definitions
3704.30 Jurisdiction
3704.40 List of Public Waters and Provision For Additions
3704.50 Permit Application
3704.55 Permit Application Fee
3704.60 Notice to Interested Parties
3704.70 Land Conversions and Fill Material Placement
3704.80 Department Evaluation
3704.90 Departmental Standards
3704.100 Emergency Permit
3704.110 Statewide and Regional Permits
3704.120 General Permits
3704.125 Permits Not Transferrable
3704.130 Denial of Applications
3704.140 Violations and Enforcement
3704.150 Final Administrative Decision
3704.APPENDIX A Public Bodies of Water

AUTHORITY: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5].

SOURCE: Adopted at 17 Ill. Reg. 4494, effective March 23, 1993; recodified from 92 Ill. Adm. Code 704, Department of Transportation, to the Department of Natural Resources, at 22 Ill. Reg. 7362; amended at 27 Ill. Reg. 7778, effective April 21, 2003; amended at 29 Ill. Reg. 8320, effective May 26, 2005; amended at 34 Ill. Reg. 12879, effective August 20, 2010; amended at 38 Ill. Reg. 966, effective December 27, 2013.

Section 3704.20 Definitions

As used in this Part, the words and terms listed shall have the meanings ascribed to them as

follows:

"Barge Fleeting Area" A facility, at a fixed site, which is used to provide barge mooring services [615 ILCS 5/18].

"Construction" – The placement, erection~~,~~ or reconstruction of any building or structure, any filling or excavation, the installation of any utility, or the storage of any materials. Construction includes, but is not limited to, barge loading and unloading facilities, marinas, dredging and the disposal of dredged material, bridges, boat docking facilities, and bank protection activities.

"Department" – The Illinois Department of Natural Resources.

"Permittee" – The entity~~person~~ issued a permit pursuant to this Part.

"Public Bodies of Water" or "Public Waters" – All lakes, rivers, streams and waterways which are or were navigable and are open or dedicated to public use including all bayous, sloughs, backwaters and submerged lands connected by water to the main channel or body of water during normal flows or stages.

(Source: Amended at 38 Ill. Reg. 966, effective December 27, 2013)

Section 3704.30 Jurisdiction

a) Construction in any public body of water is subject to this Part and requires a permit from the Department.

b) Any activity on a public body of water that~~which~~ could result in a restriction of the access to, or use or enjoyment of, the water, such as the temporary placement of floating buildings for commercial purposes and the designation of areas for exclusive use for sporting events, is subject to this Part and requires a permit from the Department.

c) Any activity along the Lake Michigan shoreline that is located at or below the Ordinary High Water Mark (OHWM) is subject to this Part and requires a permit from the Department. In cases in which the OHWM is lakeward of the existing bluff, the toe of the bluff will be used to determine the Department's jurisdiction.

d~~c~~) The following activities are exempt from this Part:

1) Normal and lawful uses of a public body of water, such as commercial navigation, boating, fishing, trapping, hunting, swimming~~,~~ and wading;

2) Barge fleeting areas;

3) Duck blinds that~~which~~ comply with the regulations of the Illinois Department of Natural Resources;

4) The removal of trash or other debris;

5) Routine maintenance and repair of existing structures;~~ and~~

6) Channel marking buoys and other similar navigation devices placed by public agencies; and~~.~~

7) The replacement of appurtenant navigation structures, such as mooring cells, at existing barge terminal facilities.

(Source: Amended at 38 Ill. Reg. 966, effective December 27, 2013)

Section 3704.50 Permit Application

a) An applicant requesting~~who desires~~ a permit under this Part shall file with the Department an application consisting of a properly executed application form,~~ and~~ all plans and information required to determine the effect of the construction on the public body of water, and the permit application fee (see Section 3704.55). All portions of the application form, including the name and address of the applicant, a description of the proposed activity, the location of the activity, and the names and addresses of all adjoining property owners, shall be completed and all required attachments must be submitted before a determination of permissibility will be made. Application forms may be obtained from the Illinois Department of Natural Resources, Office of Water Resources. For projects involving construction or other activities at more than one location, separate permit applications shall be submitted for each location.~~at any of the following addresses:~~

~~One Natural Resources Way~~
~~Springfield IL 62702-1271~~

~~Michael A. Bilandic Building~~
~~160 N. LaSalle Street, Suite S-700~~
~~Chicago IL 60601~~

~~Region 2 Office~~
~~2050 West Stearns Road~~
~~Bartlett IL 60103~~

b) Many activities permitted under this Part require review by~~of~~ the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency. To simplify application procedures, the ~~Illinois Department of Natural Resources,~~ Office of Water Resources utilizes a joint application form with these two agencies.

(Source: Amended at 38 Ill. Reg. 966, effective December 27, 2013)

Section 3704.55 Permit Application Fee

a) If permit is required for the activity proposed and is not already permitted by a Statewide Permit authorization (see Section 3704.110), permit applicants must pay a non-refundable permit application review fee. The fee will be determined by the Department, and the applicant shall be notified of that determination immediately after review of the application. When appropriate and when it is in the best interest of the State, the Department may enter into agreements to allow other State agencies to offset the cost of fees by providing in-kind services in lieu of cash payments. As outlined in this subsection (a), the review fee shall be calculated based on the determination of the base review fee, the application of an escalation adjustment factor, and the addition of review fees from any other applicable Parts (see subsection (a)(3)). Further processing of the application shall not be initiated until the review fee is received.

1) The base principal review fee shall be as follows:

A) $200 for previously permitted activities requiring new permit authorization in accordance with Section 3704.125 and not involving any changes from the previously permitted activity; or

B) $500 for activities that comply with the terms and conditions of a general permit, in accordance with Section 3704.120; or

C) $2500 for activities that the Department determines would not likely have any of the impacts listed in Section 3704.80(a); or

D) $4500 ($5000 for Lake Michigan) for more extensive activities such as new barge terminals, marinas and water level management structures that would likely have one or more of the impacts listed in Section 3704.80(a).

2) Annual Escalation Adjustment

A) The review fee amounts in subsection (a)(1) shall be adjusted on July 1 each year to account for inflation. The U.S. Bureau of Labor Statistics' Consumer Price Index Table for all urban consumers (CPI-U), U.S. city average, all items, base period 1982-1984=100 (Series ID: CUUR0000SA0) (available on the U.S. Bureau of Labor Statistics' website) shall be used to calculate the adjustment factor. The adjustment factor shall be directly proportional to the change in the CPI index since June 2013 and shall be calculated according to the following formula:

$$\text{Adjustment factor} = \frac{\text{CPI (May of current year)} - \text{CPI (June 2013)}}{\text{CPI (June 2013)}}$$

B) The base fee amounts in subsection (a)(1) shall be multiplied by this factor and rounded to the nearest $10 to compute the review fee for the coming fiscal year (July 1 through June 30). The review fee shall be capped at $5000. The dollar amounts that result from these calculations will be posted on the Department's website at: www.dnr.illinois.gov.

3) Review Fee for Multiple-Regulation Projects
If the construction activity being applied for also requires authorization under 17 Ill. Adm. Code 3700, 3702 and/or 3708, the review fee for each Part shall be added to calculate the total review fee. The review fee shall be capped at $5000.

b) Submission of Fees

1) Except when possible through electronic fee submittal, the applicant shall submit the required fee amounts in the form of a check or money order made payable to the Illinois Department of Natural Resources.

2) If the review fee is not received within 90 days after the Department's notification of the amount of that fee, the application shall be withdrawn. A new application and review fee will need to be submitted to restart the application process.

3) Insufficient payment or failure of a fee payment to clear the bank it is drawn against will result in the automatic withdrawal of the application.

4) All fees shall be deposited into the State Boating Act Fund (see 615 ILCS 5/35).

c) Refund of Permit Application Fees
Except for refunding of overpayments, permit application fees shall not be refunded. Application fees are tendered for consideration of the application only and do not imply any promise of permit issuance by the Department.

(Source: Added at 38 Ill. Reg. 966, effective December 27, 2013)

Section 3704.110 Statewide and Regional Permits

The Department may, by issuance of a statewide or regional permit, grant approval for specific types of activities~~, such as aerial utility crossings and recreational boat docking facilities,~~ that~~which~~ would not cause the impacts listed in Section 3704.80. Subsequent to the issuance of a statewide or regional permit, no application or further authorization will be required by the Department for activities meeting the terms and conditions of the permit. Statewide and regional permits will be issued only after notice and opportunity for public review and comment.

(Source: Amended at 38 Ill. Reg. 966, effective December 27, 2013)

Section 3704.125 Permits Not Transferrable

Permits issued pursuant to this Part are not transferrable. If the property rights for the grounds on which the project will be located are transferred before the authorized construction is

completed, the new entity must apply for a permit under its name. For permits authorizing ongoing management of, or withdrawal of water from, a public body of water, the new entity shall apply for a permit under its name even if any construction authorized by the permit has already been completed. The application for a permit may incorporate by reference all information from the previous permit that is determined by the Department to be pertinent to the new application.

(Source: Added at 38 Ill. Reg. 966, effective December 27, 2013)

Section 3704.APPENDIX A Public Bodies of Water

a) The following public bodies of water were navigable in their natural condition or were improved for navigation and opened to public use. The entire length and surface area in Illinois, including all backwater lakes and sloughs open to the main channel or body of water at normal flows or stages, are open to the public unless limited to a head of navigation as stated. Head of navigation descriptions use the U.S. rectangular survey system and these abbreviations: T = township, R = range, PM = principle meridian, Sec. = section, ¼ = quarter section, N = north, E = east, S = south, W = west, USGS = U.S. Geological Survey.

1) Lake Michigan;

2) Chicago River: Main Branch;

3) Chicago River: North Branch to North Shore Channel;

4) Chicago River: South Branch;

5) Chicago River: South Fork of South Branch;

6) Chicago River: East and West Arms of South Fork of South Branch;

7) Chicago River: West Fork of South Branch to Chicago Sanitary and Ship Canal;

8) Calumet River;

9) Lake Calumet and entrance channel to Calumet River;

10) Grand Calumet River;

11) Little Calumet River;

12) Wolf Lake (Cook County);

13) Mississippi River (including all backwater lakes such as Frentress Lake in Jo Daviess County, Boston Bay in Mercer County and Quincy Bay in Adams County);

14) Sinsiniwa River to North Line of Sec. 9, T28N, R1W, 4th PM in Jo Daviess County, which is located approximately two-thirds mile downstream from the U.S. Highway 20 bridge. This area is shown on the Galena, Ill.-Iowa, 7.5 minute USGS quadrangle map;

15) Galena River to East Line of Sec. 16~~6~~, T28N, R1E, 4th PM in Jo Daviess County, which is located approximately one-half mile upstream from the County Highway 3 (West Stagecoach Trail)~~67~~ bridge. This area is shown on the Galena, Ill.-Iowa, 7.5 minute USGS quadrangle map;

16) Apple River to North Line of Sec. 35, T26N, R2E, 4th PM in Jo Daviess County;

17) Plum River to North Line, T24N, R3E, 4th PM in Carroll County, which is located approximately one and one-half miles upstream from the U.S. Highway 52 bridge. This area is shown on the Savanna, Ill., 15 minute USGS quadrangle map;

18) Rock River;

19) Pecatonica River;

20) Sugar River (Winnebago County);

21) Stillman Creek to South Line, T25N, R11E, 4 th PM in Ogle County, which is located approximately one-third mile downstream from the Illinois Highway 72 bridge. This area is shown on the Stillman Valley, 7.5 minute USGS quadrangle map;

22) Henderson Creek (new channel) to East Line, SW ¼, Sec. 6, T10N, R5W, 4 th PM in Henderson County. The river has been relocated and the old channel abandoned;

23) The Sny in Adams, Pike and Calhoun Counties. The area has been drained with levees and ditches and it is uncertain that any descendent body of water exists;

24) Bay Creek to West Line, Sec. 29, T8S, R3W, 4 th PM in Calhoun County.

The head of navigation is the limit of meanders on the official plat of survey; but it is uncertain that any descendent body of water exists;

25) Illinois River (including all backwater lakes such as Peoria Lake in Peoria, Tazewell and Woodford Counties; Matanzas Bay in Mason County; and Meredosia Lake in Cass and Morgan Counties);

26) Des Plaines River to Hoffman Dam in Cook County, which is located one-half mile downstream from the junction with Salt Creek. This area is shown on the Berwyn, 7.5 minute USGS quadrangle map;

27) Kankakee River;

28) Iroquois River to South Line, SW ¼, Sec. 30, T27N, R12W, 2nd PM in Iroquois County, which is located approximately one mile downstream from the junction with Sugar Creek. This area is shown on the Gilman, 15 minute USGS quadrangle;

29) Fox River (Illinois River Basin);

30) Griswold Lake (McHenry County);

31) Fox Chain-O-Lakes (Lake and McHenry Counties): Bluff Lake, Lake Catherine, Channel Lake, Fox Lake, Grass Lake, Lake Marie, Nippersink Lake, Dunns Lake, Pistakee Lake, Lake Jerilyn, Lac Louette, Redhead Lake;

32) Vermilion River (Illinois River Basin) to approximately one-half mile above the mouth near Oglesby in LaSalle County;

33) Spring Lake (Tazewell County);

34) Spoon River to North Line, Sec. 24, T6N, R1E, 4th PM in Fulton County, which is located approximately one-half mile upstream from the Illinois Highway 95 bridge. This area is shown on the Smithfield, 7.5 minute USGS quadrangle map;

35) Sangamon River to South Line, NE ¼, Sec. 1, T15N, R4W, 3rd PM in Sangamon County, which is located approximately one mile south of the

Mechanicsburg Road bridge. This area is shown on the Mechanicsburg, 7.5 minute USGS quadrangle map;

36) Sangamon River: South Fork to South Line, Sec. 33, T16N, R4W, 3rd PM in Sangamon County, which is located approximately two miles upstream from the mouth. This area is shown on the Springfield-East, 7.5 minute USGS quadrangle map;

37) Macoupin Creek to East Line, Sec. 25, T9N, R13W, 3rd PM in Green and Jersey Counties, which is located approximately one mile downstream from the junction with Boyer Creek. This area is shown on the Boyer Creek, 7.5 minute USGS quadrangle map;

38) Otter Creek to East Line of Sec. 3, T7N, R13W, 3rd PM in Jersey County, which is located approximately two miles east of the Illinois Highway 100 bridge. This area is shown on the Nutwood, 7.5 minute USGS quadrangle map;

39) Kaskaskia River to East Line, SW ¼, Sec. 31, T8N, R2E, 3rd PM, which is located nine miles south and two miles west of Herrick. This area is shown on the Vera, 7.5 minute USGS quadrangle map;

40) Big Muddy River to East Line T8S, R2W, 3rd PM in Jackson County, which is located approximately one mile northwest of the Southern Illinois Airport. This area is shown on the Murphysboro, 7.5 minute USGS quadrangle map;

41) Ohio River;

42) Wabash River;

43) Vermilion River (Wabash River Basin) to West Line, T19N, R11W, 2nd PM in Vermilion County, which is located approximately one mile upstream from the junction with the North Fork. This area is shown on the Danville, SW, 7.5 minute USGS quadrangle map;

44) Little Wabash River to the Illinois Highway 1 bridge in Carmi in White County;

45) Saline River to junction of North Fork and South Fork;

46) Saline River: North Fork to North Line, Sec. 5, T8S, R8E, 3rd PM in Gallatin County, which is located approximately three miles south of the junction of Illinois Highway 141 and U.S. Highway 45. This area is shown on the Ridgway, 7.5 minute USGS quadrangle map;

47) Saline River: South Fork to West Line, T9S, R8E, 3rd PM in Gallatin County, which is located at the Gallatin-Saline County line. This area is shown on the Equality, 7.5 minute USGS quadrangle map;

48) Horseshoe Lake (Alexander County).

b) The following public bodies of water are primarily artificial navigable waters that were opened to public use.

1) Illinois and Michigan Canal;

2) Illinois and Mississippi (Hennepin) Canal and Canal Feeder;

3) North Shore Channel (Cook County);

4) North Branch Canal of North Branch Chicago River (Cook County);

5) Relocated South Branch Chicago River (Cook County);

6) Chicago Sanitary and Ship Canal;

7) Calumet Sag Channel;

8) Marseilles Canal (LaSalle County);

9) Chain of Rocks Canal (Madison County);

10) Relocated Kaskaskia River.

c) The following public bodies of water are navigable waters that were dedicated to public use. This list is incomplete. It is believed there are numerous channels and slips in subdivisions on the margins of public bodies of water which have been

dedicated by plat. Additional channels and slips have been dedicated by common law.

~~1)~~ Petit Lake, Spring Lake and connecting channels between Bluff Lake and Fox Lake in Lake County.

(Source: Amended at 38 Ill. Reg. _____, effective December 27, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Floodway Construction in Northeastern Illinois

2) Code Citation: 17 Ill. Adm. Code 3708

3)

Section Numbers:	Adopted Action:
3708.20	Amendment
3708.60	Amendment
3708.90	Amendment
3708.110	Amendment
3708.115	New
3708.140	Amendment
3708.170	Amendment
3708.175	New

4) Statutory Authority: Implementing and authorized by Section 18g and 35 of the Rivers, Lakes and Streams Act [615 ILCS 5/18g and 35]

5) Effective Date of Rule: December 27, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: April 5, 2013; 37 Ill. Reg. 4183

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and FinalVersion:

In the Table of Contents, "3708.170", "and Statewide Permits" has been added.

In Section 3708.60(a), after "annual" has been added after "percent"; and "occurring in any given year" has been changed to "exceedence".

In Section 3708.90(c), after the period, "This process is subject to a permit application

review fee as described in Section 3708.115." has been added.

In Section 3708.115(a) has been changed to read:

"a) If a permit is required for the activity proposed and is not already permitted by a Regional Permit authorization (see Section 3708.170), permit applicants must pay a non-refundable permit application review fee. The fee will be determined by the Department, and the applicant shall be notified of that determination immediately after review of the application. When appropriate and when it is in the best interest of the State, the Department may enter into agreements to allow other State agencies to offset the cost of fees by providing in-kind services in lieu of cash payments. As outlined in this subsection (a), the review fee shall be calculated based on the determination of the base review fee, the application of an escalation adjustment factor, and the addition of review fees from any other applicable Parts (see subsection (a)(3)). Further processing of the application shall not be initiated until the review fee is received.

1) The base review fee shall be as follows:

A) $200 for appropriate activities that qualify for review by a delegated municipality or county in accordance with Section 3708.90; or

B) $200 for previously permitted appropriate activities requiring new permit authorization in accordance with Section 3708.175 and not involving any changes from the previously permitted activity; or

C) $500 for appropriate activities that comply with the terms and conditions of a general permit in accordance with Section 3708.160; or

D) $1000 for appropriate activities that the Department determines would not require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Section 3708.70(d); or

E) $3000 for appropriate activities such as certain bridge/culvert crossings, public flood control projects, and other major floodway construction and/or changes to the regulatory floodway that the

Department determines will require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Section 3708.70(d) and/or Section 3708.80. The base review fee shall be increased an additional $1500 for applications requiring public notice in accordance with Section 3708.120.

2) Annual Escalation Adjustment

A) The review fee amounts in subsection (a)(1) shall be adjusted on July 1 each year to account for inflation. The U.S. Bureau of Labor Statistics' Consumer Price Index Table for all urban consumers (CPI-U), U.S. city average, all items, base period 1982-1984 = 100 (Series ID: CUUR0000SA0) (available on the U.S. Bureau of Labor Statistics' website) shall be used to calculate the adjustment factor. The adjustment factor shall be directly proportional to the change in the CPI index since June 2013 and shall be calculated according to the following formula:

$$\text{Adjustment factor} = \frac{\text{CPI (May of current year)} - \text{CPI (June 2013)}}{\text{CPI (June 2013)}}$$

B) The base fee amounts in subsection (a)(1) shall be multiplied by the escalation adjustment factor and rounded to the nearest $10 to compute the review fee for the coming fiscal year (July 1 through June 30). The review fee shall be capped at $5000. The dollar amounts that result from these calculations will be posted on the Department's website at: www.dnr.illinois.gov.

3) Review Fee for Multiple-Regulation Projects
If the construction activity being applied for also requires authorization under 17 Ill. Adm. Code 3702 (Rules for Construction and Maintenance of Dams) and/or 17 Ill. Adm. Code 3704 (Regulation of Public Waters), the review fee for each Part shall be added to calculate the total review fee. The review fee shall be capped at $5000."

Section 3708.115(b)(2), (3) and (4) have been changed to read as follows:

"2) If the review fee is not received within 90 days after the Department’s notification of the amount of the fee, the application shall be withdrawn. A new application

and review fee will need to be submitted to restart the application process.

3) Insufficient payment or failure of a fee payment to clear the bank it is drawn against will result in the automatic withdrawal of the application.

4) All fees shall be deposited into the State Boating Act Fund (See 615 ILCS 5/35)."

Section 3708.170 should read "Regional permits and Statewide Permits"; and after the word "permit" and "permits" add "or statewide permit".

In Section 3708.175, "…Department to be pertinent to the new permit." has been changed to "…Department to be pertinent to the new application."; "For applications in which the project is not being changed, only the initial review fee component of the permit application fee (see Section 3708.115 will be required." has been deleted.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part has been amended to implement the recent change to the Rivers, Lakes and Streams Act which allows the Department to collect fees per application for permit issued under the Act. Additionally, some minor amendments have been made for clarification.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCES

PART 3708
FLOODWAY CONSTRUCTION IN NORTHEASTERN ILLINOIS

Section
3708.10 Purpose
3708.20 Definitions
3708.30 Jurisdiction
3708.40 General Provisions
3708.50 Regulatory Floodway Maps
3708.60 Delineation of the Regulatory Floodway
3708.70 Permitting Appropriate Uses of the Regulatory Floodway
3708.80 Changes to the Regulatory Floodway
3708.90 Delegation to Municipalities and Counties
3708.100 Violations
3708.110 Permit Application
3708.115 Permit Application Fee
3708.120 Public Notice
3708.130 Public Hearings
3708.140 Time to Permit Issuance; Emergency Authorizations; Duration; Revisions
3708.150 Permit Conditions
3708.160 General Permits
3708.170 Regional Permits and Statewide Permits
3708.175 Permits Not Transferrable
3708.180 Final Administrative Decisions
3708.190 Effective Date

AUTHORITY: Implementing and authorized by Sections 18g and 35 of the Rivers, Lakes and Streams Act [615 ILCS 5/18g and 35].

SOURCE: Adopted at 12 Ill. Reg. 20547, effective November 29, 1988; amended at 13 Ill. Reg. 8667, effective May 23, 1989; amended at 16 Ill. Reg. 194, effective December 19, 1991; amended at 18 Ill. Reg. 11284, effective July 5, 1994; recodified from 92 Ill. Adm. Code 708, Department of Transportation, to the Department of Natural Resources, at 22 Ill. Reg. 7362; amended at 27 Ill. Reg. 7782, effective April 21, 2003; amended at 38 Ill. Reg. 983, effective December 27, 2013.

Section 3708.20 Definitions

Unless specifically defined in this Section, words and phrases used in this Part shall be interpreted so as to give them the meaning they have in common usage.

"Act" – The Rivers, Lakes and Streams Act [615 ILCS 5].

~~"Applicant" Any person or agency as defined in Sections 1-20 and 1-60 of the Illinois Administrative Procedure Act [5 ILCS 100/1-20 and 1-60] which submits an application under this Part.~~

"Application" – An application for a permit to authorize new construction in a regulatory floodway as required by this Part.

"Appropriate Use" – See Section 3708.70.

"Building" – A structure that is principally above ground and is enclosed by walls and a roof. This term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

"Conditional Approval of a Regulatory Floodway Map Change" – Preconstruction approval by the Department and FEMA of a proposed change to the floodway map. This preconstruction approval, pursuant to this Part, gives assurances to the property owner that once an appropriate use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans. The Department will accept as-built plans which show the project was built in accordance with the permitted plans.

"Department" – The Illinois Department of Natural Resources.

"FEMA" – Federal Emergency Management Agency and its regulations at 44 CFR 65 effective as of October 1, 1988. This incorporation does not include any later editions or amendments.

"Flood Fringe" – That portion of the flood plain outside the regulatory floodway.

"Flood Plain" – That land adjacent to a body of water with ground surface elevations at or below the 100-year frequency flood elevation.

"Hydraulically Significant" – The length of a hydraulically significant portion of a watershed is determined by three factors; the drainage area of the watershed, the amount of flood plain storage in the regulatory floodway of the stream, and the impact flood plain storage has on reducing downstream flood heights. For example, on a stream with a small drainage area, with little flood plain storage, and little downstream impact, only one municipality may have to require effective compensatory storage. On larger streams, several communities may be involved.

"New Construction" – *The construction of any new building or structure or the placement of any fill, material*, or structure or regrading *but does not include the repair, remodeling, or maintenance of buildings or structures in existence on November 18, 1987* (Section 18g of the Act).

"Office" – The Illinois Department of Natural Resources, Office of Water Resources.

"Public Flood Control Project" – A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition or this Part shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project under this Part by persons or parties who are not public agencies.

"Registered Land Surveyor" – A land surveyor registered in the State of Illinois, under the Illinois Professional Land Surveyor Act [225 ILCS 330].

"Registered Professional Engineer" – An engineer registered in the State of Illinois, under the Illinois Professional Engineering Practice Act [225 ILCS 325].

"Regulatory Floodway" – *The channel and that portion of the floodplain adjacent to a stream or watercourse* as designated by the Department pursuant to Section 18g of the Act, *which is needed to store and convey the* ~~anticipated future~~ *100-year frequency flood discharge* with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities (Section 18g of the Act).

"Repair, Remodeling or Maintenance" – Construction activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

"Structure" – The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days; installing utilities, construction of roads or similar projects; construction or erection of levees, walls, fences, bridges or culverts; drilling, mining, filling, dredging, grading, excavating; and the storage of materials.

"Transition Sections" – are reaches of the stream or floodplain where water flows from a narrow cross-section to a wide cross-section or vice versa.

(Source: Amended at 38 Ill. Reg. 983, effective December 27, 2013)

Section 3708.60 Delineation of the Regulatory Floodway

a) The regulatory floodway is defined based on a flood event that has a one percent annual chance of exceedence~~occurring in any given year~~ or an expected 100-year recurrence interval. The Department encourages, but does not require, that the 100-year frequency flood event be determined based on anticipated future land use in the watershed. When utilized, anticipated future land use should be based on adopted local or regional land use plans.

b) The boundary of the regulatory floodway is portrayed on Department regulatory floodway maps. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, the Office should be contacted for the interpretation.

c) The regulatory floodway boundaries are determined by hydraulic and hydrologic analyses, which calculate that portion of the flood plain which must be preserved to store and discharge floodwaters without causing damaging or potentially damaging increases in flood stage and flood velocities or loss of flood storage which would result singularly or cumulatively in more than a 0.1 foot increase in

flood stage or a 10% increase in velocity.

d) The need to preserve storage when defining the regulatory floodway will be waived by the Department if all the municipalities and counties along a hydraulically significant portion of the watershed require effective compensatory storage for all construction and fill in the 100-year frequency flood plain. Effective compensatory storage requires flood plain storage volumes be replaced at the same flood frequency event as previously existed. Additionally, legal assurances such as easements must be provided so that the compensatory storage site will remain open to the stream system in order to allow flood waters to reach it.

e) Determination of the flood elevation at any point along the stream shall be made from the flood profile. ~~All elevations shown on the regulatory floodway map and on the associated flood profiles shall refer to Mean Sea Level (1929 adjustment).~~

(Source: Amended at 38 Ill. Reg. 983, effective December 27, 2013)

Section 3708.90 Delegation to Municipalities and Counties

a) *No unit of local government, including home rule units, may issue a building permit or other apparent authorization for any prohibited new construction within the regulatory floodway* (Section 18g of the Act).

b) The Department will delegate to municipalities within incorporated areas and to counties within unincorporated areas the Department's authority to issue permits in accordance with this Part for non-governmental activities, upon determination by the Office that the following conditions have been met:

1) The municipality or county is participating in the regular phase of the National Flood Insurance Program;

2) The municipality or county has enacted an ordinance that adopts requirements at least as restrictive as this Part; and

3) The municipality or county has enacted an ordinance which requires that all proposed regulatory floodway projects are reviewed under the supervision of a registered professional engineer under the employ or contract of the municipality or county and, in the case of appropriate uses,

so stated in writing by that registered professional engineer to meet the specific requirements of Section 3708.70.

c) A completed permit application form must be submitted to the Department for regulatory floodway construction activities proposed in a delegated municipality or county. The Department will review the application to determine if the proposed activity qualifies for review by the delegated municipality or county pursuant to subsection (j). When the Department determines a regulatory floodway construction activity does qualify, it will notify the delegated community in writing that it has the authority to review and, if appropriate, authorize the activity for compliance with this Part. This process is subject to a permit application review fee as described in Section 3708.115.

d~~c~~) The only permits a municipality or county may issue for new construction in a regulatory floodway are for appropriate uses as defined by Section 3708.70~~ of this Part~~.

e~~d~~) If the proposed appropriate use will require a regulatory floodway delineation change or will change the flood stage elevation, the municipality or county shall require that the applicant obtain a conditional approval of the regulatory floodway map change from the Department and FEMA before a permit is issued for the appropriate use.

f~~e~~) No buildings or structures or other construction that is not an appropriate use shall be placed in a designated regulatory floodway until the designated regulatory floodway map has been revised to remove the building site from the regulatory floodway. A conditional approval of a regulatory floodway map change is not a change in the regulatory floodway map. After completing a project which will result in a regulatory floodway map revision, the applicant must submit "as built" plans to the Office and FEMA to revise the regulatory floodway map. The municipality or county will then be notified by the Department or FEMA when the regulatory floodway map has been changed, at which time a building permit may be issued.

g~~f~~) No municipality or county shall issue a variance not in compliance with this Part.

h~~g~~) Municipalities and counties may adopt and enforce ordinances with greater restrictions than those of this Part.

i~~h~~) If a municipality or county issues a regulatory floodway development permit not in accordance with this Part or fails to meet the criteria listed in subsections (b)(1) through~~-~~ (3), the Department will rescind the municipality's or county's authority to administer the Department's regulatory floodway permit program for appropriate uses.

j~~i~~) The following shall not be delegated to municipalities and counties as part of this Section~~section~~ and shall be subject to Department review or Department permits:

1) Department permits shall be issued to organizations that~~which~~ are exempt from the municipality's or county's ordinance.

2) The Department will permit Department projects, dams (as defined by 17 Ill. Adm. Code 3702~~3708~~) and all other state, federal or local unit of government projects, including projects of the municipalities and counties.

3) The Department will permit construction and other activities in public bodies of water pursuant to 17 Ill. Adm. Code 3704.

4~~3~~) The Department will review an engineer's determination that an existing bridge or culvert is not a source of flood damage pursuant to Section 3708.70.

5~~4~~) The Department will review an engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening pursuant to Section 3708.70.

6~~5~~) The Department will retain its authority to accept alternative transition sections and hydraulically equivalent storage as indicated in Section 3708.70.

(Source: Amended at 38 Ill. Reg. 983, effective December 27, 2013)

Section 3708.110 Permit Application

Applicants for permits shall submit the following information and materials. For projects involving construction at more than one location, separate permit applications shall be submitted for each location.

a) Application Form~~form.~~

1) Applications~~Where permit authority has not been delegated to a municipality or county, applications~~ for permit shall be made by submitting a completed application for permit form furnished by the Department. As a minimum, the following information shall be provided:

A) Name and address of applicant;

B) Site location (including legal description) of the property, drawn to scale, on the regulatory floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;

C) Name of stream or body of water affected;

D) Description of proposed activity;

E) Statement of purpose of proposed activity;

F) Anticipated dates of initiation and completion of activity;

G) Names and mailing addresses of the owner of the subject property if different from the applicant; and

H) Signature of applicant or the applicant's agent.

2) Other requirements related to the application form include:

A) If the applicant is a corporation, the president or other authorized officer shall sign the application form;

B) If the applicant is a county, city or other political subdivision, the application form shall be signed by an authorized officer;

C) If the applicant is a partnership, each partner shall sign the application form; and

D) If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit

must be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests in the trust~~therein~~.

b) Permit Application Fee
The application fees are described in Section 3708.115.

c~~b~~) Plan and Data Requirements~~data requirements.~~

1) Plans of the proposed activity shall be provided that~~which~~ include as a minimum:

A) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of and distance of nearest town, community or other identifying location, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

B) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum, adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is along a commercially navigable body of water), regulatory floodway limit, flood plain limit, location and orientation of cross-sections, north arrow, and a graphic or numerical scale;

C) Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);

D) A seeding or stabilization plan for the disturbed areas; and

E) A copy of the regulatory floodway map, marked to reflect any proposed change in the regulatory floodway location.

2) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Section 3708.70.

3) If the regulatory floodway delineation or base flood elevation will change due to the proposed project, the application will not be considered complete until the Department has indicated conditional approval of the regulatory floodway map change and the completed request for the regulatory floodway map change has been submitted to FEMA.

(Source: Amended at 38 Ill. Reg. 983, effective December 27, 2013)

Section 3708.115 Permit Application Fee

a) If a permit is required for the activity proposed and is not already permitted by a Regional Permit authorization (see Section 3708.170), permit applicants must pay a non-refundable permit application review fee. The fee will be determined by the Department, and the applicant shall be notified of that determination immediately after review of the application. When appropriate and when it is in the best interest of the State, the Department may enter into agreements to allow other State agencies to offset the cost of fees by providing in-kind services in lieu of cash payments. As outlined in this subsection (a), the review fee shall be calculated based on the determination of the base review fee, the application of an escalation adjustment factor, and the addition of review fees from any other applicable Parts (see subsection (a)(3)). Further processing of the application shall not be initiated until the review fee is received.

1) The base review fee shall be as follows:

A) $200 for appropriate activities that qualify for review by a delegated municipality or county in accordance with Section 3708.90; or

B) $200 for previously permitted appropriate activities requiring new permit authorization in accordance with Section 3708.175 and not involving any changes from the previously permitted activity; or

C) $500 for appropriate activities that comply with the terms and conditions of a general permit in accordance with Section 3708.160; or

D) $1000 for appropriate activities that the Department determines would not require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Section 3708.70(d); or

E) $3000 for appropriate activities such as certain bridge/culvert crossings, public flood control projects, and other major floodway construction and/or changes to the regulatory floodway that the Department determines will require review of a hydrologic and/or hydraulic analysis to demonstrate compliance with the standards listed in Section 3708.70(d) and/or Section 3708.80. The base review fee shall be increased an additional $1500 for applications requiring public notice in accordance with Section 3708.120.

2) Annual Escalation Adjustment

A) The review fee amounts in subsection (a)(1) shall be adjusted on July 1 each year to account for inflation. The U.S. Bureau of Labor Statistics' Consumer Price Index Table for all urban consumers (CPI-U), U.S. city average, all items, base period 1982-1984 = 100 (Series ID: CUUR0000SA0) (available on the U.S. Bureau of Labor Statistics' website) shall be used to calculate the adjustment factor. The adjustment factor shall be directly proportional to the change in the CPI index since June 2013 and shall be calculated according to the following formula:

$$\text{Adjustment factor} = \frac{\text{CPI (May of current year)} - \text{CPI (June 2013)}}{\text{CPI (June 2013)}}$$

B) The base fee amounts in subsection (a)(1) shall be multiplied by the escalation adjustment factor and rounded to the nearest $10 to compute the review fee for the coming fiscal year (July 1 through June 30). The review fee shall be capped at $5000. The dollar amounts that result from these calculations will be posted on the Department's website at: www.dnr.illinois.gov.

3) Review Fee for Multiple-Regulation Projects
If the construction activity being applied for also requires authorization

under 17 Ill. Adm. Code 3702 (Rules for Construction and Maintenance of Dams) and/or 17 Ill. Adm. Code 3704 (Regulation of Public Waters), the review fee for each Part shall be added to calculate the total review fee. The review fee shall be capped at $5000.

b) Submission of Fees

1) Except when possible through electronic fee submittal, the applicant shall submit the required fee amounts in the form of a check or money order made payable to the Illinois Department of Natural Resources.

2) If the review fee is not received within 90 days after the Department's notification of the amount of the fee, the application shall be withdrawn. A new application and review fee will need to be submitted to restart the application process.

3) Insufficient payment or failure of a fee payment to clear the bank it is drawn against will result in the automatic withdrawal of the application.

4) All fees shall be deposited into the State Boating Act Fund (see 615 ILCS 5/35).

c) Refund of Permit Application Fees
Except for refunding of overpayments, permit application fees shall not be refunded. Application fees are tendered for consideration of the application only and do not imply any promise of permit issuance by the Department.

(Source: Added at 38 Ill. Reg. 983, effective December 27, 2013)

Section 3708.140 Time to Permit Issuance; Emergency Authorizations; Duration; Revisions

a) If~~Where~~ permit authority has not been delegated to a municipality or county, the Department, pursuant to Sections 3708.70 and 3708.110, will either grant approval or approval with conditions or deny an application for permit within 90~~ninety~~ days after receipt of a complete~~an~~ application (or 150~~one-hundred fifty~~ days in the event a hearing is held) unless a longer time period is requested in writing by the applicant. If the Department has not approved the application within these time limits, the application will be deemed denied. The time limit for

final Department action on a permit application will be computed from the date on which the Department has received all information required in Section 3708.110. If additional data or revised plans are required by the Department, the time between the request and receipt of the requested material will not be counted in these time periods. Also, the time required for resolution of relevant objections (see Section 3708.120) will not be counted in these time periods.

b) The Department will issue an emergency permit after receipt of a properly executed application form (including an explanation of why the work to be performed is of an emergency nature) and plan sheets describing the work if harm to life or loss of property is likely to occur if initiation of the activity is delayed. An applicant for an emergency permit is deemed to have agreed to make modifications, at his or her own expense, required by the Department if the work does not comply with Section 3708.70, based upon completion of a review and on comments received during the public comment period, to bring the activity into compliance with this Part.

c) Permits will be valid until December 31~~st~~ of the third year following the date of permit issuance, unless the Department determines that the proposed work must be completed sooner, such as in the case of work to correct a violation. Upon the written request of the applicant, permits may be granted for longer periods of time if the expected construction period exceeds three years.

d) If the permitted activity is not completed by the expiration date of the permit, the permittee shall submit a written request that the expiration date be extended if the permittee intends to pursue the permitted activity. Upon receipt of the~~such~~ request, the Department will extend the expiration date if the permitted activity is in compliance with the rules of the Department at the time of the request.

e) If, after permit issuance, the permittee decides to revise the approved plans, the permittee shall submit those revised plans to the Department, along with a written request for approval. If the Department determines that the revised plans are in compliance with this Part, an approval of revised plans will be issued to the permittee.

(Source: Amended at 38 Ill. Reg. 983, effective December 27, 2013)

Section 3708.170 Regional Permits and Statewide Permits

The Department will, by issuance of a regional permit or statewide permit, grant approval for specific types of activities that~~, such as aerial utility crossings, recreational boat docking facilities and minor highway projects, which~~ do not singularly or cumulatively increase flood stage or flood velocities. Subsequent to the issuance of a regional permit or statewide permit, no application or further authorization will be required by the Department for activities meeting the terms and conditions of the regional permit or statewide permit. Regional permits and statewide permits will be issued only after notice and opportunity for public review and comment.

(Source: Amended at 38 Ill. Reg. 983, effective December 27, 2013)

Section 3708.175 Permits Not Transferrable

Permits issued pursuant to this Part are not transferrable. If the property rights for the grounds on which the project will be located are transferred before the authorized construction is completed, the new entity must apply for a permit under its name. The application for permit may incorporate by reference all information from the previous permit that is determined by the Department to be pertinent to the new application.

(Source: Added at 38 Ill. Reg. 983, effective December 27, 2013)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Rules Establishing Horizontal and Vertical Clearances for Bridges Over the Fox River

2) Code Citation: 17 Ill. Adm. Code 3720

3)

Section Numbers:	Adopted Action:
3720.10	Amend
3720.20	New

4) Statutory Authority: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5]

5) Effective Date of Rule: December 27, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: April 5, 2013; 37 Ill. Reg. 4199

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being amended to implement recent changes to the Rivers, Lakes and Streams Act which allows the Department to collect fees per application for permits issued under the Act.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCES

PART 3720
RULES ESTABLISHING HORIZONTAL AND VERTICAL
CLEARANCES FOR BRIDGES OVER THE FOX RIVER

Section
3720.10 Authority and~~And~~ Clearances
3720.20 Permit Application Fees

AUTHORITY: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5].

SOURCE: Filed March 4, 1958; codified at 6 Ill. Reg. 14689; amended at 15 Ill. Reg. 9068, effective June 10, 1991; recodified from 92 Ill. Adm. Code 720, Department of Transportation, to the Department of Natural Resources, at 22 Ill. Reg. 7362; amended at 38 Ill. Reg. 1001, effective December 27, 2013.

Section 3720.10 Authority and~~And~~ Clearances

The Department of Natural Resources, acting under authority conferred upon it by the Rivers, Lakes and Streams Act [615 ILCS 5], does hereby declare and order, pursuant to an investigation and hearing concerning the adequacy of horizontal and vertical bridge clearance of a new bridge proposed to be constructed by the Department of Transportation's Division of Highways to replace the existing five arch structure known as Burton's Bridge in Section 19, Township 44 North, Range 9 East of the Third Principal Meridian, McHenry County, Illinois, that the minimum horizontal clearance for bridges hereafter constructed over the Fox River between Algonquin Dam~~Algonguin~~ and the southern (downstream) right-of-way limit of route 173 shall be 100 feet, and the minimum vertical clearance for such bridges shall be 15 feet, above normal pool level.

(Source: Amended at 38 Ill. Reg. _____, effective December 27, 2013)

Section 3720.20 Permit Application Fees

Permit applications reviewed under this Part are subject to the permit application review fees required in 17 Ill. Adm. Code 3704.55.

(Source: Added at 38 Ill. Reg. 1001, effective December 27, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Permits and General Provisions

2) Code Citation: 35 Ill. Adm. Code 201

3)

Section Numbers:	Adopted Action:
201.146	Amend
201.210	Amend
201.302	Amend

4) Statutory Authority: Implementing Sections 9, 10, 39, and 39.5 of the Environmental Protection Act [415 ILCS 5/9, 10, 39, 39.5] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28].

5) Effective Date of Rule: December 23, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any materials incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.

9) Notice of Proposal published in the *Illinois Register*: May 10, 2013; 37 Ill. Reg. 6028

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The differences between the rulemaking proposed at first notice and the adopted rulemaking are minor and non-substantive, except that in Section 201.210(a)(11), PCB added, at adoption "(including kerosene and diesel fuel)" after "distillate oil".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: Part 201 (35 Ill. Adm. Code 201) needed various clarifying and streamlining amendments to requirements for permitting and annual emissions reporting. Permitting exemptions are maintained. Also, permitting exemptions and "insignificant activities" are added for certain affected sources, which removes the permitting requirement or removes or lessens permit application, reporting, or recordkeeping requirements. Over 600 facilities Statewide may be eligible for the expanded exemptions from permitting as a result of the amendments to Part 201.

In this rulemaking, the Board phases out the Stage II vapor recovery (gasoline dispensing to motor vehicles at gasoline dispensing facilities (GDFs)) (35 Ill. Adm. Code 218.586) program, including the Stage II registration provision (35 Ill. Adm. Code 218.586(h)). In addition, the Board repeals the Stage I vapor recovery (storage tank filling at GDFs) (35 Ill. Adm. Code 218.583(e) and 219.583(e)) registration provisions due to overlapping federal notification requirements and other State tracking systems for GDFs. The available permitting exemptions (currently conditioned upon registration) provided by these Stage I and II registration provisions are relocated to 35 Ill. Adm. Code 201.146(l). The new, combined Stage I and II permitting exemption at Section 201.146(l) does not require registration and expands the exemption to include non-retail Stage I operations not previously exempted. Additionally, the amendments clarify Sections 201.146(n) and (nn), and repeal Section 201.146(kk) as it is no longer necessary. Also, the amendments establish an "insignificant activity" for gasoline storage tanks with a capacity of less than 2,000 gallons at Section 201.210(a)(10)(B). The amendments also establish an insignificant activity for fuel dispensing at Section 201.210(a)(19). The amendments clarify Section 201.210(b)(4). Further, the amendments clarify the requirement for annual emissions reports at Section 201.302. For further details, please see the Board's opinion and order of December 19, 2013, in the rulemaking captioned "Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219," docket R13-18.

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

Richard McGill
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6983
richard.mcgill@illinois.gov

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312-814-3620. Please refer to the docket number, R13-18, in your request. The Board's opinions and orders are also available from the Board's website (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section
201.101 Other Definitions
201.102 Definitions
201.103 Abbreviations and Units
201.104 Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section
201.121 Existence of Permit No Defense
201.122 Proof of Emissions
201.123 Burden of Persuasion Regarding Exceptions
201.124 Annual Report
201.125 Severability
201.126 Repealer

SUBPART C: PROHIBITIONS

Section
201.141 Prohibition of Air Pollution
201.142 Construction Permit Required
201.143 Operating Permits for New Sources
201.144 Operating Permits for Existing Sources
201.146 Exemptions from State Permit Requirements
201.147 Former Permits
201.148 Operation Without Compliance Program and Project Completion Schedule
201.149 Operation During Malfunction, Breakdown or Startups
201.150 Circumvention

201.151 Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section
201.152 Contents of Application for Construction Permit
201.153 Incomplete Applications (Repealed)
201.154 Signatures (Repealed)
201.155 Standards for Issuance (Repealed)
201.156 Conditions
201.157 Contents of Application for Operating Permit
201.158 Incomplete Applications
201.159 Signatures
201.160 Standards for Issuance
201.161 Conditions
201.162 Duration
201.163 Joint Construction and Operating Permits
201.164 Design Criteria
201.165 Hearings
201.166 Revocation
201.167 Revisions to Permits
201.168 Appeals from Conditions
201.169 Special Provisions for Certain Operating Permits
201.170 Portable Emission Units
201.175 Registration of Smaller Sources (ROSS)

SUBPART E: SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN SMALLER SOURCES

Section
201.180 Applicability (Repealed)
201.181 Expiration and Renewal (Repealed)
201.187 Requirement for a Revised Permit (Repealed)

SUBPART F: CAAPP PERMITS

Section
201.207 Applicability

201.208 Supplemental Information
201.209 Emissions of Hazardous Air Pollutants
201.210 Categories of Insignificant Activities or Emission Levels
201.211 Application for Classification as an Insignificant Activity
201.212 Revisions to Lists of Insignificant Activities or Emission Levels

SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND PROJECT COMPLETION SCHEDULES

Section
201.241 Contents of Compliance Program
201.242 Contents of Project Completion Schedule
201.243 Standards for Approval
201.244 Revisions
201.245 Effects of Approval
201.246 Records and Reports
201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section
201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
201.263 Records and Reports
201.264 Continued Operation or Startup Prior to Granting of Operating Permit
201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section
201.281 Permit Monitoring Equipment Requirements
201.282 Testing
201.283 Records and Reports

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART K: RECORDS AND REPORTS

Section
201.301 Records
201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section
201.401 Continuous Monitoring Requirements
201.402 Alternative Monitoring
201.403 Exempt Sources
201.404 Monitoring System Malfunction
201.405 Excess Emission Reporting
201.406 Data Reduction
201.407 Retention of Information
201.408 Compliance Schedules

201.APPENDIX A Rule into Section Table
201.APPENDIX B Section into Rule Table
201.APPENDIX C Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39 and 39.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 27, 39 and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill.

Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-10 at 35 Ill. Reg. 19790, effective December 5, 2011; amended in R13-18 at 38 Ill. Reg. 1005, effective December 23, 2013.

SUBPART C: PROHIBITIONS

Section 201.146 Exemptions from State Permit Requirements

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not required for the classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, sections 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.

a) Air contaminant detectors or recorders, combustion controllers or combustion shutoffs;

b) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

c) Each fuel burning emission unit for indirect systems and for heating and reheating furnace systems used exclusively for residential, or commercial establishments using gas and/or fuel oil exclusively with a design heat input capacity of less than 14.6 MW (50 mmbtu/hr), except that a permit shall be required for any such emission unit with a design heat input capacity of at least 10 mmbtu/hr that was constructed, reconstructed or modified after June 9, 1989 and that is subject to 40 CFR 60, subpart D;

d) Each fuel burning emission unit other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input capacity of less than 2930 kW (10 mmbtu/hr);

e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks and other vehicles powered by nonroad engines;

f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;

g) Coating operations located at a source using not in excess of 18,925 1 (5,000 gal) of coating (including thinner) per year;

h) Any emission unit acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel combustion emission unit using solid fuel with a design heat input capacity of 14.6 MW (50 mmbtu/hr) or more;

i) Any stationary internal combustion engine with a rated power output of less than 1118 kW (1500 bhp) or stationary turbine, except that a permit shall be required for the following:

1) Any internal combustion engine with a rating at equal to or greater than 500 bhp output that is subject to the control requirements of 35 Ill. Adm. Code 217.388(a) or (b); or

2) Any stationary gas turbine engine with a rated heat input at peak load of 10.7 gigajoules/hr (10 mmbtu/hr) or more that is constructed, reconstructed or modified after October 3, 1977 and that is subject to requirements of 40 CFR 60, subpart GG;

j) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;

k) Safety devices designed to protect life and limb, provided that a permit is not otherwise required for the emission unit with which the safety device is associated;

l) Storage tanks and fuel dispensing equipment that are both used for the dispensing of fuel to mobile sources, including on-road and off-road vehicles, for use in such mobile sources~~Storage tanks for liquids for retail dispensing except for storage tanks that are subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2)~~;

m) Printing operations with aggregate organic solvent usage that never exceeds 2,839 l (750 gal) per year from all printing lines at the source, including organic solvent from inks, dilutents, fountain solutions and cleaning materials;

n) Storage tanks of:

1) Organic liquids with a capacity of less than 37,850 l (10,000 gal), provided the storage tank is not used to store any amount of material or mixture of any material listed as a hazardous air pollutant pursuant to section 112(b) of the Clean Air Act~~, and provided the storage tank is not subject to the requirements of 35 Ill. Adm. Code 215.583(a)(2), 218.583(a)(2) or 219.583(a)(2)~~;

2) Any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials; or

3) Any size containing virgin or re-refined distillate oil (including kerosene and diesel fuel), hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil or residual fuel oils;

o) Threaded pipe connections, vessel manways, flanges, valves, pump seals, pressure relief valves, pressure relief devices and pumps;

p) Sampling connections used exclusively to withdraw materials for testing and analyses;

q) All storage tanks of Illinois crude oil with capacity of less than 151,400 1 (40,000 gal) located on oil field sites;

r) All organic material-water single or multiple compartment effluent water separator facilities for Illinois crude oil of vapor pressure of less than 34.5 kPa absolute (5 psia);

s) Grain-handling operations, exclusive of grain-drying operations, with an annual grain through-put not exceeding 300,000 bushels;

t) Grain-drying operations with a total grain-drying capacity not exceeding 750 bushels per hour for 5% moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers;

u) Portable grain-handling equipment and one-turn storage space;

v) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceeds 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);

w) Coin-operated dry cleaning operations;

x) Dry cleaning operations at a source that consume less than 30 gallons per month of perchloroethylene;

y) Brazing, soldering, wave soldering or welding equipment, including associated ventilation hoods;

z) Cafeterias, kitchens, and other similar facilities, including smokehouses, used for preparing food or beverages, but not including facilities used in the manufacturing and wholesale distribution of food, beverages, food or beverage products, or food or beverage components;

aa) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, wood or wood products, where such equipment is either:

1) Used for maintenance activity;

2) Manually operated;

3) Exhausted inside a building; or

4) Vented externally with emissions controlled by an appropriately operated

cyclonic inertial separator (cyclone), filter, electro-static precipitor or a scrubber;

bb) Feed mills that produce no more than 10,000 tons of feed per calendar year, provided that a permit is not otherwise required for the source pursuant to Section 201.142, 201.143 or 201.144;

cc) Extruders used for the extrusion of metals, minerals, plastics, rubber or wood, excluding:

1) Extruders used in the manufacture of polymers;

2) Extruders using foaming agents or release agents that contain volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act; and

3) Extruders processing scrap material that was produced using foaming agents containing volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act;

dd) Furnaces used for melting metals, other than beryllium, with a brim full capacity of less than 450 cubic inches by volume;

ee) Equipment used for the melting or application of less than 22,767 kg/yr (50,000 lbs/yr) of wax to which no organic solvent has been added;

ff) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;

gg) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;

hh) Equipment used for the mixing and blending of materials at ambient temperatures to make water based adhesives, provided each material mixed or blended contains less than 5% organic solvent by weight;

ii) Die casting machines where a metal or plastic is formed under pressure in a die located at a source with a through-put of less than 2,000,000 lbs of metal or plastic per year, in the aggregate, from all die casting machines;

jj) Air pollution control devices used exclusively with other equipment that is exempt from permitting, as provided in this Section;

kk) (Reserved)~~An emission unit for which a registration system designed to identify sources and emission units subject to emission control requirements is in place, such as the registration system found at 35 Ill. Adm. Code 218.586 (Gasoline Dispensing Operations – Motor Vehicle Fueling Operations) and 35 Ill. Adm. Code 218, Subpart HH (Motor Vehicle Refinishing)~~;

ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;

mm) Equipment used for hydraulic or hydrostatic testing;

nn) General vehicle maintenance and servicing activities conducted at a source, motor vehicle repair shops, and motor vehicle body shops, but not including motor vehicle refinishing;~~:~~

~~1) Gasoline fuel handling; and~~

~~2) Motor vehicle refinishing;~~

oo) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing, provided no organic solvent has been added to the water;

pp) Administrative activities including, but not limited to, paper shredding, copying, photographic activities and blueprinting machines. This does not include incinerators;

qq) Laundry dryers, extractors, and tumblers processing that have been cleaned with water solutions of bleach or detergents that are:

1) Located at a source and process clothing, bedding and other fabric items used at the source, provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;

2) Located at a commercial laundry; or

3) Coin operated;

rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;

ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;

tt) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;

uu) Piping and storage systems for natural gas, propane and liquefied petroleum gas;

vv) Water treatment or storage systems, as follows:

1) Systems for potable water or boiler feedwater;

2) Systems, including cooling towers, for process water, provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to section 112(b) of the Clean Air Act;

ww) Lawn care, landscape maintenance and grounds keeping activities;

xx) Containers, reservoirs or tanks used exclusively in dipping operations to coat

objects with oils, waxes or greases, provided no organic solvent has been mixed with such materials;

yy) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 USC 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;

zz) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;

aaa) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;

bbb) Storage and handling of drums or other transportable containers, where the containers are sealed during storage and handling;

ccc) Activities at a source associated with the maintenance, repair or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup;

ddd) Equipment used for corona arc discharge surface treatment of plastic with a power rating of 5 kW or less or equipped with an ozone destruction device;

eee) Equipment used to seal or cut plastic bags for commercial, industrial or domestic use;

fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line, excluding:

1) Dryers with a rated heat input capacity of 2930 kW (10 mmbtu/hr) or more; and

2) Dryers for which emissions other than those attributable to combustion of

fuel in the dryer, including emissions attributable to use or application of cleaning agents, washing materials, coatings or inks or other process materials that contain volatile organic material are not addressed as part of the permitting of such line, if a permit is otherwise required for the line;

ggg) Municipal solid waste landfills with a maximum total design capacity of less than 2.5 million Mg or 2.5 million m^3 that are not required to install a gas collection and control system pursuant to 35 Ill. Adm. Code 220 or 800 through 849 or Section 9.1 of the Act;

hhh) Replacement or addition of air pollution control equipment for existing emission units in circumstances where:

1) The existing emission unit is permitted and has operated in compliance for the past year;

2) The new control equipment will provide equal or better control of the target pollutants;

3) The new control device will not be accompanied by a net increase in emissions of any non-targeted criteria air pollutant;

4) Different State or federal regulatory requirements or newly proposed regulatory requirements will not apply to the unit; and

BOARD NOTE: All sources must comply with underlying federal regulations and future State regulations.

5) Where the existing air pollution control equipment had required monitoring equipment, the new air pollution control equipment will be equipped with the instrumentation and monitoring devices that are typically installed on the new equipment of that type.

BOARD NOTE: For major sources subject to Section 39.5 of the Act, where the new air pollution control equipment will require a different compliance determination method in the facility's CAAPP permit, the facility may need a permit modification to address the changed compliance determination method;

iii) Replacement, addition, or modification of emission units at facilities with federally enforceable State operating permits limiting their potential to emit in circumstances where:

1) The potential to emit any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit, is less than 0.1 pound per hour or 0.44 tons per year;

2) The raw materials and fuels used or present in the emission unit that cause or contribute to emissions, based on the information contained in Material Safety Data Sheets for those materials, do not contain equal to or greater than 0.01 percent by weight of any hazardous air pollutant as defined under section 112(b) of the federal Clean Air Act;

3) The emission unit or modification is not subject to an emission standard or other regulatory requirement pursuant to section 111 of the federal Clean Air Act;

4) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5, permitting requirements under section 165 or 173 of the federal Clean Air Act, or the requirement to obtain a revised federally enforceable State operating permit limiting the source's potential to emit; and

5) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source;

jjj) Replacement, addition, or modification of emission units at permitted sources that are not major sources subject to Section 39.5 of the Act and that do not have a federally enforceable State operating permit limiting their potential to emit, in circumstances where:

1) The potential to emit of any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit is either:

A) Less than 0.1 pound per hour or 0.44 tons per year; or

B) Less than 0.5 pound per hour, and the permittee provides prior notification to the Agency of the intent to construct or install the unit. The unit may be constructed, installed or modified immediately after the notification is filed;

2) The emission unit or modification is not subject to an emission standard or other regulatory requirement under section 111 or 112 of the federal Clean Air Act;

3) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with the emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5 of the Act or the requirement to obtain a federally enforceable permit limiting the source's potential to emit; and

4) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source;

kkk) The owner or operator of a CAAPP source is not required to obtain an air pollution control construction permit for the construction or modification of an emission unit or activity that is an insignificant activity as addressed by Section 201.210 or 201.211 of this Part. Section 201.212 of this Part must still be followed, as applicable. Other than excusing the owner or operator of a CAAPP source from the requirement to obtain an air pollution control construction permit for the emission units or activities, nothing in this subsection shall alter or affect the liability of the CAAPP source for compliance with emission standards and other requirements that apply to the emission units or activities, either individually or in conjunction with other emission units or activities constructed, modified or located at the source;

lll) Plastic injection molding equipment with an annual through-put not exceeding 5,000 tons of plastic resin in the aggregate from all plastic injection molding equipment at the source, and all associated plastic resin loading, unloading, conveying, mixing, storage, grinding, and drying equipment and associated mold release and mold cleaning agents.

(Source: Amended at 38 Ill. Reg. 1005, effective December 23, 2013)

SUBPART F: CAAPP PERMITS

Section 201.210 Categories of Insignificant Activities or Emission Levels

a) The owner or operator of a CAAPP source, pursuant to 35 Ill. Adm. Code 270, shall submit to the Agency within its CAAPP application a list of the following activities or emission levels:

1) Any emission unit determined to be an insignificant activity by the Agency pursuant to Section 201.211 of this Part;

2) Emission units with emissions that never exceed 0.1 lbs/hr of any regulated air pollutant in the absence of air pollution control equipment and that do not emit any air pollutant listed as hazardous pursuant to section~~Section~~ 112(b) of the Clean Air Act;

3) Emission units with emissions that never exceed 0.44 tons/year of any regulated air pollutant in the absence of air pollution control equipment and that do not emit any air pollutant listed as hazardous pursuant to section~~Section~~ 112(b) of the Clean Air Act;

4) Direct combustion units designed and used for comfort heating purposes and fuel combustion emission units as follows:

A) Units with a rated heat input capacity of less than 2.5 mmbtu/hr that fire only natural gas, propane or liquefied petroleum gas;

B) Units with a rated heat input capacity of less than 1.0 mmbtu/hr that fire only oil or oil in combination with only natural gas,

propane, or liquefied petroleum gas;

C) Units with a rated capacity of less than 200,000 btu/hr which never burn refuse or treated or chemically contaminated wood;

5) Extruders used for the extrusion of metals, minerals, plastics, rubber, or wood, excluding extruders used in the manufacture of polymers, provided that volatile organic materials or class I or II substances subject to the requirements of Title VI of the Clean Air Act are not used as foaming agents or release agents or were not used as foaming agents in the case of extruders processing scrap material;

6) Furnaces used for melting metals other than beryllium with a brim full capacity of less than 450 cubic inches by volume;

7) Equipment used for the melting or application of less than 50,000 lbs/yr of wax to which no organic solvent has been added;

8) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions, or aqueous caustic solutions;

9) Equipment used for the mixing and blending of materials at ambient temperature to make water based adhesives provided each material contains less than 5% organic solvent by weight;

10) Storage tanks, as follows:

A) Storage tanks of organic liquids with a capacity of less than 10,000 gallons and an annual throughput of less than 100,000 gallons provided the tank is not used for the storage of any amount of gasoline, including gasoline/ethanol blend fuels, or any amount of material or mixture of any material listed as a hazardous air pollutant pursuant to section~~Section~~ 112(b) of the Clean Air Act;

B) Storage tanks of gasoline, including gasoline/ethanol blend fuels, with a capacity of less than 2000 gallons;

11) Storage tanks of virgin or rerefined distillate oil (including kerosene and diesel fuel), hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil, or residual fuel oils;

12) Die casting machines where a metal or plastic is formed under pressure in a die;

13) Coating operations (excluding powder, architectural and industrial maintenance coating) with aggregate VOM usage that never exceeds 15 lbs/day from all coating lines at the source, including VOM from coating, dilutents, and cleaning materials;

14) Printing operations with aggregate organic solvent usage that never exceeds 750 gallons per year from all printing lines at the source, including organic solvent from inks, dilutents, fountain solutions, and cleaning materials;

15) Gas turbines and stationary reciprocating internal combustion engines of less than 112 kW (150 horsepower) power output;

16) Gas turbines and stationary reciprocating internal combustion engines of between 1118 and 112 kW (1500 and 150 horsepower) power output that are emergency or standby units;

17) Storage tanks of any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions, or aqueous caustic solutions provided an organic solvent has not been mixed with such materials; ~~and~~

18) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials provided an organic solvent has not been mixed with such materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions, or aqueous caustic solutions; and~~.~~

19) Fuel dispensing operations and fuel dispensing equipment for the fuels

specified in subsections (a)(19)(A) and (B), for mobile sources, including on-road and off-road vehicles, for use in those mobile sources. For purposes of this subsection (a)(19), fuel dispensing equipment means equipment for transferring fuel to a mobile source, including nozzles, hoses, swivels, breakaways, hose retractors, vapor valves, dispensers, vacuum-assist devices, vapor-return piping, and liquid collection points. Storage tanks and storage tank equipment are not included in fuel dispensing operations or fuel dispensing equipment and are addressed separately.

A) Gasoline, including gasoline/ethanol blend fuels, if the annual throughput of the fuel dispensed is less than 120,000 gallons (rolling 12 month total).

B) Distillate oil (including kerosene and diesel fuel), biodiesel, and biodiesel/distillate oil blends.

b) The owner or operator of a CAAPP source is not required to individually list the following activities in a CAAPP application pursuant to 35 Ill. Adm. Code 270. The applicant shall denote whether any of the following activities are present at the source in its CAAPP application:

1) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;

2) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;

3) Equipment used for hydraulic or hydrostatic testing;

4) General vehicle maintenance and servicing activities at the source, other than fuel handling or dispensing of gasoline (including gasoline/ethanol blend fuels), distillate oil (including kerosene and diesel fuel), biodiesel, or biodiesel/distillate oil blends ~~fuel handling~~;

5) Cafeterias, kitchens, and other facilities used for preparing food or beverages primarily for consumption at the source;

6) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing provided no organic solvent has been added to the water;

7) Administrative activities including, but not limited to, paper shredding, copying, photographic activities, and blueprinting machines. This does not include incinerators;

8) Laundry dryers, extractors, and tumblers processing clothing, bedding, and other fabric items used at the source that have been cleaned with water solutions of bleach or detergents provided that any organic solvent present in such items before processing that is retained from clean-up operations shall be addressed as part of the VOM emissions from use of cleaning materials;

9) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials at the source, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;

10) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;

11) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;

12) Restroom facilities and associated clean-up operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;

13) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;

14) Storage tanks of organic liquids with a capacity of less than 500 gallons, provided the tank is not used for storage of any amount of material or

mixture of any material listed as a hazardous air pollutant pursuant to sectionSection 112(b) of the Clean Air Act;

15) Piping and storage systems for natural gas, propane, and liquefied petroleum gas;

16) Water treatment or storage systems, as follows:

A) Systems for potable water or boiler feedwater;

B) Systems, including cooling towers, for process water provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to sectionSection 112(b) of the Clean Air Act;

17) Lawn care, landscape maintenance, and groundskeeping activities;

18) Containers, reservoirs, or tanks used exclusively in dipping operations to coat objects with oils, waxes, or greases, provided no organic solvent has been mixed with such materials;

19) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceed 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);

20) Manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, scarfing, surface grinding or turning;

21) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 USCU.S.C. 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;

22) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;

23) Firefighting activities and training in preparation for fighting fires conducted at the source;

BOARD NOTE(Note: Open burning permits may be required for certain training activities.);

24) Internal combustion engine or boiler (including the fuel system) of motor vehicles, locomotives, aircraft, watercraft, lifttrucks, and other vehicles powered by nonroad engines;

25) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;

26) Storage and handling of drums or other transportable containers where the containers are sealed during storage and handling;

27) Individual points of emission or activities as follows:

A) Individual flanges, valves, pump seals, pressure relief valves and other individual components that have the potential for leaks;

B) Individual sampling points, analyzers, and process instrumentation, whose operation may result in emissions;

C) Individual features of an emission unit such as each burner and sootblowers in a boiler or each use of cleaning materials on a coating or printing line;

D) Individual equipment that is transportable or activities within a facility established for testing units prior to sale or distribution or for purposes of research; and

E) Individual equipment or activities within a pilot plant facility that is used for research or training;

BOARD NOTE~~(Note~~: Notwithstanding the foregoing, such points of emissions or activities shall be addressed in a CAAPP application in sufficient detail to identify applicable requirements and demonstrate compliance with such requirements. Emission data for such activities shall be addressed in the aggregate for each emission unit or group of related emission units~~)~~.

28) Activities at a source associated with the modification only or construction only of a facility, an emission unit or other equipment at the source; and

BOARD NOTE~~(Note~~: Notwithstanding the status of this activity as insignificant, a particular activity that entails modification or construction of an emission unit or construction of air pollution control equipment may require a construction permit pursuant to Section 201.142 of this Part and may subsequently require a revised CAAPP permit. A revised CAAPP permit may also be necessary for operation of an emission unit after completion of a particular activity if the existing CAAPP permit does not accommodate the new state of the emission unit.~~)~~

29) Activities at a source associated with the maintenance, repair, or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup.

(Source: Amended at 38 Ill. Reg. 1005, effective December 23, 2013)

SUBPART K: RECORDS AND REPORTS

Section 201.302 Reports

a) The owner or operator of any emission unit or air pollution control equipment meeting the applicability criteria contained in 35 Ill. Adm. Code 254.102~~, unless specifically exempted in this Section,~~ shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the

Agency may require more frequent reports when~~where~~ necessary to accomplish the purposes of the Act and this Chapter.

b) The Agency may adopt procedures which require that additional reports be submitted, and which set forth the format in which all reports shall be submitted. Such procedures and formats, and revisions thereto, shall not become effective until filed with the Secretary of State as required by the Illinois Administrative Procedure Act~~APA~~.

c) All emission data received by the Agency, shall be available for public inspection at reasonable times and upon reasonable notice.

~~d) Retail gasoline dispensing operations are exempt from the requirements of subsection (a) above unless the source has failed to comply with 35 Ill. Adm. Code 218.586(h) or to obtain a permit under this Part if applicable.~~

(Source: Amended at 38 Ill. Reg. 1005, effective December 23, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area

2) Code Citation: 35 Ill. Adm. Code 218

3)

Section Numbers:	Adopted Action:
218.112	Amend
218.583	Amend
218.586	Amend

4) Statutory Authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]

5) Effective Date of Rule: December 23, 2013

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.

9) Notice of Proposal published in the *Illinois Register*: May 10, 2013; 37 Ill. Reg. 6054

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The differences between the rulemaking proposed at first notice and the adopted rulemaking are minor and non-substantive.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking 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 rules require phasing out the Stage II vapor recovery program in the Chicago ozone nonattainment area (NAA). Stage II equipment is located at the pump nozzles of gasoline dispensing facilities (GDFs) and is designed to capture emissions from refueling motor vehicles. The phase-out is based upon the decreasing emission reductions that would result from simultaneously using on-board refueling vapor recovery (ORVR) and incompatible Stage II systems. Both vacuum-assist Stage II and ORVR systems are effective in capturing gasoline vapors and reducing volatile organic compound (VOC) emissions. The two systems are generally incompatible, however, when operated simultaneously on the same vehicle. Phasing out Stage II requirements in the Chicago ozone NAA will have the following benefits: (1) allow the State of Illinois to realize additional emission reduction benefits as of January 1, 2014 (after which ORVR alone reduces more emissions than ORVR plus Stage II); (2) allow existing GDFs in the Chicago ozone NAA to decommission Stage II systems starting on January 1, 2014, and after decommissioning is complete, avoid having to operate and maintain Stage II systems; and (3) allow new GDFs locating in the Chicago ozone NAA on or after January 1, 2014, to avoid having to install, operate, and maintain Stage II systems. Accordingly, a 2013 calendar-year effective date for these rule amendments will maximize environmental and economic benefits.

Beginning January 1, 2014, new GDFs (those operating for the first time on or after January 1, 2014) are not subject to the Stage II vapor recovery equipment requirement. Also, beginning January 1, 2014, existing GDFs (those operating at any time prior to January 1, 2014) may begin decommissioning Stage II equipment, but must complete decommissioning of all Stage II equipment no later than December 31, 2016. Existing GDFs must comply with the Board's Stage II requirement until decommissioning is allowed and commenced in accordance with the rule. Decommissioning must be performed in accordance with the Petroleum Equipment Institute’s "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites," PEI/RP300-09, which the Board incorporates by reference at 35 Ill. Adm. Code 218.112. Also, decommissioning must be performed by contractors licensed/registered by the Office of the State Fire Marshal and the Illinois Department of Agriculture. Further, contractors must possess the appropriate dispenser-manufacturer certifications and training, if any. Additionally, the rules require the submission of decommissioning notifications, checklists, and certifications, and establish recordkeeping requirements.

The Board also repeals the Stage I vapor recovery (storage tank filling at GDFs) (35 Ill. Adm. Code 218.583(e)) registration provision due to overlapping federal notification requirements and other State tracking systems for GDFs. As part of this rulemaking, the permit exemptions formerly conditioned upon Stage I registration or Stage II registration

(35 Ill. Adm. Code 218.586(h)) are relocated to 35 Ill. Adm. Code 201 and do not require registration. Other minor clarifications were made. For further details, please see the Board's opinion and order of December 19, 2013, in the rulemaking captioned "Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219," docket R13-18.

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

Richard McGill
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6983
richard.mcgill@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number, R13-18, in your request. The Board's opinions and orders are also available from the Board's website (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCES

PART 218
ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR THE CHICAGO AREA

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AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3556, effective February 2, 1998; amended in R98-16 at 22 Ill. Reg. 14282, effective July 16, 1998; amended in R02-20 at 27 Ill. Reg. 7283, effective April 8, 2003; amended in R04-12/20 at 30 Ill. Reg. 9684, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7086, effective April 30, 2007; amended in R08-8 at 32 Ill. Reg. 14874, effective August 26, 2008; amended in R10-10 at 34 Ill. Reg. 5330, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9096, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14174, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 469, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. 13473, effective July 27, 2011; amended in R11-23(A) at 35 Ill. Reg. 18813, effective October 25, 2011; amended in R12-24 at 37 Ill. Reg. 1699, effective January 28, 2013; amended in R13-18 at 38 Ill. Reg. 1032, effective December 23, 2013.

SUBPART A: GENERAL PROVISIONS

Section 218.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments.

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555:

1) ASTM D 2879-86

2) ASTM D 323-08

3) ASTM D 86-82

4) ASTM D 369-69 (1971)

5) ASTM D 396-69

6) ASTM D 2880-71

7) ASTM D 975-68

8) ASTM D 3925-81 (1985)

9) ASTM E 300-86

10) ASTM D 1475-85

11) ASTM D 2369-87

12) ASTM D 3792-86

13) ASTM D 4017-81 (1987)

14) ASTM D 4457-85

15) ASTM D 2697-86

16) ASTM D 3980-87

17) ASTM E 180-85

18) ASTM D 2372-85

19) ASTM D 97-66

20) ASTM E 168-67 (1977)

21) ASTM E 169-87

22) ASTM E 260-91

23) ASTM D 2504-83

24) ASTM D 2382-83

25) ASTM D 2099-00

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.

d) 40 CFR 60 (July 1, 1991) and 40 CFR 60, appendix~~Appendix~~ A, Method 24 (57 FR 30654, July 10, 1992).

e) 40 CFR 61 (July 1, 1991).

f) 40 CFR 50 (July 1, 1991).

g) 40 CFR 51 (July 1, 1991) and 40 CFR 51, appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR 52 (July 1, 1991).

i) "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

j) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating" (revised June 1986), United States Environmental Protection Agency, Washington, D.C., EPA-450/3-84-019.

k) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-88-003.

l) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-018.

m) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.

n) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.

o) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

p) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

q) "Portable Instrument User's Manual for Monitoring VOC Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

r) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", October 1988, United~~Unites~~ States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

s) "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

t) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

u) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

v) "Technical Guidance – Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.

w) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

x) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions (February 1993).

y) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins (April 1996).

z) "Guidelines for Determining Capture Efficiency", January 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park NC.

aa) Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions", February 1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.

bb) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations", September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.

cc) 40 CFR 63, subpart PPPP, appendix A (2008).

dd) 46 CFR subchapter Q (2007).

ee) 46 CFR subchapter T (2008).

ff) Petroleum Equipment Institute, "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites", PEI/RP300-09 (2009).

(Source: Amended at 38 Ill. Reg. 1032, effective December 23, 2013)

SUBPART Y: GASOLINE DISTRIBUTION

Section 218.583 Gasoline Dispensing Operations – Storage Tank Filling Operations

a) Subject to subsection (b) ~~below~~, no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing operation unless:

1) The tank is equipped with a submerged loading pipe; and

2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:

A) A vapor collection system that meets the requirements of subsection (d)(4) ~~below~~; or

B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and

C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 218.584(b) or (d) of this Part; and

3) By March 15, 1995, all tank vent pipes are equipped with pressure/vacuum relief valves with the following design specifications:

A) The pressure/vacuum relief valve shall be set to resist a pressure of at least 3.5 inches water column and to resist a vacuum of no less than 6.0 inches water column; or

B) The pressure/vacuum relief valve shall meet the requirements of Section 218.586(c) of this Part; and

4) The owner or operator of a gasoline dispensing operation demonstrates compliance with subsection (a)(3) of this Section, by March 15, 1995 or

30 days after installation of each pressure/vacuum relief valve, whichever is later, and at least annually thereafter, by measuring and recording the pressure indicated by a pressure/vacuum gauge at each tank vent pipe. The test shall be performed on each tank vent pipe within two hours after product delivery into the respective storage tank. For manifold tank vent systems, observations at any point within the system shall be adequate. The owner or operator shall maintain any records required by this subsection for a period of three years.

b) The requirements of subsections (a)(2) and (a)(3) ~~above~~ shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing operation if:

1) The tank is equipped with a floating roof, or other system of equal or better emission control approved by the Agency and approved by the USEPA as a SIP revision;

2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or

3) The tank has a capacity of less than 575 gallons.

c) Subject to subsection (b) ~~above~~, each owner of a gasoline dispensing operation shall:

1) Install all control systems and make all process modifications required by subsection (a) ~~above~~;

2) Provide instructions to the operator of the gasoline dispensing operation describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and

3) Repair, replace or modify any worn out or malfunctioning component or element of design.

d) Subject to subsection (b) ~~above~~, each operator of a gasoline dispensing operation shall:

1) Maintain and operate each vapor control system in accordance with the owner's instructions;

2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;

3) Maintain gauges, meters or other specified testing devices in proper working order;

4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:

A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 appendix~~Appendix~~ B incorporated by reference in Section 218.112 of this Part; and

B) Avoidable leaks of liquid during the filling of storage tanks; and

5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A)~~ above~~.

~~e) Any retail gasoline dispensing operation subject to subsection (a) above, unless subject to Section 218.586 of this Part, shall be exempt from the permit requirements specified under 35 Ill. Adm. Code 201.142, 201.143, and 201.144 provided that:~~

~~1) The owner or operator of the gasoline dispensing operation submits to the Agency a registration which provides, at a minimum, the operation name and address, signature of the owner or operator, the location (including contact person's name, address and telephone number) of records and reports required by this Section, the number of underground tanks, the number of tank pipe vents, and the date of completion of installation of the vapor control system and pressure/vacuum relief valve.~~

~~2) The registration is submitted to the Agency by March 15, 1995 or 30 days~~

~~after installation of a vapor control system or pressure/vacuum relief valve, whichever is later.~~

~~3) The registration certification is displayed at the gasoline dispensing operation.~~

~~4) Upon modification of an existing vapor control system or pressure/vacuum relief valve, the owner or operator of the gasoline dispensing operation submits to the Agency a registration that details the changes to the information provided in the previous registration and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days after completion of such modification.~~

(Source: Amended at 38 Ill. Reg. 1032, effective December 23, 2013)

Section 218.586 Gasoline Dispensing Operations – Motor Vehicle Fueling Operations

a) Definitions. For the purposes of this Section, the following definitions apply.

1) Average monthly volume means the amount of motor vehicle fuel dispensed per month from a gasoline dispensing operation based upon a monthly average for the 2-year period of November~~,~~ 1990 through October~~,~~ 1992 or, if not available, the monthly average for the most recent twelve calendar months. Monthly averages are to include only those months when the operation was operating.

2) Certified means any vapor collection and control system which has been tested and approved by CARB as having a vapor recovery and removal efficiency of at least 95% (by weight) shall constitute a certified vapor collection and control system. CARB testing and approval is pursuant to the CARB manual, incorporated by reference at Section 218.112 of this Part.

3) Completion of installation means the successful passing of one or more of the following tests applicable to the installed vapor collection and control system: Dynamic Backpressure Test, Pressure Decay/Leak Test, and Liquid Blockage Test, incorporated by reference at Section 218.112 of this Part.

~~4)~~ ~~Constructed means fabricated, erected or installed; refers to any facility, emission source or air pollution control equipment.~~

4~~5~~) CARB means California Air Resources Board, P.O. Box 2815, Sacramento, CA 95812.

5~~6~~) Employee means any person who performs work for an employer.

6~~7~~) Operation means any building, structure, installation, operation or combination thereof located on contiguous properties and under common ownership that provides for the dispensing of motor vehicle fuel.

7~~8~~) Gasoline dispensing operation means any operation where motor vehicle fuel is dispensed into motor vehicle fuel tanks or portable containers from a storage tank with a capacity of 2176 liters (575 gallons) or more.

8~~9~~) Modification means any change, removal or addition, other than an identical replacement, of any component contained within the vapor collection and control system.

9~~10~~) Motor vehicle means any self-propelled vehicle powered by an internal combustion engine including, but not limited to, automobiles and trucks. Specifically excluded from this definition are watercraft and aircraft.

10~~11~~) Motor vehicle fuel means any petroleum distillate having a Reid vapor pressure of more than 27.6 kilopascals (kPa) (four pounds per square inch) and which is used to power motor vehicles.

11~~12~~) Owner or operator means any person who owns, leases, operates, manages, supervises or controls (directly or indirectly) a gasoline dispensing operation.

12~~13~~) Reid vapor pressure for gasoline~~,~~ shall be measured in accordance with ~~either~~ the method ASTM D323-08~~ or a modification of ASTM D323 known as the "dry method" as set forth in 40 CFR 80, Appendix E~~, incorporated by reference~~references~~ in Section~~35 Ill. Adm. Code~~ 218.112 of this Part.

13~~14~~) Vapor collection and control system means any system certified by CARB which limits the discharge to the atmosphere of motor vehicle fuel vapors displaced during the dispensing of motor vehicle fuel into motor vehicle fuel tanks.

b) Applicability. The provisions of subsection (c)~~ below~~ shall apply to any gasoline dispensing operation which dispenses an average monthly volume of more than 10,000 gallons of motor vehicle fuel per month. Compliance shall be required and demonstrated in accordance with the schedule provided in subsection (d) ~~below~~.

c) Vapor Collection and Control Systems. No owner or operator of a gasoline dispensing operation subject to the requirements of subsection (b)~~ above~~ shall cause or allow the dispensing of motor vehicle fuel at any time from a motor fuel dispenser unless the dispenser is equipped with and utilizes a vapor collection and control system which is properly installed and operated as provided in this subsection (c)~~below~~:

1) Any vapor collection and control system installed, used or maintained has been CARB certified.

2) Any vapor collection and control system utilized is maintained in accordance with the manufacturer's specifications and the certification.

3) No elements or components of a vapor collection and control system are modified, removed, replaced or otherwise rendered inoperative in a manner which prevents the system from performing in accordance with its certification and design specifications.

4) A vapor collection and control system has no defective, malfunctioning or missing components.

5) Operators and employees of the gasoline dispensing operation are trained and instructed in the proper operation and maintenance of a vapor collection and control system.

6) Instructions are posted in a conspicuous and visible place within the motor fuel dispensing area and describe the proper method of dispensing motor vehicle fuel with the use of the vapor collection and control system.

d) Compliance. In conjunction with the compliance provisions of Section 218.105 of this Part, gasoline dispensing operations subject to the requirements of subsection (c) ~~above~~ shall comply and demonstrate compliance according to the following:

1) Gasoline dispensing operations that operate at any time prior to January 1, 2014 shall comply with subsection (c) until decommissioning is allowed and commenced in accordance with subsections (i)(l) and (i)(2)(B).

2) The provisions of subsection (c) shall not apply to any new gasoline dispensing operation that commences operating for the first time on or after January 1, 2014.

~~1) Operations that commenced construction after November 1, 1990, must comply by May 1, 1993.~~

~~2) Operations that commenced construction before November 1, 1990, and dispense an average monthly volume of more than 100,000 gallons of motor fuel per month must comply by November 1, 1993.~~

~~3) Operations that commenced construction before November 1, 1990, and dispense an average monthly volume of less than 100,000 gallons of motor fuel per month must comply by November 1, 1994.~~

~~4) New operations constructed after the adoption of this Section shall comply with the requirements of subsection (c) above upon startup of the operation.~~

~~5) Existing operations previously exempted from, but which become subject to, the requirements of subsection (c) above after May 1, 1993 shall comply with the requirements of subsection (c) above within six calendar months of the date from which the operation becomes subject.~~

e) Except as provided in subsection (d), any~~Any~~ gasoline dispensing operation that becomes subject to the provisions of subsection (c) ~~above~~ at any time shall remain subject to the provisions of subsection (c) ~~above~~ at all times.

f) Upon request by the Agency, the owner or operator of a gasoline dispensing

operation which claims to be exempt from the requirements of subsection (c) ~~this Section~~ shall submit records to the Agency within 30 calendar days from the date of the request which demonstrate that the gasoline dispensing operation is in fact exempt.

g) Recordkeeping and Reporting~~reporting~~:

1) Any gasoline dispensing operation subject to subsection (c) ~~above~~ shall retain at the operation copies of the registration information required at subsection (h) ~~below~~.

2) Except as provided in subsection (g)(4), records~~Records~~ and reports required pursuant to this subsection (g) shall be made available to the Agency upon request.

3) Records and reports, which shall be maintained by the owner or operator of a~~the~~ gasoline dispensing operation subject to subsection (c), shall clearly demonstrate:

A) That a certified vapor collection and control system has been installed and tested to verify its performance according to its specifications.

B) That proper maintenance has been conducted in accordance with the manufacturer's specifications and requirements.

C) The time period and duration of all malfunctions of the vapor collection and control system.

D) The motor vehicle fuel throughput of the operation for each calendar month of the previous year.

E) That operators and employees are trained and instructed in the proper operation and maintenance of the vapor collection and control system and informed as to the potential penalties associated with the violation of any provision of this Section.

4) Any and all records relating to decommissioning shall be maintained by the owner or operator of a gasoline dispensing operation for a period of 5

years after completion of decommissioning in accordance with subsection (i). For purposes of this subsection (g)(4), "records" include, but are not limited to, any documents, papers, reports, test results, logs, invoices, forms, certifications and receipts that relate to decommissioning. Records relating to decommissioning shall be made available to the Agency or its designee within 30 minutes after the Agency's, or its designee's, request.

h) Any gasoline dispensing operation subject to subsection (c)~~ above~~ shall comply with the following registration requirements~~be exempt from the permit requirements specified under 35 Ill. Adm. Code 201.142, 201.143 and 201.144 for its vapor collection and control systems, provided that~~:

1) Upon the installation of a vapor collection and control system, the owner or operator of the gasoline dispensing operation shall submit~~submits~~ to the Agency a registration which provides at minimum the operation name and address, signature of the owner or operator, the CARB Executive Order Number for the vapor collection and control system to be utilized, the number of nozzles (excluding diesel or kerosene) used for motor vehicle refueling, the monthly average volume of motor vehicle fuel dispensed, the location (including contact person's name, address, and telephone number) of records and reports required by this Section, and the date of completion of installation of the vapor collection and control system.

2) The registration shall be~~is~~ submitted to the Agency within 30 days after~~of~~ completion of the~~such~~ installation.

3) A copy of the registration information shall be~~is~~ maintained at the gasoline dispensing operation.

4) Upon the modification of an existing vapor collection and control system, the owner or operator of the gasoline dispensing operation shall submit~~submits~~ to the Agency a registration that details the changes to the information provided in the previous registration of the vapor collection and control system and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days after~~of~~ completion of the~~such~~ modification.

i) Decommissioning. The owner or operator of a gasoline dispensing operation subject at any time to subsection (c) shall decommission vapor collection and control systems in accordance with the provisions of this subsection (i).

1) Compliance

A) Beginning January 1, 2014, an owner or operator of a gasoline dispensing operation may commence decommissioning of vapor collection and control systems. The decommissioning of vapor collection and control systems must be conducted in accordance with all of the provisions specified in subsection (i)(2).

B) No later than December 31, 2016, an owner or operator of a gasoline dispensing operation shall complete the decommissioning of all vapor collection and control systems in accordance with all of the provisions specified in subsection (i)(2).

2) Decommissioning Procedures and Standards. The decommissioning of vapor collection and control systems shall be conducted as follows:

A) The owner or operator of a gasoline dispensing operation shall complete and submit a notice of intent form, provided by the Agency, notifying the Agency of its intent to decommission. The completed notice of intent form shall be submitted to the Agency at least 10 days prior to commencing decommissioning in accordance with subsection (i)(2)(B);

B) The owner or operator of a gasoline dispensing operation shall decommission vapor collection and control systems in accordance with all of the procedures specified in Section 14.6, except Section 14.6.14, of the Petroleum Equipment Institute's "Recommended Practices for Installation and Testing of Vapor-Recovery Systems at Vehicle-Fueling Sites", PEI/RP 300-09 (PEI), incorporated by reference at Section 218.112 of this Part. In addition to Section 14.6 of the PEI, the following requirements apply to decommissioning:

i) All decommissioning procedures, except testing, shall be performed only by a contractor who is both registered with

the Illinois Department of Agriculture, Bureau of Weights and Measures, in the 3-A Gasoline Pump Meters Code pursuant to Section 8.1 of the Weights and Measures Act [225 ILCS 470/8.1] and licensed by the Office of the State Fire Marshal (OSFM) in the installation/retrofitting licensure module pursuant to the Petroleum Equipment Contractors Licensing Act [225 ILCS 729] and implementing regulations at 41 Ill. Adm. Code 172. Any such contractor shall also have the appropriate dispenser-manufacturer certification and training, if any. In the event that product piping must be broken or an OSFM permit is otherwise required for any component of the work, the contractor shall ensure that the OSFM-permitted work is performed by the appropriate OSFM-licensed contractor and personnel;

ii) Decommissioning procedures related to testing shall be performed only by a contractor who is licensed by OSFM in the tank tightness testing licensure module pursuant to the Petroleum Equipment Contractors Licensing Act and implementing regulations at 41 Ill. Adm. Code 172; and

iii) The pressure decay test required by the PEI shall be passed in accordance with Appendix A of the PEI. The tie-tank test required by the PEI shall be conducted and passed in accordance with CARB TP201.3C to ensure that all tanks are properly vented; and

C) The owner or operator of a gasoline dispensing operation and the contractors that performed the decommissioning shall complete and sign a decommissioning checklist and certification, provided by the Agency, documenting the decommissioning procedures performed. Within 30 days after completion of the decommissioning procedures specified by subsection (i)(2)(B), the owner or operator shall provide the completed checklist and certification and the test results to the Agency.

(Source: Amended at 38 Ill. Reg. 1032, effective December 23, 2013)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area

2) Code Citation: 35 Ill. Adm. Code 219

3)

Section Numbers:	Adopted Action:
219.105	Amend
219.112	Amend
219.583	Amend

4) Statutory Authority: Implementing Section 10 of the Environmental Protection Act [415 ILCS 5/10] and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/27, 28]

5) Effective Date of Rule: December 23, 2013

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this rulemaking contain incorporations by reference? Yes.

8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, and is available there for public inspection.

9) Notice of Proposal published in the *Illinois Register*: May 10, 2013; 37 Ill. Reg. 6083

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The differences between the rulemaking proposed at first notice and the adopted rulemaking are minor and non-substantive.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No. Some nonsubstantive changes were not made by the Board.

13) Will this rulemaking replace any emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

POLLUTION CONTROL BOARD

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15) Summary and Purpose of Rulemaking: The Board repeals Stage II vapor recovery (gasoline dispensing to motor vehicles at gasoline dispensing facilities (GDFs)) test methods and a Stage II vapor recovery guidance document because the Stage II vapor recovery rule/program in the Metro-East nonattainment area was repealed in 1994. In addition, the Board repeals the Stage I vapor recovery (storage tank filling at GDFs) registration provision (35 Ill. Adm. Code 219.583(e)) due to overlapping federal notification requirements and other State tracking systems for GDFs. As part of this rulemaking, the permit exemption conditioned upon Stage I registration is relocated to 35 Ill. Adm. Code 201 and does not require registration. For further details, please see the Board's opinion and order of December 19, 2013, in the rulemaking captioned "Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219," docket R13-18.

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

Richard McGill
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6983
richard.mcgill@illinois.gov

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number, R13-18, in your request. The Board's opinions and orders are also available from the Board's website (www.ipcb.state.il.us).

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

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 219
ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS
FOR THE METRO EAST AREA

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POLLUTION CONTROL BOARD

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219.APPENDIX B VOM Measurement Techniques for Capture Efficiency (Repealed)
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AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28 and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective October 28, 1996; amended in R97-24 at 21 Ill. Reg. 7721, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3517, effective

February 2, 1998; amended in R04-12/20 at 30 Ill. Reg. 9799, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7110, effective April 30, 2007; amended in R10-10 at 34 Ill. Reg. 5392, effective March 23, 2010; amended in R10-8 at 34 Ill. Reg. 9253, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14326, effective September 14, 2010; amended in R10-8(A) at 35 Ill. Reg. 496, effective December 21, 2010; amended in R11-23 at 35 Ill. Reg. 13676, effective July 27, 2011; amended in R11-23(A) at 35 Ill. Reg. 18830, effective October 25, 2011; amended in R12-24 at 37 Ill. Reg. 1722, effective January 28, 2013; amended in R13-18 at 38 Ill. Reg. 1061, effective December 23, 2013.

SUBPART A: GENERAL PROVISIONS

Section 219.105 Test Methods and Procedures

a) Coatings, Inks and Fountain Solutions
The following test methods and procedures shall be used to determine compliance of as applied coatings, inks, and fountain solutions with the limitations set forth in this Part.

1) Sampling: Samples collected for analyses shall be one-liter taken into a one-liter container at a location and time such that the sample will be representative of the coating as applied (i.e., the sample shall include any dilution solvent or other VOM added during the manufacturing process). The container must be tightly sealed immediately after the sample is taken. Any solvent or other VOM added after the sample is taken must be measured and accounted for in the calculations in subsection (a)(3) of this Section. For multiple package coatings, separate samples of each component shall be obtained. A mixed sample shall not be obtained as it will cure in the container. Sampling procedures shall follow the guidelines presented in:

A) ASTM D 3925-81 (1985) standard practice for sampling liquid paints and related pigment coating. This practice is incorporated by reference in Section 219.112 of this Part.

B) ASTM E 300-86 standard practice for sampling industrial chemicals. This practice is incorporated by reference in Section 219.112 of this Part.

2) Analyses: The applicable analytical methods specified below shall be

used to determine the composition of coatings, inks, or fountain solutions as applied.

A) Method 24 of 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part, shall be used to determine the VOM content and density of coatings. If it is demonstrated to the satisfaction of the Agency and the USEPA that plant coating formulation data are equivalent to Method 24 results, formulation data may be used. In the event of any inconsistency between a Method 24 test and a facility's formulation data, the Method 24 test will govern.

B) Method 24A of 40 CFR 60, appendix ~~Appendix~~ A, incorporated by reference in Section 219.112, shall be used to determine the VOM content and density of rotogravure printing inks and related coatings. If it is demonstrated to the satisfaction of the Agency and USEPA that the plant coating formulation data are equivalent to Method 24A results, formulation data may be used. In the event of any inconsistency between a Method 24A test and formulation data, the Method 24A test will govern.

C) The following ASTM methods are the analytical procedures for determining VOM:

i) ASTM D 1475-85: Standard test method for density of paint, varnish, lacquer and related products. This test method is incorporated by reference in Section 219.112 of this Part.

ii) ASTM D 2369-87: Standard test method for volatile content of a coating. This test method is incorporated by reference in Section 219.112 of this Part.

iii) ASTM D 3792-86: Standard test method for water content of water-reducible paints by direct injection into a gas chromatograph. This test method is incorporated by reference in Section 219.112 of this Part.

iv) ASTM D 4017-81 (1987): Standard test method for water

content in paints and paint materials by the Karl Fischer method. This test method is incorporated by reference in Section 219.112 of this Part.

v) ASTM D 4457-85: Standard test method for determination of dichloromethane and 1,1,1, trichloroethane in paints and coatings by direct injection into a gas chromatograph. (The procedure delineated above can be used to develop protocols for any compounds specifically exempted from the definition of VOM.) This test method is incorporated by reference in Section 219.112 of this Part.

vi) ASTM D 2697-86: Standard test method for volume non-volatile matter in clear or pigmented coatings. This test method is incorporated by reference in Section 219.112 of this Part.

vii) ASTM D 3980-87: Standard practice for interlaboratory testing of paint and related materials. This practice is incorporated by reference in Section 219.112 of this Part.

viii) ASTM E 180-85: Standard practice for determining the precision of ASTM methods for analysis of and testing of industrial chemicals. This practice is incorporated by reference in Section 219.112 of this Part.

ix) ASTM D 2372-85: Standard method of separation of vehicle from solvent-reducible paints. This method is incorporated by reference in Section 219.112 of this Part.

D) Use of an adaptation to any of the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section may not be used unless approved by the Agency and USEPA. An owner or operator must submit sufficient documentation for the Agency and USEPA to find that the analytical methods specified in subsections (a)(2)(A), (B), and (C) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.

3) Calculations: Calculations for determining the VOM content, water

content and the content of any compounds which are specifically exempted from the definition of VOM of coatings, inks and fountain solutions as applied shall follow the guidance provided in the following documents:

A) "A Guide for Surface Coating Calculation", EPA-340/1-86-016, incorporated by reference in Section 219.112 of this Part.

B) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coatings" (revised June 1986), EPA-450/3-84-019, incorporated by reference in Section 219.112 of this Part.

C) "A Guide for Graphic Arts Calculations", August 1988, EPA-340/1-88-003, incorporated by reference in Section 219.112 of this Part.

b) Automobile or Light-Duty Truck Test Protocol

1) The protocol for testing, including determining the transfer efficiency of coating applicators, at primer surfacer operations and topcoat operations at an automobile or light-duty truck assembly source shall follow the procedures in the following:

A) Prior to May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations" ("topcoat protocol"), December 1988, EPA-450/3-88-018, incorporated by reference in Section 219.112 of this Part.

B) On and after May 1, 2012: "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations" (topcoat protocol), September 2008, EPA-453/R-08-002, incorporated by reference in Section 219.112 of this Part.

2) Prior to testing pursuant to the applicable topcoat protocol, the owner or operator of a coating operation subject to the topcoat or primer surfacer limit in Section 219.204(a)(1)(B), (a)(1)(C), (a)(2)(B), (a)(2)(C), or

(a)(2)(E) shall submit a detailed testing proposal specifying the method by which testing will be conducted and how compliance will be demonstrated consistent with the applicable topcoat protocol. The proposal shall include, at a minimum, a comprehensive plan (including a rationale) for determining the transfer efficiency at each booth through the use of in-plant or pilot testing, the selection of coatings to be tested (for the purpose of determining transfer efficiency) including the rationale for coating groupings, the method for determining the analytic VOM content of as applied coatings and the formulation solvent content of as applied coatings, and a description of the records of coating VOM content as applied and coating's usage that will be kept to demonstrate compliance. Upon approval of the proposal by the Agency and USEPA, the compliance demonstration for a coating line may proceed.

c) Capture System Efficiency Test Protocols

1) Applicability
The requirements of subsection (c)(2) of this Section shall apply to all VOM emitting process emission units employing capture equipment (e.g., hoods, ducts), except those cases noted in this subsection (c)(1).

A) If an emission unit is equipped with (or uses) a permanent total enclosure (PTE) that meets Agency and USEPA specifications, and which directs all VOM to a control device, then the emission unit is exempted from the requirements described in subsection (c)(2) of this Section. The Agency and USEPA specifications to determine whether a structure is considered a PTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. In this instance, the capture efficiency is assumed to be 100 percent and the emission unit is still required to measure control efficiency using appropriate test methods as specified in subsection (d) of this Section.

B) If an emission unit is equipped with (or uses) a control device designed to collect and recover VOM (e.g., carbon adsorber), an explicit measurement of capture efficiency is not necessary provided that the conditions given below are met. The overall control of the system can be determined by directly comparing the input liquid VOM to the recovered liquid VOM. The general

procedure for use in this situation is given in 40 CFR 60.433, incorporated by reference in Section 219.112 of this Part, with the following additional restrictions:

i) The source owner or operator shall obtain data each operating day for the solvent usage and solvent recovery to permit the determination of the solvent recovery efficiency of the system each operating day using a 7-day rolling period. The recovery efficiency for each operating day is computed as the ratio of the total recovered solvent for that day and the most recent prior 6 operating days to the total solvent usage for the same 7-day period used for the recovered solvent, rather than a 30-day weighted average as given in 40 CFR 60.433 incorporated by reference in Section 219.112 of this Part. This ratio shall be expressed as a percentage. The ratio shall be computed within 72 hours following each 7-day period. A source that believes that the 7-day rolling period is not appropriate may use an alternative multi-day rolling period not to exceed 30 days, with the approval of the Agency and USEPA. In addition, the criteria in subsection (c)(1)(B)(ii) or ~~subsection~~ (c)(1)(B)(iii) ~~below~~ must be met.

ii) The solvent recovery system (i.e., capture and control system) must be dedicated to a single coating line, printing line, or other discrete activity that by itself is subject to an applicable VOM emission standard.~~, or~~

iii) However, if ~~If~~ the solvent recovery system controls more than one coating line, printing line or other discrete activity that by itself is subject to an applicable VOM emission standard, the overall control (i.e., the total recovered VOM divided by the sum of liquid VOM input from all lines and other activities venting to the control system) must meet or exceed the most stringent standard applicable to any line or other discrete activity venting to the control system.

2) Capture Efficiency Protocols
The capture efficiency of an emission unit shall be measured using one of

the protocols given below. Appropriate test methods to be utilized in each of the capture efficiency protocols are described in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. Any error margin associated with a test method or protocol may not be incorporated into the results of a capture efficiency test. If these techniques are not suitable for a particular process, then an alternative capture efficiency protocol may be used, pursuant to the provisions of Section 219.108(b) of this Part.

A) Gas/gas method using temporary total enclosure (TTE). The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G_w}{G_w + F_w}$$

where:

CE = capture efficiency, decimal fraction;

G_w = mass of VOM captured and delivered to control device using a TTE;

F_w = mass of uncaptured VOM that escapes from a TTE.

Method 204B or 204C contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, is used to obtain G_w. Method 204D in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, is used to obtain F_w.

B) Liquid/gas method using TTE. The Agency and USEPA specifications to determine whether a temporary enclosure is considered a TTE are given in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{L - F_W}{L}$$

where:

CE = capture efficiency, decimal fraction;

L = mass of liquid VOM input to process emission unit;

F_w = mass of uncaptured VOM that escapes from a TTE.

Method 204A or 204F contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain L. Method 204 in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_w.

C) Gas/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure, as determined by Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, and in which "F_B" and "G" are measured while operating only the affected line or emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{G}{G + F_B}$$

where:

CE = capture efficiency, decimal fraction;

G = mass of VOM captured and delivered to control device;

F_B = mass of uncaptured VOM that escapes from building enclosure.

Method 204B or 204C contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, is used to obtain G. Method 204E in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part is used to obtain F_B.

D) Liquid/gas method using the building or room (building or room enclosure), in which the affected coating line, printing line or other emission unit is located, as the enclosure as determined by Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, and in which "F_B" and "L" are measured while operating only the affected line emission unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this protocol is:

$$CE = \frac{L - F_B}{L}$$

where:

CE = capture efficiency, decimal fraction;

L = mass of liquid VOM input to process emission unit;

F_B = mass of uncaptured VOM that escapes from building enclosure.

Method 204A or 204F contained in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, is used to obtain L. Method 204E in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, is used to obtain F_B.

E) Mass balance using Data Quality Objective (DQO) or Lower Confidence Limit (LCL) protocol. For a liquid/gas input where an owner or operator is using the DQO/LCL protocol and not using an enclosure as described in Method 204 of appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, the VOM content of the liquid input (L) must be determined using Method 204A or 204F in appendix M of 40 CFR 51, incorporated

by reference in Section 219.112 of this Part. The VOM content of the captured gas stream (G) to the control device must be determined using Method 204B or 204C in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part. The results of capture efficiency calculations (G/L) must satisfy the DQO or LCL statistical analysis methodology as described in Section 3 of USEPA's "Guidelines for Determining Capture Efficiency~~,~~", incorporated by reference at Section 219.112 of this Part. Where capture efficiency testing is done to determine emission reductions for the purpose of establishing emission credits for offsets, shutdowns, and trading, the LCL protocol cannot be used for these applications. In enforcement cases, the LCL protocol cannot confirm non-compliance; capture efficiency must be determined using a protocol under subsection (c)(2)(A), (B), (C) or (D) of this Section, the DQO protocol of this subsection (c)(2)(E), or an alternative protocol pursuant to Section 219.108(b) of this Part.

BOARD NOTE: Where LCL was used in testing emission units that are the subject of later requests for establishing emission credits for offsets, shutdowns, and trading, prior LCL results may not be relied upon to determine the appropriate amount of credits. Instead, to establish the appropriate amount of credits, additional testing may be required that would satisfy the protocol of Section 219.105(c)(2)(A), (B), (C) or (D), the DQO protocol of Section 219.105(c)(2)(E), or an alternative protocol pursuant to Section 219.108(b) of this Part.

3) Simultaneous testing of multiple lines or emission units with a common control device. If an owner or operator has multiple lines sharing a common control device, the capture efficiency of the lines may be tested simultaneously, subject to the following provisions:

A) Multiple line testing must meet the criteria of Section 4 of USEPA's "Guidelines for Determining Capture Efficiency~~,~~", incorporated by reference at Section 219.112 of this Part;

B) The most stringent capture efficiency required for any individual line or unit must be met by the aggregate of lines or units; and

C) Testing of all the lines of emission units must be performed with the same capture efficiency test protocol.

4) Recordkeeping and Reporting

A) All owners or operators affected by this subsection must maintain a copy of the capture efficiency protocol submitted to the Agency and the USEPA on file. All results of the appropriate test methods and capture efficiency protocols must be reported to the Agency within 60 days after the test date. A copy of the results must be kept on file with the source for a period of 3 years.

B) If any changes are made to capture or control equipment, then the source is required to notify the Agency and the USEPA of these changes and a new test may be required by the Agency or the USEPA.

C) The source must notify the Agency 30 days prior to performing any capture efficiency or control test. At that time, the source must notify the Agency which capture efficiency protocol and control device test methods will be used. Notification of the actual date and expected time of testing must be submitted a minimum of 5 working days prior to the actual date of the test. The Agency may at its discretion accept notification with shorter advance notice provided that such arrangements do not interfere with the Agency's ability to review the protocol and/or observe testing.

D) Sources utilizing a PTE must demonstrate that this enclosure meets the requirement given in Method 204 in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part, for a PTE during any testing of their control device.

E) Sources utilizing a TTE must demonstrate that their TTE meets the requirements given in Method 204 in appendix M or 40 CFR 51, incorporated by reference in Section 219.112 of this Part, for a TTE during any testing of their control device. The source must also provide documentation that the quality assurance criteria for a TTE have been achieved.

F) Any source utilizing the DQO or LCL protocol must submit the following information to the Agency with each test report:

i) A copy of all test methods, Quality Assurance/Quality Control procedures, and calibration procedures to be used from those described in appendix M of 40 CFR 51, incorporated by reference in Section 219.112 of this Part;

ii) A table with information on each sample taken, including the sample identification and the VOM content of the sample;

iii) The quantity of material used for each test run;

iv) The quantity of captured VOM for each test run;

v) The capture efficiency calculations and results for each test run;

vi) The DQO and/or LCL calculations and results; and

vii) The Quality Assurance/Quality Control results, including how often the instruments were calibrated, the calibration results, and the calibration gases used.

d) Control Device Efficiency Testing and Monitoring

1) The control device efficiency shall be determined by simultaneously measuring the inlet and outlet gas phase VOM concentrations and gas volumetric flow rates in accordance with the gas phase test methods specified in subsection (f) of this Section.

2) An owner or operator:

A) That uses an afterburner or carbon adsorber to comply with any Section of this Part ~~219~~ shall use Agency and USEPA approved continuous monitoring equipment which is installed, calibrated, maintained, and operated according to vendor specifications at all

times the control device is in use except as provided in subsection (d)(3) of this Section. The continuous monitoring equipment must monitor the following parameters:

i) For each afterburner which does not have a catalyst bed, the combustion chamber temperature of each afterburner.

ii) For each afterburner which has a catalyst bed, commonly known as a catalytic afterburner, the temperature rise across each catalytic afterburner bed or VOM concentration of exhaust.

iii) For each carbon adsorber, the VOM concentration of each carbon adsorption bed exhaust or the exhaust of the bed next in sequence to be desorbed.

B) Must install, calibrate, operate and maintain, in accordance with manufacturer's specifications, a continuous recorder on the temperature monitoring device, such as a strip chart, recorder or computer, having an accuracy of ± 1 percent of the temperature measured, expressed in degrees Celsius or ± 0.5° C, whichever is greater.

C) Of an automobile or light-duty truck primer surfacer operation or topcoat operation subject to subsection (d)(2)(A)~~,~~ shall keep a separate record of the following data for the control devices, unless alternative provisions are set forth in a permit pursuant to Title V of the Clean Air Act:

i) For thermal afterburners for which combustion chamber temperature is monitored, all 3-hour periods of operation in which the average combustion temperature was more than 28° C (50° F) below the average combustion temperature measured during the most recent performance test that demonstrated that the operation was in compliance.

ii) For catalytic afterburners for which temperature rise is monitored, all 3-hour periods of operation in which the average gas temperature before the catalyst bed is more

than 28° C (50° F) below the average gas temperature immediately before the catalyst bed measured during the most recent performance test that demonstrated that the operation was in compliance.

iii) For catalytic afterburners and carbon adsorbers for which VOM concentration is monitored, all 3-hour periods of operation during which the average VOM concentration or the reading of organics in the exhaust gases is more than 20 percent greater than the average exhaust gas concentration or reading measured by the organic monitoring device during the most recent determination of the recovery efficiency of a carbon adsorber or performance test for a catalytic afterburner, which determination or test that demonstrated that the operation was in compliance.

3) An owner or operator that uses a carbon adsorber to comply with Section 219.401 of this Part may operate the adsorber during periods of monitoring equipment malfunction, provided that:

A) The owner or operator notifies in writing the Agency and USEPA, within 10 days after the conclusion of any 72 hour period during which the adsorber is operated and the associated monitoring equipment is not operational, of such monitoring equipment failure and provides the duration of the malfunction, a description of the repairs made to the equipment, and the total to date of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment was not operational;

B) During such period of malfunction the adsorber is operated using timed sequences as the basis for periodic regeneration of the adsorber;

C) The period of such adsorber operation does not exceed 360 hours in any calendar year without the approval of the Agency and USEPA; and

D) The total of all hours in the calendar year during which the adsorber was operated and the associated monitoring equipment

was not operational shall be reported, in writing, to the Agency and USEPA by January 31 of the following calendar year.

e) Overall Efficiency

1) The overall efficiency of the emission control system shall be determined as the product of the capture system efficiency and the control device efficiency or by the liquid/liquid test protocol as specified in 40 CFR 60.433, incorporated by reference in Section 219.112 of this Part, (and revised by subsection (c)(1)(B) of this Section) for each solvent recovery system. In those cases in which the overall efficiency is being determined for an entire line, the capture efficiency used to calculate the product of the capture and control efficiency is the total capture efficiency over the entire line.

2) For coating lines which are both chosen by the owner or operator to comply with Section 219.207(a), (d), (e), (f), (g), (l), or (m) of this Part by the alternative in Section 219.207(b)(2) of this Part and meet the criteria allowing them to comply with Section 219.207 instead of Section 219.204 of this Part, the overall efficiency of the capture system and control device, as determined by the test methods and procedures specified in subsections (c), (d) and (e)(1) of this Section, shall be no less than the equivalent overall efficiency which shall be calculated by the following equation:

$$E = \frac{VOM_a - VOM_l}{VOM_a} \times 100$$

where:

E = Equivalent overall efficiency of the capture system and control device as a percentage;

VOM_a = Actual VOM content of a coating, or the daily-weighted average VOM content of two or more coatings (if more than one coating is used), as applied to the subject coating line as determined by the applicable test methods and procedures specified in subsection (a)(4)(i) of this Part in units

of kg VOM/1 (lb VOM/gal) of coating solids as applied;

VOM_1 = The VOM emission limit specified in Sections 219.204 or 219.205 of this Part in units of kg VOM/1 (lb VOM/gal) of coating solids as applied.

f) Volatile Organic Material Gas Phase Source Test Methods
The methods in 40 CFR 60, appendix A, incorporated by reference in Section 219.112 of this Part delineated below shall be used to determine control device efficiencies.

1) 40 CFR 60, appendix A, Method 18, 25 or 25A, incorporated by reference in Section 219.112 of this Part as appropriate to the conditions at the site, shall be used to determine VOM concentration. Method selection shall be based on consideration of the diversity of organic species present and their total concentration and on consideration of the potential presence of interfering gases. Except as indicated in subsections (f)(1)(A) and (B) below, the test shall consist of three separate runs, each lasting a minimum of 60 min, unless the Agency and the USEPA determine that process variables dictate shorter sampling times.

A) When the method is to be used to determine the efficiency of a carbon adsorption system with a common exhaust stack for all the individual adsorber vessels, the test shall consist of three separate runs, each coinciding with one or more complete sequences through the adsorption cycles of all the individual adsorber vessels.

B) When the method is to be used to determine the efficiency of a carbon adsorption system with individual exhaust stacks for each adsorber vessel, each adsorber vessel shall be tested individually. The test for each adsorber vessel shall consist of three separate runs. Each run shall coincide with one or more complete adsorption cycles.

2) 40 CFR 60, appendix A, Method 1 or 1A, incorporated by reference in Section 219.112 of this Part, shall be used for sample and velocity traverses.

3) 40 CFR 60, appendix A, Method 2, 2A, 2C or 2D, incorporated by reference in Section 219.112 of this Part, shall be used for velocity and volumetric flow rates.

4) 40 CFR 60, appendix A, Method 3, incorporated by reference in Section 219.112 of this Part, shall be used for gas analysis.

5) 40 CFR 60, appendix A, Method 4, incorporated by reference in Section 219.112 of this Part, shall be used for stack gas moisture.

6) 40 CFR 60, appendix A, Methods 2, 2A, 2C, 2D, 3 and 4, incorporated by reference in Section 219.112 of this Part, shall be performed, as applicable, at least twice during each test run.

7) Use of an adaptation to any of the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section may not be used unless approved by the Agency and the USEPA on a case by case basis. An owner or operator must submit sufficient documentation for the Agency and the USEPA to find that the test methods specified in subsections (f)(1), (2), (3), (4), (5) and (6) of this Section will yield inaccurate results and that the proposed adaptation is appropriate.

g) Leak Detection Methods for Volatile Organic Material
Owners or operators required by this Part to carry out a leak detection monitoring program shall comply with the following requirements:

1) Leak Detection Monitoring

A) Monitoring shall comply with 40 CFR 60, appendix A, Method 21, incorporated by reference in Section 219.112 of this Part.

B) The detection instrument shall meet the performance criteria of Method 21.

C) The instrument shall be calibrated before use on each day of its use by the methods specified in Method 21.

D) Calibration gases shall be:

i) Zero air (less than 10 ppm of hydrocarbon in air); and

ii) A mixture of methane or n-hexane and air at a concentration of approximately, but no less than, 10,000 ppm methane or n-hexane.

E) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.

2) When equipment is tested for compliance with no detectable emissions as required, the test shall comply with the following requirements:

A) The requirements of subsections (g)(1)(A) through (g)(1)(E) of this Section shall apply.

B) The background level shall be determined as set forth in Method 21.

3) Leak detection tests shall be performed consistent with:

A) "APTI Course SI 417 controlling Volatile Organic Compound Emissions from Leaking Process Equipment", EPA-450/2-82-015, incorporated by reference in Section 219.112 of this Part.

B) "Portable Instrument User's Manual for Monitoring VOM Sources", EPA-340/1-86-015, incorporated by reference in Section 219.112 of this Part.

C) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", EPA-450/3-88-010, incorporated by reference in Section 219.112 of this Part.

D) "Petroleum Refinery Enforcement Manual", EPA-340/1-80-008, incorporated by reference in Section 219.112 of this Part.

h) Bulk Gasoline Delivery System Test Protocol

1) The method for determining the emissions of gasoline from a vapor

recovery system are delineated in 40 CFR 60, subpart~~Subpart~~ XX, section 60.503, incorporated by reference in Section 219.112 of this Part.

2) Other tests shall be performed consistent with:

A) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", EPA-340/1-80-012, incorporated by reference in Section 219.112 of this Part.

B) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", EPA-450/2-77-026, incorporated by reference in Section 219.112 of this Part.

i) Notwithstanding other requirements of this Part, upon request of the Agency where it is necessary to demonstrate compliance, an owner or operator of an emission unit which is subject to this Part shall, at his own expense, conduct tests in accordance with the applicable test methods and procedures specific in this Part. Nothing in this Section shall limit the authority of the USEPA pursuant to the Clean Air Act, as amended, to require testing.

~~j) Stage II Gasoline Vapor Recovery Test Methods~~
~~The methods for determining the acceptable performance of Stage II Gasoline Vapor Recovery System are delineated in "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities," found at EPA-450/3-91-022b and incorporated by reference in Section 219.112 of this Part. Specifically, the test methods are as follows:~~

~~1) Dynamic Backpressure Test is a test procedure used to determine the pressure drop (flow resistance) through balance vapor collection and control systems (including nozzles, vapor hoses, swivels, dispenser piping and underground piping) at prescribed flow rates.~~

~~2) Pressure Decay/Leak Test is a test procedure used to quantify the vapor tightness of a vapor collection and control system installed at gasoline dispensing facilities.~~

~~3) Liquid Blockage Test is a test procedure used to detect low points in any vapor collection and control system where condensate may accumulate.~~

(Source: Amended at 38 Ill. Reg. 1061, effective December 23, 2013)

Section 219.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments:

a) American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-9555

1) ASTM D 2879-86

2) ASTM D 323-08

3) ASTM D 86-82

4) ASTM D 369-69 (1971)

5) ASTM D 396-69

6) ASTM D 2880-71

7) ASTM D 975-68

8) ASTM D 3925-81 (1985)

9) ASTM E 300-86

10) ASTM D 1475-85

11) ASTM D 2369-87

12) ASTM D 3792-86

13) ASTM D 4017-81 (1987)

14) ASTM D 4457-85

15) ASTM D 2697-86

16) ASTM D 3980-87

17) ASTM E 180-85

18) ASTM D 2372-85

19) ASTM D 97-66

20) ASTM E 168-87 (1977)

21) ASTM E 169-87

22) ASTM E 260-91

23) ASTM D 2504-83

24) ASTM D 2382-83

b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.

c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February 1980.

d) 40 CFR 60 (July 1, 1991).

e) 40 CFR 61 (July 1, 1991).

f) 40 CFR 50 (July 1, 1991).

g) 40 CFR 51 (July 1, 1991) and 40 CFR 51, appendix M, Methods 204-204F (July 1, 1999).

h) 40 CFR 52 (July 1, 1991).

i) "A Guide for Surface Coating Calculation", July 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-016.

j) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating" (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.

k) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.

l) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.

m) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", December 1978, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.

n) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", December 1978, Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.

o) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", September 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.

p) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", 1982, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.

q) "Portable Instrument User's Manual for Monitoring VOM Sources", June 1986, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.

r) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOM and VHAP", October 1988, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.

s) "Petroleum Refinery Enforcement Manual", March 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.

t) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", 1980, United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.

u) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", December 1977, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.

~~v) "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", November 1991, United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.~~

v)~~w)~~ California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II (October 1988, rev. November 1993) (CARB Manual).

w)~~x)~~ "Guidelines for Determining Capture Efficiency", January 1995, Office of Air Quality Planning and Standards, United States Environmental Protection Agency, Research Triangle Park NC.

x)~~y)~~ Memorandum "Revised Capture Efficiency Guidance for Control of Volatile Organic Compound Emissions", February 1995, John S. Seitz, Director, Office of Air Quality Planning and Standards, United States Environmental Protection Agency.

y)~~z)~~ "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Primer-Surfacer and Topcoat Operations", September 2008, United States Environmental Protection Agency, Washington, D.C., EPA-453/R-08-002.

z)~~aa)~~ 40 CFR 63 subpart PPPP, appendix A (2008).

aa)~~bb)~~ 46 CFR subchapter Q (2007).

bb)~~cc)~~ 46 CFR subchapter T (2008).

(Source: Amended at 38 Ill. Reg. 1061, effective December 23, 2013)

Section 219.583 Gasoline Dispensing Operations – Storage Tank Filling Operations

a) Subject to subsection (b)~~ below~~, no person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing operation unless:

1) The tank is equipped with a submerged loading pipe; and

2) The vapors displaced from the storage tank during filling are processed by a vapor control system that includes one or more of the following:

A) A vapor collection system that meets the requirements of subsection (d)(4)~~ below~~; or

B) A refrigeration-condensation system or any other system approved by the Agency and approved by the USEPA as a SIP revision, that recovers at least 90 percent by weight of all vaporized organic material from the equipment being controlled; and

C) The delivery vessel displays the appropriate sticker pursuant to the requirements of Section 219.584(b) or (d) of this Part; and

3) By March 15, 1995, all tank vent pipes are equipped with pressure/vacuum relief valves with the following design specifications:

A) The pressure/vacuum relief valve shall be set to resist a pressure of at least 3.5 inches water column and to resist a vacuum of no less than 6.0 inches water column; or

B) The pressure/vacuum relief valve shall meet the requirements of 35 Ill. Adm. Code 218.586(c); and

4) The owner or operator of a gasoline dispensing operation demonstrates compliance with subsection (a)(3) of this Section, by March 15, 1995 or 30 days after installation of each pressure/vacuum relief valve, whichever is later, and at least annually thereafter, by measuring and recording the pressure indicated by a pressure/vacuum gauge at each tank vent pipe.

The test shall be performed on each tank vent pipe within two hours after product delivery into the respective storage tank. For manifolded tank vent systems, observations at any point within the system shall be adequate. The owner or operator shall maintain any records required by this subsection for a period of three years.

b) The requirements of subsections (a)(2) and (a)(3) ~~above~~ shall not apply to transfers of gasoline to a stationary storage tank at a gasoline dispensing operation if:

1) The tank is equipped with a floating roof, or other system of equal or better emission control as approved by the Agency and approved by the USEPA as a SIP revision;

2) The tank has a capacity of less than 2000 gallons and was in place and operating before January 1, 1979; or

3) The tank has a capacity of less than 575 gallons.

c) Subject to subsection (b) ~~above~~, each owner of a gasoline dispensing operation shall:

1) Install all control systems and make all process modifications required by subsection (a) ~~above~~;

2) Provide instructions to the operator of the gasoline dispensing operation describing necessary maintenance operations and procedures for prompt notification of the owner in case of any malfunction of a vapor control system; and

3) Repair, replace or modify any worn out or malfunctioning component or element of design.

d) Subject to subsection (b) ~~above~~, each operator of a gasoline dispensing operation shall:

1) Maintain and operate each vapor control system in accordance with the owner's instructions;

2) Promptly notify the owner of any scheduled maintenance or malfunction requiring replacement or repair of a major component of a vapor control system;

3) Maintain gauges, meters or other specified testing devices in proper working order;

4) Operate the vapor collection system and delivery vessel unloading points in a manner that prevents:

A) A reading equal to or greater than 100 percent of the lower explosive limit (LEL measured as propane) when tested in accordance with the procedure described in EPA 450/2-78-051 Appendix B incorporated by reference at Section 219.112 of this Part, and

B) Avoidable leaks of liquid during the filling of storage tanks; and

5) Within 15 business days after discovery of the leak by the owner, operator, or the Agency, repair and retest a vapor collection system which exceeds the limits of subsection (d)(4)(A)~~ above~~.

~~e) Any retail gasoline dispensing operation subject to subsection (a) above shall be exempt from the permit requirements specified under 35 Ill. Adm. Code 201.142, 201.143, and 201.144 provided that:~~

~~1) The owner or operator of the gasoline dispensing operation submits to the Agency a registration which provides, at a minimum, the operation name and address, signature of the owner or operator, the location (including contact person's name, address and telephone number) of records and reports required by this Section, the number of underground tanks, the number tank pipe vents, and the date of completion of installation of the vapor control system and pressure/vacuum relief valve.~~

~~2) The registration is submitted to the Agency by March 15, 1995 or 30 days after installation of a vapor control system or pressure/vacuum relief valve, whichever is later.~~

~~3) The registration certificate is displayed at the gasoline dispensing~~

~~operation.~~

~~4) Upon modification of an existing vapor control system or pressure/vacuum relief valve, the owner or operator of the gasoline dispensing operation submits to the Agency a registration that details the changes to the information provided in the previous registration and which includes the signature of the owner or operator. The registration must be submitted to the Agency within 30 days after completion of such modification.~~

(Source: Amended at 38 Ill. Reg. 1061, effective December 23, 2013)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Reports of Child Abuse and Neglect

2) Code Citation: 89 Ill. Adm. Code 300

3)

Section Number:	Emergency Action
300.APPENDIX B	Amend

4) Statutory Authority: 325 ILCS 5

5) Effective Date of Amendments: January 1, 2014

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: None

7) Date filed with the Index Department:

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: Included in the proposed language are revised examples of circumstances the Department must consider when investigating a real, significant, and imminent risk of moderate to severe harm to a child.

10) A Complete Description of the Subjects and Issues Involved: The revised language in Allegation 60 - Environment Injurious, codifies language from the Abused and Neglected Child Reporting Act defining "environment injurious" and "blatant disregard" and provides examples of "environment injurious" and "blatant disregard".

11) Are there any other rulemakings pending on this Part? No

Section Numbers:	Proposed Action:	*Illinois Register* citation:
300.20	Amend	37 Ill. Reg. 5207; April 26, 2013
300.30	Amend	37 Ill. Reg. 5207; April 26, 2013
300.130	Amend	37 Ill. Reg. 5207; April 26, 2013

12) Statement of Statewide Policy Objectives: This amendment does not create or expand a State mandate.

13) Information and questions regarding this amendment shall be directed to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

Telephone: 217/524-1983
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The full text of the Emergency Amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section

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

EMERGENCY

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

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

Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003; peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005; amended at 33 Ill. Reg. 7862, effective June 15, 2009; amended at 34 Ill. Reg. 6373, effective May 1, 2010; amended at 35 Ill. Reg. 1599, effective January 15, 2011; amended at 35 Ill. Reg. 2861, effective February 8, 2011; amended at 36 Ill. Reg. 4026, effective March 5, 2012; amended at 36 Ill. Reg. 16756, effective November 15, 2012; emergency amendment at 38 Ill. Reg. 1100, effective January 1, 2014, for a maximum of 150 days.

Section 300.APPENDIX B Child Abuse and Neglect Allegations
EMERGENCY

This Appendix describes the specific incidents of harm which must be alleged to have been caused by the acts or omissions of the persons identified in Section 3 of the Abused and Neglected Child Reporting Act before the Department will accept a report of child abuse or neglect. The allegation definitions focus upon the harm or the risk of harm to the child. Many of the allegations of harm can be categorized as resulting from either abuse or neglect. All abuse allegations of harm are coded with a one or two digit number under 50. All neglect allegations

of harm are coded with a two digit number greater than 50. The allegations of harm are defined as follows:

ALLEGATION #	DEFINITION
1/51	**Death**

Death means the permanent cessation of all vital functions.

The following definitions of death are also commonly used:

– Total irreversible cessation of cerebral function, spontaneous function of the respiratory system, and spontaneous function of the circulatory system;

– The final and irreversible cessation of perceptible heart beat and respiration.

Verification of death must come from a physician or coroner.

2/52 **Head Injuries**

As used in this Part, head injury means a serious head injury causing skull fracture, brain damage or bleeding on the brain, such as subdural hematoma. Brain damage, skull fractures, hematomas and subdural hematomas are considered head injuries.

Brain Damage

Brain damage means injury to the brain contained within the cranium skull.

Skull Fracture

Skull fracture means a broken bone of the skull.

Hematoma

Hematoma means a swelling or mass of blood (usually clotted) confined

to an organ, tissue or space and caused by a break in a blood vessel.

Subdural Hematoma

Subdural means beneath the dura mater (the outer membrane covering the spinal cord and brain).

A subdural hematoma is located beneath the membrane covering the brain and is usually the result of head injuries or the shaking of a small child or infant. It may result in the loss of consciousness, seizures, mental or physical damage, or death.

Additional abusive head trauma includes subarachnoid subgaleal and epidural hematomas.

Shaken Baby Syndrome

Abusive head trauma in infants and children is the medical diagnosis and communication to describe the historical term shaken baby syndrome.

Shaking of an infant causes stretching and tearing of blood vessels in the brain causing subdural hematoma, bleeding in the brain and retinal hemorrhage. These injuries may occur with or without obvious evidence of impact.

Verification of head injuries and the presence or absence of any predisposing medical condition that may have caused or contributed to the injuries must come from a physician, preferably a neurosurgeon or radiologist.

4/54 **Internal Injuries**

An internal injury is an injury which is not visible from the outside, e.g., an injury to the organs occupying the thoracic or abdominal cavities. Such injury may result from a direct blow or a penetrating injury. A person so injured may be pale, cold, perspiring freely, have an anxious expression, or may seem semicomatose. Pain is usually intense at first, and may continue or gradually diminish as patient grows worse.

Verification of internal injuries must come from a physician.

5/55 Burns

Burns

Burns are tissue injuries resulting from excessive exposure to thermal, chemical, electrical or radioactive agents. The effects vary according to the type, duration and intensity of the agent and the part of the body involved. Burns are usually classified as first, second, third or fourth degree.

– First Degree (Partial Thickness)
First degree burns are superficial burns in which damage is limited to the outer layer of the epidermis (skin) and are characterized by scorching or painful redness of the skin.

– Second Degree (Partial Thickness)
Second degree burns are burns in which the damage extends through the outer layer of the skin into the inner layers (dermis). Blistering will be present within 24 hours.

– Third Degree (Full Thickness)
Third degree burns are burns in which both layers of the skin (epidermis and dermis) are destroyed with damage extending into underlying tissues, which may be charred or coagulated.

– Fourth Degree (Full Thickness)
Fourth degree burns are burns that extend beyond skin and underlying tissues into bone, joints and muscles.

Scalding

Scalding is a burn to the skin or flesh caused by moist heat and hot vapors, as steam.

Verification must come from a physician.

6/56 Poison/Noxious Substances

Poison

A poison is any substance, other than mood altering chemicals or alcohol, taken into the body by ingestion, inhalation, injection, or absorption that interferes with normal physiological functions. Virtually any substance can be poisonous if consumed in sufficient quantity. Therefore, the term poison more often implies an excessive amount rather than the existence of a specific substance.

Noxious Substances

Any substance deemed to be harmful, injurious, not wholesome.

Verification must come from a physician or by a direct admission from the alleged perpetrator that the poison/noxious substance was given to the minor by other than accidental means.

7/57 **Wounds**

A wound is a gunshot or stabbing injury.

Verification must come from a physician, a law enforcement officer or by a direct admission from the alleged perpetrator.

9/59 **Bone Fractures**

A fracture is a broken bone or certain cartilage injuries such as a broken nose.

Metaphyseal/Epiphyseal Fractures

Fractures located at the end of bones. They are commonly described as corner fractures, chipped fractures or bucket-handle fractures.

Diaphyseal Fractures

Diaphyseal fractures are located in the bone shaft. Fractures in the shaft of long bones of the extremities are spiral (oblique) or transverse. A

spiral fracture is caused by twisting or rotational force. Transverse fractures results from a direct blow or bending force.

Verification of the injury and the likely cause, including presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologist.

10/60 Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare

Substantial risk of physical injury means that the parent, caregiver, immediate family member aged 16 or over, other person residing in the home aged 16 or over, or the parent's paramour has created a real and significant danger of physical injury that would likely cause disfigurement, death, or impairment of physical health or loss or impairment of bodily functions (abuse). This allegation of harm is to be used when the type or extent of harm is undefined but the total circumstances lead a reasonable person to believe that the child is in substantial risk of physical injury. This allegation of harm also includes incidents of violence or intimidation directed toward the child that have not yet resulted in injury or impairment but that clearly threaten such injury or impairment (abuse) or placing a child in an environment that is injurious to the child's health and welfare (i.e., domestic violence, intimidation, and a child's participation in a criminal act) (neglect). Intimidation of a child means subjecting a child to participation in or the witnessing of the physical abuse or restraint of another person when it can be used by the perpetrator to intimidate the child (e.g., this could happen to you, this will happen to you, this would happen to you).

Environment injurious means that a child's environment creates a likelihood of harm to the child's health, physical well-being or welfare and that the likely harm to the child is the result of blatant disregard of parent or caretaker responsibilities. This allegation is to be used when the type or extent of likely harm is undefined but the total circumstances lead a reasonable person to believe that the child's environment may likely cause harm to the child's health, physical well being or welfare due to the parent's or caretaker's blatant disregard. Blatant disregard is defined as "*an incident where the real, significant and imminent risk of*

harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm". [325 ILCS 5/3] This allegation of harm shall be used when there are conditions that create a real, significant, and imminent likelihood of harm to the child's health, well being, and/or welfare and the parent or caretaker blatantly disregarded his/her parental responsibility by failing to exercise reasonable precautionary measures to prevent or mitigate the imminent risk of moderate to severe harm.

Incidents of Maltreatment

Examples of incidents that could place the child in substantial risk of physical injury include, but are not limited to, the following:

– Choking the child (abuse);

– Smothering the child (abuse);

– Pulling the child's hair out (abuse);

– Violently pushing or shoving the child into fixed or heavy objects (abuse);

– Throwing or shaking a smaller child (abuse);

– Other violent or intimidating acts directed toward the child that cause excessive pain or fear (abuse);

– Situations that place a child at substantial risk of harm due to environmental issues in the home include but are not limited to exposure to toxic vapors resulting from flammable and/or corrosive chemicals used in the manufacture of illicit drugs in a child's home environment (neglect);

– Situations that place a child at substantial risk of harm due to the effects of being subjected to participation in or the witnessing of the physical force or restraint of another (neglect);

– Allowing or encouraging a child to be involved in a criminal activity (neglect).

Circumstances

Examples of circumstances that place the child in substantial risk of physical injury include, but are not limited to, the following:

– Domestic violence in the home when the child has been threatened and the threat is believable, as evidenced by a past history of violence or uncontrolled behavior (neglect).

– A perpetrator of child abuse who has been court ordered to remain out of the home returns home and has access to the abused child (abuse).

– Anyone living in the home has a documented history of violence toward children or has been arrested for violence to a child (abuse).

– The circumstances surrounding the death of one child provides reason to believe that another child is at real and significant risk of harm (neglect).

– Anyone in the home exposes the child to an environment that significantly affects the health and safety based on use, sale or manufacturing of illegal drugs or alcohol (neglect).

– Parent's or caregiver's mental illness and behavior poses a significant danger to the child's health and safety (neglect). To indicate an allegation based on this factor, the Investigation Specialist must rule out dependency as defined in the Juvenile Court Act as the presenting problem (abuse or neglect).

– The parent has been adjudicated unfit by a court and the parent has not completed services that would correct the conditions which led to the court finding (abuse/neglect).

– Examples of circumstances that may create real, significant, and imminent risk of moderate to severe harm include, but not limited to:

- Exposure to toxic vapors resulting from flammable and/or corrosive chemicals used in the manufacture of illicit drugs;

- The circumstances surrounding the death of a child providing reason to believe that a sibling or other child is in real, significant imminent risk of moderate to severe harm;

- Exposing a child to an environment that significantly affects the health and safety of the child, based on the sale or manufacturer of illegal drugs;

- A court has adjudicated a parent as unfit and the parent has not completed services that would correct the conditions or behavior leading to the court finding;

- Domestic Violence: An incident of past or current domestic violence may qualify for an allegation of "environmental injurious", if the domestic violence creates a real, significant, and imminent risk of moderate to severe harm to the child's health, physical well-being, or welfare, and the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate such risk of harm to the child.

- Mental Health: A parent or caregiver's mental illness and behavior may qualify for an allegation of environment injurious, if an incident or behavior that is symptomatic of the mental illness, creates a real significant, and imminent risk of moderate to severe harm to the child's health, physical well-being or welfare, and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate the risk of such harm to the child.

- Substance Abuse/Dependence: A parent or caregiver's substance abuse/dependence and behavior may qualify for an allegation of environment injurious if an incident or behavior caused by the substance abuse/dependence creates a real, significant, and imminent risk of moderate t severe harm to a child's health, physical well-being or welfare, and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or

mitigate such risk of harm to the child.

- Prior Harm to a Child: Prior harm to a child may qualify for an allegation of environment injurious on behalf of another child, if the prior incidents of harm creates a real, significant, and imminent risk of moderate to severe harm to the child's health, physical well-being or welfare and if the parent or caregiver has failed to exercise reasonable precautionary measures to prevent or mitigate such risk of harm to the child.

Factors To Be Considered

Whether there is a real and significant danger to justify taking a report is determined by the following factors. All factors need not be present to justify taking the report. One factor alone may present sufficient danger to justify taking the report. The list of factors does not constiute child abuse or neglect in every instance. All factors must be given consideration in order to identify potential aggravating, as well as mitigating, circumstances.

– The child's age;

– The child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly related to his or her ability to protect himself or herself;

– The severity of the occurrence;

– The frequency of the occurrence;

– The alleged perpetrator's physical, mental and/or emotional abilities, particularly related to his or her ability to control his or her actions;

– The dynamics of the relationship between the alleged perpetrator and the child;

– The alleged perpetrator's access to the child;

– The previous history of indicated abuse or neglect;

– The current stresses/crisis in the home;

– The presence of other supporting persons in the home.

11/61 Cuts, Bruises, Welts, Abrasions and Oral Injuries

Cut (Laceration)

A cut is an opening, incision or break in the skin made by some external agent.

Bruise

A bruise is an injury that results in bleeding under the skin, in which the skin is discolored but not broken. A bruise is also referred to as a contusion.

Welt

A welt is an elevation on the skin produced by a lash, blow, or allergic stimulus. The skin is not broken and the mark is reversible.

Abrasion

An abrasion is the scraping away of the skin.

Oral Injuries

Oral injuries are injuries to the child's mouth, including broken teeth.

Factors To Be Considered

Not every cut, bruise, welt, abrasion, or oral injury constitutes an allegation of harm. The following factors should be considered when determining whether an injury that resulted in cuts, bruises, welts, abrasions or oral injuries constitutes an allegation of abuse or neglect:

– The child's age, mobility and developmental stage. Bruises on

children younger than 6 months are suspicious due to the limited mobility often seen in children 0 to 6 months of age.

– The child's medical condition, behavioral, mental, or emotional problems, developmental disability, or physical handicap, particularly as they relate to the child's ability to seek help.

– A single incident or pattern or chronicity of similar events.

– The severity/extent of the cuts, bruises, welts, abrasions, or oral injuries (size, number, depth, extent of discoloration). Some bruises may fade quickly, such as around a young child's mouth, but still be considered serious if the type of bruise (e.g., fingerprint marks) suggest intentionality.

– The location of the cuts, bruises, welts, abrasions, or oral injuries. Accidental bruises are frequently seen over boney areas such as knees, shins, the forehead, and other exposed bony surfaces. Bruises located on padded areas such as the buttocks, cheeks, genitalia, or on relatively protected areas like the ear lobes, neck or upper lip, or on soft areas such as the stomach are highly suspicious.

– The pattern of the injury.

– Whether the injury was caused by an instrument used on the child.

– Previous history of indicated abuse or neglect, or history of previous injuries.

If the child has been treated by a physician, verification of the injury and the likely cause, including the presence or absence of any predisposing medical conditions that may have caused or contributed to the injury, must come from the physician who treated the child. Direct admission of the alleged perpetrator.

12/62 **Human Bites**

A human bite is a bruise, cut or indentation in the skin caused by seizing, piercing, or cutting the skin with human teeth.

Previous history of indicated abuse or neglect or history of previous injuries.

13/63 Sprains/Dislocations

Sprain

A sprain is a trauma to a joint that causes pain and disability, depending upon the degree of injury to ligaments and/or surrounding muscle tissue. In a severe sprain, ligaments and/or muscle tissue may be completely torn. The signs are rapid swelling, heat and disability, often discoloration and limitation of function.

Dislocation

A dislocation is the displacement of any part, especially the temporary displacement of a bone from its normal position in a joint. Types of dislocations include complicated, compound, closed and complete.

- Complicated. A complicated dislocation is associated with other major injuries.

- Compound. A compound dislocation is one in which the joint is exposed to the external air.

- Closed. A closed dislocation is a simple dislocation.

- Complete. A complete dislocation is a dislocation that completely separates the surfaces of a joint.

The injury was inflicted or allowed to be inflicted through other than accidental means or was a result of blatant disregard of parental or caregiver responsibilities.

Verification of the injury and likely cause, including the presence or absence of any predisposing medical condition that may have caused or contributed to the injury, must come from a physician, preferably an orthopedist or radiologist.

14 **Tying/Close Confinement**

Tying/close confinement is the unreasonable restriction of a child's mobility, actions, or physical functioning by tying the child to a fixed (or heavy) object, tying limbs together or forcing the child to remain in a closely confined area that restricts physical movement. Examples include, but are not limited to:

– Locking a child in a closet or small room;

– Tying one or more limbs to a bed, chair, or other object, except as authorized by a licensed physician;

– Tying a child's hand behind his or her back;

– Putting a child in a cage;

– Locking or blocking exits with the intention of preventing the child's ability to escape in case of an emergency.

15/65 **Substance Misuse**

Option A

The consumption of a mood altering chemical capable of intoxication to the extent that it harmfully affects the child's health, behavior, motor coordination, judgment, or intellectual capability. Mood altering chemicals include cannabis (marijuana), hallucinogens, stimulants (including cocaine and methamphetamine), sedatives (including alcohol and Valium), narcotics, or inhalants (abuse/neglect). Abuse occurs if the parent provides the substance to the child. Neglect occurs if the parent allows the use or fails to protect the child from consumption.

Option B

A diagnosis of fetal alcohol syndrome or drug withdrawal at birth caused by the mother's addiction to drugs is included in this definition and is considered child neglect (neglect).

Option C

Any amount of a controlled substance or a metabolite thereof that is found in the blood, urine or meconium (newborn's first stool) of a newborn infant. A controlled substance is defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102] (neglect). The presence of such substances shall not be considered as child neglect if the presence is due to medical treatment of the mother or infant.

NOTE: Methadone withdrawal or other withdrawal verified as under the auspices of a drug treatment program is not included under drug withdrawal at birth.

Examples

– Giving a minor (unless prescribed by a physician) any amount of heroin, cocaine, morphine, peyote, LSD, PCP, pentazocine, or methaqualone or encouraging, insisting, or permitting a minor's consumption of the above substances.

– Giving any mood altering substance, including alcohol or sedatives, unless prescribed by a physician, to an infant or toddler.

– Encouraging, insisting or permitting any minor to become intoxicated by alcohol, drugs, or another mood altering substance even if on an infrequent basis.

Parents supervising children permitted to drink a small amount of alcohol as part of a religious or family celebration should not be considered abusive/neglectful.

Factors To Be Considered

– Age of the child;

– Frequency of substance misuse;.

– Amount of substance consumption;

– Whether the substance is illegal for general population use;

– Degree of behavioral dysfunction, or physical impairment linked to substance misuse;

– The child's culture, particularly as it relates to use of alcohol in religious ceremonies or on special occasions;

– Whether the parent or caregiver's attempts to control an older child's substance misuse or to seek help for the child's substance misuse were reasonable under the circumstances;

– Whether the parent or caregiver knew or should have known of the child's substance misuse.

16 **Torture**

Torture means inflicting, or subjecting the child to, intense physical and/or mental pain, suffering or agony that can be a one time incident or is severe, repetitive, increased or prolonged. This definition includes genital mutilation.

17/67 **Mental and Emotional Impairment**

Mental and emotional impairment means injury to the intellectual, emotional or psychological development of a child as evidenced by observable and substantial impairment in the child's ability to function within a normal range of performance and behavior, with due regard to his or her culture.

Verification that a child has been mentally injured must come from a medical doctor, psychiatrist, registered psychologist, certified social worker, registered nurse or a therapist or counselor of a community mental health agency or a licensed therapist in private practice.

18 **Sexually Transmitted Diseases**

A sexually transmitted disease is a disease that was acquired originally as a result of sexual penetration or sexual conduct with an individual who is afflicted with the disease. The diseases may include, but are not limited to:

– Acquired Immune Deficiency Syndrome (AIDS)

– AIDS Related Complex (ARC)

– Chancroid

– Chlamydia Trachomatis

– Genital Herpes

– Genital Warts

– Gonorrhea

– Granuloma Inquinale

– HIV Infection

– Lymphogranuloma Venereum

– Neisseria Gonorrhea

– Proctitis

– Syphilis

– Trichomonas Vaginalis (Symptomatic)

Sexual penetration is defined in the Illinois Criminal Sexual Assault Act as "any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person,

including but not limited to cunnilingus, fellatio or anal penetration."

Sexual conduct is defined in the Act as "any intentional or knowing touching or fondling of the victim or the perpetrator, either directly or through clothing of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child…for the purpose of sexual gratification or arousal of the victim or the accused."

Verification of sexually transmitted diseases must come from a medical source.

19 Sexual Penetration

Sexual penetration is any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or any animal or object into the sex organ or anus of another person. This includes acts commonly known as oral sex (cunnilingus, fellatio), anal penetration, coition, coitus, and copulation.

In order to indicate this allegation, benign touching for the purpose of rendering normal, routine and reasonable care must be ruled out.

20 Sexual Exploitation

Sexual exploitation is the use of a child for sexual arousal, gratification, advantage, or profit. This includes but is not limited to:

– Indecent solicitation of a child/explicit verbal enticement;

– Child pornography;

– Intentionally exposing a child to sexually explicit material in any form;

– Exposing sexual organs to a child for the purpose of sexual arousal or gratification;

– Forcing the child to watch sexual acts;

– Self-masturbation in the child's presence;

– Other behavior by an eligible perpetrator that, when considered in the context of the circumstances, would lead a reasonable person to conclude that sexual exploitation of a child has occurred.

NOTE: Sexual penetration and molestation are excluded from this allegation. They are listed as separate allegations.

21 Sexual Molestation

Sexual molestation is sexual conduct with a child when the contact, touching or interaction is used for arousal or gratification of sexual needs or desires. Parts of the body, as used in the examples below, refer to the parts of the body described in the definition of sexual conduct found in the Illinois Criminal Sexual Assault Act [720 ILCS 5/12-12] as quoted above under Allegation 18, Sexually Transmitted Diseases. Examples include, but are not limited to:

– Fondling;

– The alleged perpetrator inappropriately touching or pinching parts of the child's body generally associated with sexual activity;

– Encouraging, forcing, or permitting the child to touch parts of the alleged perpetrator's body normally associated with sexual activity.

22 Substantial Risk of Sexual Injury

Substantial risk of sexual injury means that the parent, caregiver, immediate family member, other person residing in the home, or the parent's paramour has created a real and significant danger of sexual abuse as explained in the following options.

Option A

An indicated, registered, or convicted sex perpetrator has significant access to children, and the extent/quality of supervision during contact is unknowr

or suspected to be deficient.

Option B

There are siblings or other children in the same household as the alleged perpetrator of a current allegation of sexual abuse. There is credible information/evidence of a current or previous incident of child sexual abuse that did not meet Department eligibility requirements for a report to be taken (e.g., an ineligible victim or the victim discloses after attaining the age of 18) and the alleged perpetrator has current access to children.

Option C

Persistent, highly sexualized behavior or knowledge in a very young child (e.g., under the age of 5 chronologically or developmentally) that is grossly age inappropriate, and there is reasonable cause to believe that the most likely manner in which this behavior or knowledge was learned is in having been sexually abused.

Reports of risk of sexual harm are not to be taken solely on the inappropriate or suggestive behavior of the alleged offender or because there is insufficient information for an allegation of specific sexual abuse.

If, during the course of the investigation, a specific allegation of harm is identified, the appropriate allegation must be added and a determination made on all the allegations. If another allegation is determined to be more appropriate, that allegation should be utilized and the substantial risk of sexual injury allegation unfounded.

Option D

A member of the household is suspected of, or known to possess or engage in, the making and/or distribution of child pornography and has significant access to the children and the extent/quality of the supervision is unknown or suspected to be deficient.

A member of the household has engaged in child pornography activities outside and/or inside the residence and has significant access to the child

and the extent/quality of the supervision is unknown or suspected to be deficient.

40/90 Human Trafficking of Children

Federal law defines severe forms of trafficking of persons as: sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. (22 USC 7102(8))

Incidents of Maltreatment

- Coerced labor exploitation (abuse);
- Domestic servitude (abuse);
- Commercial sexual exploitation (i.e., prostitution) (abuse);
- Anyone in the home exposes the child to an environment that significantly influences the child's health and safety (neglect).

Factors To Be Considered

All factors need not be present to justify taking a report. One factor alone may present sufficient danger to justify taking a report.

- The child's age.
- The child's inability to attend school on a regular basis due to actions of the perpetrator.
- A child who is a chronic runaway has been recruited, enticed, harbored and transported for the purpose of forced labor and/or commercial sexual exploitation.
- The child makes references to frequent travel to other cities.

- The child makes reference to having a pimp.

- The child makes reference to being coerced into performing illegal activities.

- The child exhibits bruises or other physical trauma, withdrawn behavior, depression or fear.

- The child lacks control over his or her identification documents.

- The child shows signs of exposure to drug manufacturing.

Additional factors that may indicate sex-related trafficking include the following:

- The child has a sudden change in attire, behavior or material possessions (e.g., expensive items).

- The child makes references to sexual situations that are beyond age-specific norms.

- The child has a "boyfriend/girlfriend" who is noticeably older (10+ years).

- The child makes references to terminology of the commercial sex industry that are beyond age-specific norms or engages in promiscuous behavior and may be labeled "fast" by peers.

74 **Inadequate Supervision**

The child has been placed in a situation or circumstances that are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate. *A child shall not be considered neglected for the sole reason tha the child's parent or other person responsible for this or her welfare has left the child in the care of an adult relative for any period of time* [325 ILCS 5/3]. Examples include, but are not limited to:

– Leaving children alone when they are too young to care for themselves.

– Leaving children alone who have a condition that requires close supervision. Such conditions may include medical conditions, behavioral, mental or emotional problems, or developmental or physical disabilities.

– Leaving children in the care of an inadequate or inappropriate caregiver.

– Being present but unable to supervise because of the caregiver's condition. (This includes (1) the parent or caregiver repeatedly uses drugs or alcohol to the extent that it has the effect of producing a substantial state of stupor, unconsciousness, intoxication or irrationality and (2) the parent or caregiver cannot adequately supervise the child because of his or her medical condition, behavioral, mental, or emotional problems, or a developmental or physical disability.)

– Leaving children unattended in a place that is unsafe for them when their maturity, physical condition, and mental abilities are considered.

Factors To Be Considered

The following factors should be considered when determining whether a child is inadequately supervised:

Child Factors

– The child's age and developmental stage, particularly related to the ability to make sound judgments in the event of an emergency.

– The child's physical condition, particularly related to the child's ability to care for or protect himself or herself. Is the child physically or mentally handicapped, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications?

– The child's mental abilities, particularly as they relate to the child's ability to comprehend the situation.

Caregiver Factors

– Presence or Accessibility of Caregiver

  • How long does it take the caregiver to reach the child?

  • Can the caregiver see and hear the child?

  • Is the caregiver accessible by telephone?

  • Has the child been given access to a phone and numbers to call in the event of an emergency?

– Caregiver's Capabilities

  • Is the caregiver mature enough to assume responsibility for the situation?

  • Does the caregiver depend on extraordinary assistance to care for self and the child, i.e., meal preparation, laundry, grocery shopping, transportation? Is the caregiver without consistent or reliable assistance?

  • Is the child assuming primary care giving duties, i.e., meal preparation, laundry, grocery shopping, transportation?

– Caregiver's Physical Condition

  • Is the caregiver physically able to care for the child? Do the caregiver's own health needs present serious obstacles to the care and well-being of the child?

– Caregiver's Cognitive and Emotional Condition

  • Is the caregiver able to make appropriate judgments on the

child's behalf?

- Do the caregiver's own health needs present serious obstacles to the care and well-being of the child?

Incident Factors

– What is the frequency of occurrence?

– What is the duration of the occurrence (as related to the "child factors" above)?

– What is the time of the day or night when the incident occurs?

What is the condition and location of the place where the minor was left without supervision?

– What were the weather conditions, including whether the minor was left in a location with adequate protection from the natural elements such as adequate heat or light?

– Were there other supporting persons who are overseeing the child? Was the child given a phone number of a person or location to call in the event of an emergency, and whether the child was capable of making an emergency call?

– Was there food and other provisions left for the child?

– Are there other factors that may endanger the health and safety of the child?

75 Abandonment/Desertion

Abandonment

Abandonment is parental/legal guardian conduct that demonstrates the purpose of relinquishing all parental/legal rights and claims to the child. Abandonment is also defined as any parental or caregiver conduct that evinces a settled purpose to forego all parental/legal claims to the child.

Desertion

Desertion is any conduct on the part of a parent or legal guardian that indicates that the parent or legal guardian has no intention, now or in the future, to maintain any degree of interest, concern or responsibility for the child. Desertion includes leaving a child with no apparent intention to return unless the child has been left in the care of a relative.

Examples

– Leave a baby on a doorstep;

– Leave a baby in a garbage can;

– Leave a child with no apparent intention to return;

– Leave a child with an appropriate caregiver without a proper plan of care.

76 **Inadequate Food**

Inadequate food means that there is a lack of food adequate to sustain normal functioning. It is not as severe as malnutrition or failure to thrive, both of which require a medical diagnosis.

Examples

– The child frequently and repeatedly misses meals or is frequently and repeatedly fed insufficient amounts of food;

– The child frequently and repeatedly asks neighbors for food and other information substantiates that the child is not being fed;

– The child is frequently and repeatedly fed unwholesome foods when his or her age, developmental stage and physical condition are considered.

Factors To Be Considered

Child Factors

– The child's age;

– The child's developmental stage;

– The child's physical condition, particularly related to the need for a special diet;

– The child's mental abilities, particularly related to his or her ability to obtain and prepare his or her own food.

Incident Factors

– The frequency of the occurrence;

– The duration of the occurrence;.

– The pattern or chronicity of occurrence;

– Previous history of occurrences;

– The availability of adequate food.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

77 **Inadequate Shelter**

Inadequate shelter means there is a lack of shelter that is safe and that protects the children from the elements.

Examples

– No housing or shelter;

– Condemned housing;

– Housing with exposed, frayed wiring;

– Housing with structural defects that endanger the health or safety of a child;

– Housing with indoor temperatures consistently below 50ºF;

– Housing with broken windows in sub-zero weather;

– Housing that is an obvious fire hazard to a reasonable person;

– Housing with an unsafe heat source that poses a fire hazard or threat of asphyxiation.

Factors To Be Considered

Child Factors

– The child's age;

– The child's developmental stage;

– The child's physical condition, particularly when it may be aggravated by the inadequate shelter;

– The child's mental abilities, particularly related to the child's ability to comprehend the dangers posed by the inadequate shelter.

Shelter Factors

– Seriousness of the problem;

– Frequency of the problem;

– Duration of the problem;

– Pattern or chronicity of the problem;

– Previous history of shelter-related problems.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

78 Inadequate Clothing

Inadequate clothing means a lack of appropriate clothing to protect the child from the elements.

Factors To Be Considered

Child Factors

– The child's age;

– The child's developmental stage;

– The child's physical condition, particularly related to conditions that may be aggravated by exposure to the elements;

– The child's mental abilities, particularly related to his or her ability to obtain appropriate clothing.

Incident Factors

– Frequency of the incident;

– Duration of the incident;

– Chronicity or pattern of similar incidents;

- Weather conditions such as extreme heat or extreme cold.

Investigative decisions must never be influenced in any way by the family's economic status. The fact that a family is poor should play no part in the decision to indicate or unfound the report. In order to indicate a report for this allegation, the investigator must determine that the allegation is due to some reason other than financial circumstances alone.

79 Medical Neglect

Medical or Dental Treatment

Lack of medical or dental treatment for a health problem or condition that, if untreated or not treated as prescribed, could become severe enough to constitute serious or long-term harm to the child; lack of follow-through on a reasonable prescribed medical or dental treatment plan for a condition that could become serious enough to constitute serious or long-term harm to the child if the treatment or treatment plan goes unimplemented.

Treatment is the administration of a remedy to cure a health condition.

Management is the practice of providing care of a chronic medical condition.

Lack of medical or dental management for a health problem or condition that, if unmanaged or not managed as prescribed, could become severe enough to constitute serious or long-term harm to the child.

Lack of proper or necessary health care recognized under State law as necessary for the child's well-being.

Proper and necessary preventive health care to include preventive health care, such as HIV and newborn screening tests that place children at serious risk of illness due to lack of early detection and treatment.

Health care professionals include physicians, nurse practitioners, nurses, dentists, physical therapists, infant development specialists and nutritionists.

Factors To Be Considered

– The child's age, particularly as it relates to the child's ability to obtain and implement a treatment/management plan;

– The child's developmental stage;

– The child's physical condition;

– The seriousness of the current health problem;

– The probable outcome if the current health problem is not treated and the seriousness of that outcome;

– The generally accepted health benefits of the prescribed treatment;

– The generally recognized side effects/harms associated with the prescribed treatment;

– Whether the parent has been informed about the availability of preventive health care services and how services can be obtained.

It must be verified that the child has/had an untreated health problem, or that a prescribed treatment plan was implemented. The verification must come from a physician, registered nurse, dentist, or by a direct admission from the alleged perpetrator. It must further be verified by a physician, registered nurse or dentist that the problem or condition, if untreated, could result in serious or long-term harm to the child.

81 Failure to Thrive (Non-Organic)

Failure to thrive is a serious medical condition most often seen in children under one year of age. The child's weight, height and motor development fall significantly short of the average growth rates of normal children (i.e., below the fifth percentile). In a small percentage

of these cases, there is an organic cause such as a serious kidney, heart or intestinal disease, a genetic error of metabolism or brain damage. Usually in non-organic failure to thrive cases there is a disturbed parent/child relationship that manifests itself as physical and emotional neglect of the child. Diseases that may prevent growth and psychosocial reasons that cause growth failure are not mutually exclusive. They are often found together. Non-organic failure to thrive requires a medical diagnosis before it may be indicated.

Verification of failure to thrive must come from a physician who has the relevant information to make a diagnosis.

Factors That Must Be Present

– The infant or child's weight and head circumference do not match standard growth charts. The person's weight falls lower than 3rd percentile (as outlined in standard growth charts) or 20% below the ideal weight for his or her height.

– There is emotional deprivation as a result of parental withdrawal, rejection or hostility.

– The physician has made a diagnosis of failure to thrive after eliminating medical causes such as Down syndrome and Turner syndrome or diseases involving major organs (e.g., heart, kidney, intestinal).

82 **Environmental Neglect**

The child's person, clothing, or living conditions are unsanitary to the point that the child's health may be impaired. This may include infestations of rodents, spiders, insects, snakes, etc., human or animal feces, rotten or spoiled food or rotten or spoiled garbage that the child can reach.

Factors To Be Considered

Special attention should be paid to the child's physical condition and the living conditions in the home in order to determine whether the report

constitutes an allegation of harm. In addition, the following factors should be considered.

Child Factors

– The child's age (children aged 6 and under are more likely to be harmed);

– The child's developmental stage;

– The child's physical condition;

– The child's mental abilities.

Incident Factors

– The severity of the conditions;

– The frequency of the conditions;

– The duration of the conditions;

– The chronicity or pattern of similar conditions.

83 Malnutrition (Non-Organic)

Malnutrition is the lack of necessary or proper food substances in the body caused by inadequate food, lack of food, or insufficient amounts of vitamin or minerals. This is also known as marasmus or kwashiorkor.) Non-organic malnutrition requires a medical diagnosis before it may be indicated. There are various physical signs of malnutrition:

– A decrease in lean body mass or fat; very prominent ribs; the child may often be referred to as skin and bones;

– Hair is often sparse, thin, dry, and is easily pulled out or falls out spontaneously;

– The child is often pale and suffers from anemia;

– Excessive perspiration, especially about the head;

– The face appears lined and aged, often with a pinched and sharp appearance;

– The skin has an old, wrinkled look with poor turgor and typically; skin folds hang loose on the inner thigh and buttock;

– The abdomen is often protuberant;

– There are abnormal pulses, blood pressure, stool patterns, intercurrent infections, abnormal sleep patterns and a decreased level of physical and mental activity.

Verification of malnutrition must come from a physician.

84 Lock-Out

The parent or caregiver has denied the child access to the home and has refused or failed to make provisions for another living arrangement for the child.

85 Medical Neglect of Disabled Infants

Medical neglect of a disabled infant is the withholding of appropriate nutrition, hydration, medication or other medically indicated treatment from a disabled infant with a life-threatening condition. Medically indicated treatment includes medical care that is most likely to relieve or correct all life-threatening conditions and evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions. Nutrition, hydration and medication, as appropriate for the infant's needs, are medically indicated for all disabled infants. Other types of treatment are not medically indicated when:

– The infant is chronically and irreversibly comatose;

– The provision of the treatment would be futile and would merely prolong dying;

– The provision of the treatment would be virtually futile and the treatment itself would be inhumane under the circumstances.

In determining whether treatment will be medically indicated, reasonable medical judgments, such as those made by a prudent physician knowledgeable about the case and its treatment possibilities, will be respected. However, opinions about the infant's future "quality of life" are not to bear on whether a treatment is judged to be medically indicated.

Factors To Be Considered

– The infant's physical condition;

– The seriousness of the current health problem;

– The probable medical outcome if the current health problem is not treated and the seriousness of that outcome;

– The generally accepted medical benefits of the prescribed treatment;

– The generally recognized side effects associated with the prescribed treatment;

– The opinions of the Infant Care Review Committee (ICRC), if the hospital has an ICRC;

– The judgment of the Perinatal Coordinator regarding whether treatment is medically indicated and whether there is credible evidence of medical neglect;

– The parent's knowledge and understanding of the treatment and the probable medical outcome.

Verification that treatment was medically indicated must come from a physician and may come from experts in the field of neonatal pediatrics.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENT

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1100, effective January 1, 2014, for a maximum of 150 days)

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)

Section Numbers:	Emergency Action:
120.10	Amend
120.32	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) Effective Date: January 1, 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: December 23, 2013

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 as necessary for the public interest, safety, and welfare.

10) Complete Description of the Subjects and Issues Involved: Eliminates spenddown for persons eligible for medical assistance under 120.10(c) and 120.32, establishes spenddown requirements for pregnant women and children under 120.10(e), and establishes guidelines for long term care eligibility for cases under 120.64.

11) Are there any other rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
120.324	Amend	37 Ill. Reg. 12302; August 1, 2013
120.10	Amend	37 Ill. Reg. 17272; November 8, 2013
120.11	Amend	37 Ill. Reg. 17272; November 8, 2013
120.12	Amend	37 Ill. Reg. 17272; November 8, 2013
120.14	Amend	37 Ill. Reg. 17272; November 8, 2013
120.32	Amend	37 Ill. Reg. 17272; November 8, 2013
120.64	Amend	37 Ill. Reg. 17272; November 8, 2013

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

12) Statement of Statewide Policy Objectives: This emergency rulemaking neither creates nor expands any State mandate affecting units of local government.

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

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

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

The full text of the Emergency 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 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.14 Presumptive Eligibility for Children
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 FamilyCare Assist
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)
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings (Repealed)
120.64 MANG(P) Cases

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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)
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
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
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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
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.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective 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, l983; amended at 7 Ill. Reg. 8264, effective July 5, l983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days;

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

amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13621, effective September 28, 2004; amended at 28 Ill. Reg. 13760, effective October 1, 2004; amended at 28 Ill. Reg. 14541, effective November 1, 2004; amended at 29 Ill. Reg. 820, effective January 1, 2005; amended at 29 Ill. Reg. 10195, effective June 30, 2005; amended at 29 Ill. Reg. 14939, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 521, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10314, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 15029, effective September 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 2629, effective January 28, 2007; emergency amendment at 31 Ill. Reg. 7323, effective May 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11667, effective August 1, 2007; amended at 31 Ill. Reg. 12756, effective August 27, 2007; emergency amendment at 31 Ill. Reg. 15854, effective November 7, 2007, for a maximum of 150 days; emergency rule suspended at 31 Ill. Reg. 16060, effective November 13, 2007; emergency rule repealed, effective May 10, 2008; peremptory amendment at 32 Ill. Reg. 7212, effective April 21, 2008; peremptory amendment suspended at 32 Ill. Reg. 8450, effective May 20, 2008; peremptory amendment repealed under Section 5-125 of the Illinois Administrative Procedure Act, effective November 16, 2008; amended at 32 Ill. Reg. 17428, effective November 1, 2008; peremptory amendment at 32 Ill. Reg. 18889, effective November 18, 2008; peremptory amendment suspended at 32 Ill. Reg. 18906, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 6551, effective April 28, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 6712, effective April 28, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 1681, effective February 1, 2009; amended at 33 Ill. Reg. 2289, effective March 1, 2009; emergency amendment at 33 Ill. Reg. 5802, effective April 2, 2009, for a maximum of 150 days; emergency expired August 29, 2009; emergency amendment at 33 Ill. Reg. 10785, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 12703, effective September 7, 2009; amended at 33 Ill. Reg. 15707, effective November 2, 2009; amended at 33 Ill. Reg. 17070, effective December 2, 2009; amended at 34 Ill. Reg. 889, effective December

30, 2009; emergency rulemaking at 34 Ill. Reg. 13538, effective September 1, 2010, for a 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 at 38 Ill. Reg. 1139, effective January 1, 2014, for a maximum of 150 days.

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 of this Part, unless otherwise specified. Financial eligibility for medical assistance for persons receiving long-term care services, as defined in Section 120.61(a) of this Part, 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 TANF (Temporary Assistance for Needy Families) MANG, a person's countable income includes the person's nonexempt income and the nonexempt income 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. For applications received on or after October 1, 2013, eligibility under this subsection (c) of this Section shall be determined as set forth in Section 120.64. Notwithstanding any other provision of this Title 89, effective January 1, 2014, a person may not spend down to become eligible under this Section.

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 ~~For TANF MANG, if a person's~~ countable nonexempt income is greater than the applicable MANG standard, a child or pregnant 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) of this Part). 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 of this Part.

g) Newborns

1) When the Department becomes aware of the birth of a child to a recipient of a TANF or AABD grant or related medical assistance or medical assistance due to the mother's pregnancy, the child shall be deemed to have applied for medical assistance only, without written request, if the mother had been receiving TANF or AABD related medical assistance or medical assistance due to her pregnancy 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). Eligibility under this subsection (h)

of this Section 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.

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) through (g) of this Section, 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 waiver of such plan while in foster care. No coverage for medical services under this subsection (i) shall begin prior to January 1, 2014.

(Source: Emergency amendment at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days; emergency rule amended by emergency rulemaking at 38 Ill. Reg. 1139, effective January 1, 2014, for a maximum of 150 days)

Section 120.32 FamilyCare Assist

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 per cent of the Federal Poverty Income Guidelines, as published annually in the Federal Register, 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: Emergency amendment at 37 Ill. Reg. 15976, effective October 1, 2013, for a maximum of 150 days; emergency rule amended by emergency rulemaking at 38 Ill. Reg. 1139, effective January 1, 2014, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Children's Health Insurance Program

2) Code Citation: 89 Ill. Adm. Code 125

3)

Section Numbers:	Emergency Action:
125.100	Amend
125.110	Amend
125.200	Amend
125.205	Amend
125.220	Amend
125.225	Amend
125.230	Amend
125.240	Amend
125.245	Amend
125.260	Amend
125.400	Repeal
125.420	Repeal
125.430	Repeal
125.440	Repeal

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) Effective Date: January 1, 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: December 23, 2013

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 as necessary for the public interest, safety and welfare.

10) Complete Description of the Subjects and Issues Involved: This rule implements Article 7 of Public Act 98-104, which eliminates, effective January 1, 2014, the All Kids Rebate

program and establishes the Modified Adjusted Gross Income eligibility guidelines for the Children's Health Insurance Program.

11) Are there any other rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
125.100	Amend	37 Ill. Reg. 17310; November 8, 2013
125.110	Amend	37 Ill. Reg. 17310; November 8, 2013
125.200	Amend	37 Ill. Reg. 17310; November 8, 2013
125.205	Amend	37 Ill. Reg. 17310; November 8, 2013
125.220	Amend	37 Ill. Reg. 17310; November 8, 2013
125.225	Amend	37 Ill. Reg. 17310; November 8, 2013
125.230	Amend	37 Ill. Reg. 17310; November 8, 2013
125.240	Amend	37 Ill. Reg. 17310; November 8, 2013
125.245	Amend	37 Ill. Reg. 17310; November 8, 2013
125.250	Amend	37 Ill. Reg. 17310; November 8, 2013
125.260	Amend	37 Ill. Reg. 17310; November 8, 2013
125.320	Amend	37 Ill. Reg. 17310; November 8, 2013
125.330	Amend	37 Ill. Reg. 17310; November 8, 2013
125.340	Amend	37 Ill. Reg. 17310; November 8, 2013
125.400	Repeal	37 Ill. Reg. 17310; November 8, 2013
125.420	Repeal	37 Ill. Reg. 17310; November 8, 2013
125.430	Repeal	37 Ill. Reg. 17310; November 8, 2013
125.440	Repeal	37 Ill. Reg. 17310; November 8, 2013

12) Statement of Statewide Policy Objectives: These emergency rulemakings neither create nor expand any State mandate affecting units of local government.

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

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

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

The full text of the Emergency 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 125
CHILDREN'S HEALTH INSURANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
125.100 General Description
EMERGENCY
125.110 Definitions
EMERGENCY

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section
125.200 Eligibility for Children's Health Insurance Program
125.205 Eligibility Exclusions and Terminations
EMERGENCY
125.220 Application Process
EMERGENCY
125.225 Presumptive Eligibility for Children
EMERGENCY
125.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI)
EMERGENCY
125.240 Eligibility Determination and Enrollment Process
EMERGENCY
125.245 Appeals
EMERGENCY
125.250 Annual Renewals
125.260 Adding Children to the Program and Changes in Participation
EMERGENCY
125.265 Adding Eligible Adults to the Program and Changes in Participation (Repealed)

SUBPART C: ALL KIDS HEALTH PLAN

Section
125.300 Covered Services

125.305 Service Exclusions
125.310 Copayments
125.320 Premium Requirements
125.330 Non-payment of Premium
125.340 Provider Reimbursement

SUBPART D: ALL KIDS REBATE

Section
125.400 Minimum Coverage Requirements (Repealed)
EMERGENCY
125.420 Coverage Verification Process (Repealed)
EMERGENCY
125.430 Provision of Policyholder's Social Security Number (Repealed)
EMERGENCY
125.440 All Kids Rebate (Repealed)
EMERGENCY
125.445 Rebate Overpayments

AUTHORITY: Implementing and authorized by the Children's Health Insurance Program Act [215 ILCS 106] and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 15706, effective August 12, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 543, effective December 24, 1998; emergency amendment at 24 Ill. Reg. 4217, effective March 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11822, effective July 28, 2000; amended at 26 Ill. Reg. 12313, effective July 26, 2002; emergency amendment at 26 Ill. Reg. 15066, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 4723, effective February 25, 2003 emergency amendment at 27 Ill. Reg. 10807, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18623, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 7163, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13632, effective September 28, 2004; emergency amendment at 30 Ill. Reg. 535, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 10328, effective May 26, 2006; emergency amendment at 36 Ill. Reg. 10298, effective July 1, 2012 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5049, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10253, effective June 27, 2013; emergency amendment at 37 Ill. Reg. 15997, effective October 1, 2013, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 125.100 General Description
EMERGENCY

This Part implements the Children's Health Insurance Program Act [215 ILCS 106] ~~that authorizes the Department to administer an insurance program to assist families in purchasing health insurance benefits~~. The Program is not an entitlement. The Program will enable eligible residents of Illinois, to the extent funding permits, access to health benefits coverage. Until 12/31/2013, the Department shall provide health benefits coverage to eligible individuals through purchasing or providing health care benefits or by subsidizing the cost of privately sponsored health insurance, including employer-based health insurance. ~~The Department shall provide health benefits coverage to eligible individuals through purchasing or providing health care benefits or by subsidizing the cost of privately sponsored health insurance, including employer-based health insurance.~~

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.110 Definitions
EMERGENCY

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

"Act" means the Children's Health Insurance Program Act [215 ILCS 106].

"All Kids Health Plan" means the health benefits coverage containing cost sharing features that is available to eligible children under the Act and includes All Kids Share (no premium required) and All Kids Premium Level 1 (premium required).

"All Kids Rebate" means the program available under the Act until December 31, 2013, for which the Department, on behalf of ~~on~~ an eligible child, made ~~makes~~ rebate payments to offset a family's cost of insuring that child under privately sponsored or employer-based health insurance.

"Caretaker Relative" means a relative as specified in this definition, with whom the child lives, who is providing care, supervision and a home for the child. Caretaker relatives include:

Blood or adoptive relatives within the fifth degree of kinship:

father and mother

brother and sister

grandmother and grandfather (including up to great-great-great)

uncle and aunt (including up to great-great)

nephew and niece (including up to great-great)

first cousin

first cousin once removed (child of first cousin)

second cousin (child of great-aunt/uncle)

Step relatives:

step-father and step-mother

step-brother and step-sister

A person who is or has been married to one of the above relatives.

"Department" means the Department of Healthcare and Family Services and any successor agencies.

"Eligible Adult" means an individual 19 years of age or older who is a parent or other caretaker relative and that individual's spouse if they reside together.

"Family" means the child applying for the Program and the following individuals who live with the child:

The child's parents

The spouse of the child's parent

Children under 19 years of age of the parents or the parent's spouse

The spouse of the child

The children of the child

If any of the above is pregnant, the unborn children.

"FamilyCare Premium" means coverage of parents and caretaker relatives in families with income above 150 percent of the Federal Poverty Level. The FamilyCare Premium program ceased effective June 30, 2012, but unpaid premiums may be relevant to children's eligibility under this Part.

~~"FamilyCare Rebate" means the program under which the Department, on behalf of an eligible adult, made rebate payments to offset a family's cost of insuring an individual under privately sponsored or employer-based health insurance. The FamilyCare Rebate program ceased effective June 30, 2012, but unreturned overpayments may be relevant to children's eligibility under this Part.~~

"Federal Poverty Level" means the federal poverty income guidelines as established by the federal Department of Health and Human Services and published in the Federal Register.

"MAGI Methodology" means the method of determining income eligibility using Modified Adjusted Gross Income established at section 2102(b)(1)(v) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(v)) and federal regulations at 42 CFR 457.315.

"Medical Assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Program" means the program created under the Children's Health Insurance Program Act and this Part.

~~"Rebate" means the payment made by the Department under All Kids Rebate.~~

"REV" means the Recipient Eligibility Verification system through which medical providers can obtain eligibility and claim status information electronically.

~~"Significant Health Insurance" means coverage that includes physician services and inpatient hospital services that would qualify for coverage under All Kids Rebate.~~

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

SUBPART B: GENERAL ELIGIBILITY AND ENROLLMENT

Section 125.200 Eligibility for Children's Health Insurance Program
EMERGENCY

Effective July 1, 2012, a child may be eligible under the Program provided that all of the following eligibility criteria are met:

a) The child is not eligible for Medical Assistance, including 89 Ill. Adm. Code 120.

b) The child is under 19 years of age.

c) ~~Countable Income~~A child is a member of a family whose monthly countable income is above 133 percent of the Federal Poverty Level and at or below 200 percent of the Federal Poverty Level as determined using the MAGI methodology.

d) The individual is a resident of the State of Illinois.

e) The individual is either a United States citizen or included in one of the following categories of non-citizens:

1) United States veterans honorably discharged or individuals on active military duty, or the spouse or unmarried dependent children of such persons.

2) Refugees under section 207 of the Immigration and Nationality Act (8 USC 1157).

3) Asylees under section 208 of the Immigration and Nationality Act.

4) Individuals for whom deportation has been withheld under section 243(h) of the Immigration and Nationality Act.

5) Individuals granted conditional entry under section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980.

6) Individuals lawfully admitted for permanent residence under the Immigration and Nationality Act.

7) Parolees, for at least one year, under section 212(d)(5) of the Immigration and Nationality Act.

8) Nationals of Cuba or Haiti.

9) Individuals identified by the Federal Office of Refugee Resettlement (ORR) as victims of trafficking.

10) Amerasians from Vietnam.

11) Members of the Hmong or Highland Laotian tribe when the tribe helped United States personnel by taking part in military or rescue operations.

12) American Indians born in Canada.

13) Individuals who are a spouse, widow or child of a United States citizen or a spouse or a child or a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the United States citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month after assistance and whose need for assistance is due, at least in part, to the abuse.

f) The individual's Social Security Number (SSN) is provided to the Department or, if it has not been issued or is not known, proof that application has been made for an SSN is provided.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.205 Eligibility Exclusions and Terminations
EMERGENCY

a) An individual shall not be determined eligible for coverage under the Program if:

1) The individual is an inmate of a public institution.

2) The individual is a patient in an institution for mental diseases.

3) The individual is a member of a family that is eligible for health benefits coverage under a State of Illinois health benefits plan on the basis of a member's employment with a public agency.

4) The individual is in categories described in Section 125.200(e)(6) or (e)(7), and the individual entered the United States on or after August 22, 1996; he or she shall not be eligible for five years beginning on the date the individual entered the United States.

~~b) An individual with significant health insurance can choose between All Kids Health Plan and All Kids Rebate.~~

b~~e~~) Effective July 1, 2012, termination of an individual's coverage under the Program shall be initiated upon the occurrence of any of the following events:

1) A child becomes ineligible due to:

A) Losing his or her Illinois residency.

B) Attaining 19 years of age.

C) Becoming enrolled in Medical Assistance.

D) Meeting the provisions of subsection (a)(1) or (a)(3) of this Section.

2) Other Events~~A child becomes ineligible due to~~:

A) The required premiums under the All Kids Health Plan are not paid, as specified in Sections 125.320 and 125.330.

~~B) An individual enrolled in All Kids Rebate is no longer being covered under a private or employer-based health insurance plan, except that an individual may change enrollment from All Kids Rebate to the All Kids Health Plan pursuant to Section 125.260(c).~~

B~~C~~) The individual fails to report to the Department changes in

information that impacts upon the individual's eligibility for the Program.

C~~D~~) The individual makes a request to the Department to terminate the coverage.

D~~E~~) The Department determines that the individual is no longer eligible based on any other applicable State or federal law or regulation.

E~~F~~) The Department determines that the individual failed to provide eligibility information that was truthful and accurate to the best of the applicant's knowledge and belief and that affected the eligibility determination.

F~~G~~) There has been a Rebate overpayment and it has not been repaid to the Department according to terms established by the Department, which may include recoupment out of future Rebate payments or a payment plan.

G~~H~~) The Department determines that the individual's eligibility was incorrectly determined.

H~~I~~) The application was approved pending receipt of the individual's Social Security Number and it is not provided later when requested.

c~~d~~) Following termination of an individual's coverage under the Program, the following action is required before the individual can be re-enrolled:

1) A new application must be completed and the individual must be determined otherwise eligible;

2) There must be full payment of premiums under the All Kids Health Plan, for periods in which a premium was owed and not paid for the individual, including premiums owed when the individual was, for purposes of this Part, a member of another family;

3) Any overpayment of Rebates paid on behalf of the individual must be repaid to the Department~~. A Rebate overpayment shall be considered repaid if the Department can recoup the overpayment out of future Rebate~~

~~payments~~;

4) If the termination was the result of non-payment of premiums, the individual must be out of the Program for three months before re-enrollment; and

5) The first month's premium must be paid if the individual is eligible for All Kids Premium Level 1 ~~and the individual's family chose to have coverage under subsection (g) of this Section when the individual was initially enrolled in the Program or~~ if there was an unpaid overdue premium on the date the individual's previous case was canceled.

d~~e~~) An application will be denied if any of the adults in the family was responsible as a caretaker relative or was enrolled in FamilyCare Premium during a period for which a premium under the Program was due to the Department and the premium remains unpaid at the time of application. Such an application shall be denied regardless of whether the individual for whom the premium remains unpaid is included in the application.

e~~f~~) An application will be denied if any of the eligible adults in the family was enrolled in FamilyCare Rebate or was a caretaker relative of a child during a period for which a Rebate overpayment was received or was the payee of a Rebate overpayment and the overpayment has not been repaid to the Department. Such an application shall be denied regardless of whether the individual for whom the Rebate overpayment remains unpaid is included in the application.

f~~g~~) A certificate of prior creditable coverage will be issued when the individual's coverage is terminated under the All Kids Health Plan.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.220 Application Process
EMERGENCY

a) Families will be able to apply for the Program using any of the following methods:

1) Submit the Department's application to an address specified by the Department.

2) Apply at a Department of Human Services (DHS) local office.

3) Apply through an All Kids Application Agent that has an agreement in place with the Department.

4) Apply online at www.allkids.com.

5) Additional methods that the Department establishes.

b) The application will meet all requirements found at 89 Ill. Adm. Code 110.10.

c) Families are obligated to provide truthful and accurate information for determining eligibility and to report promptly to the Department any change in non-financial information provided on the application or financial information for eligible adults.

d) The Department may cease accepting or processing applications if enrollment in the Program is closed due to limited appropriations.

e) The Department shall send a notification of its determination within 45 calendar days after the date the application was received.

f) The 45 calendar days may be extended when a decision cannot be reached because:

1) information necessary for a determination is available only from a third party and the party fails to respond or delays his or her response to the request for such information, or

2) additional information is needed from the applicant.

g) Notwithstanding any other provision of this Part, no application for All Kids Rebate shall be accepted after September 30, 2013.

h) The application review process shall comply with 89 Ill. Adm. Code 110.20 and 110.40.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 15997, effective October 1, 2013, for a maximum of 150 days; emergency rule amended by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.225 Presumptive Eligibility for Children
EMERGENCY

a) A child younger than 19 years of age may be presumed eligible for an All Kids Health Plan under this Part if all of the following apply:

1) an application for medical benefits has been made on behalf of the child;

2) the child is a resident of Illinois;

3) the child is not an inmate of a public institution as described in Section 125.205(a)(1);

4) the child is a member of a family whose monthly countable income, as stated on the application, is above 133 percent of the Federal Poverty Level and at or below 200 percent of the Federal Poverty Level as determined using the MAGI methodology;

5) the State employee who registers the application has no information that the child is not a U.S. citizen or a qualified non-citizen as described in 89 Ill. Adm. Code 125.200(e) or 89 Ill. Adm. Code 118.500; and

6) the child has not been presumed eligible under this Part 125 or 89 Ill. Adm. Code 118 or 120 within the past 12 months.

b) Entities qualified to make a determination of presumptive eligibility include State employees involved in enrolling children in programs under this Part 125 or 89 Ill. Adm. Code 118 or 120.

c) The presumptive eligibility period begins on the date of application.

d) The presumptive eligibility period ends on the date the State's determination of the child's eligibility under this Part 125 or 89 Ill. Adm. Code 118 or 120 is updated in the data system.

e) No copayment or premium requirements apply during the period of presumptive eligibility.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.230 Determination of Financial Eligibility Using Modified Adjusted Gross Income (MAGI)
EMERGENCY

For applications received on or after October 1, 2013, the determination of eligibility ~~and the definition of household~~ under this Part shall comply with the Modified Adjusted Gross Income (MAGI) methodology ~~established at section 2102(b)(1)(v) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(v)) and federal regulations established at 42 CFR 457.315~~.

(Source: Amended by emergency rulemaking at 37 Ill. Reg. 15997, effective October 1, 2013, for a maximum of 150 days; emergency rule amended by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.240 Eligibility Determination and Enrollment Process
EMERGENCY

~~a) If the monthly countable income is at or below 133 percent of the Federal Poverty Level for the number of individuals in the family, the individual will be enrolled in Medical Assistance, if otherwise determined eligible pursuant to 89 Ill. Adm. Code 120, Subpart H.~~

a~~b~~) Effective October 1, 2013~~July 1, 2012~~, for new applicants if the monthly countable income is above 133 percent and at or below 200 percent of the Federal Poverty Level for a child for the number of individuals in the family, and all other eligibility requirements of this Part are met and enrollment is open, the individual will be enrolled in the Program.

b~~c~~) Effective October 1, 2013~~July 1, 2012~~, for new applicants, for purposes of cost sharing, children in the All Kids Health Plan will be enrolled into either All Kids Share or All Kids Premium as follows:

1) If monthly countable income is above 133 percent and at or below 150 percent of the Federal Poverty Level, as determined using MAGI methodology ~~for the number of individuals in the family~~, the individual

will be enrolled in All Kids Share.

2) If monthly countable income is above 150 percent and at or below 200 percent of the Federal Poverty Level, as determined using MAGI methodology ~~for the number of individuals in the family~~, a child will be enrolled in All Kids Premium Level 1.

c~~d~~) Applicants will be notified, in writing, regarding the outcome of their eligibility determination.

d~~e~~) Eligibility determinations for the Program made by the 15th day of the month will be effective the first day of the following month. Eligibility determinations for the Program made after the 15th day of the month will be effective no later than the first day of the second month following that determination. The duration of eligibility for the Program for children will be 12 months unless one of the events described in Section 125.205(c)(1) or (c)(3) occurs. The 12 months of eligibility will commence when the first child in a case ~~family~~ is covered under the Program. Children added to the Program after the eligibility period begins will be eligible for the balance of the 12-month eligibility period.

e~~f~~) Individuals determined to be eligible for the All Kids Health Plan may obtain coverage for a period prior to the date of application for the Program. This coverage shall be subject to the following:

1) The family must request the prior coverage for the individual within six months following the initial date of coverage under the All Kids Health Plan.

2) The prior coverage will be individual specific and will only be available the first time the individual is enrolled in the Program.

3) The prior coverage will begin with services rendered during the two weeks prior to the date the individual's application for the All Kids Health Plan was filed and will continue until the individual's coverage under the All Kids Health Plan is effective pursuant to subsection (e).

(Source: Added by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.245 Appeals

EMERGENCY

a) Any person who applies for or receives assistance under the Program shall have the right to appeal any of the following actions:

1) Refusal to accept an application.

2) Denial of an application or cancellation at the annual renewal, including denial based on failure to meet one or more of the eligibility requirements specified in this Part. If the denial or cancellation is not upheld on appeal, coverage under the Program shall be retroactive to the date the coverage would have commenced had the application or annual determination been approved. However, if the individual is eligible for All Kids Premium Level 1, it will be at the family's option whether coverage following a successful appeal shall be prospective only for the remainder of the 12-month period following application or retroactive to the date the coverage would have commenced had the application been approved. All premium and copayment requirements shall apply to the retroactive period.

3) Termination of coverage based on failure to continue to meet one or more of the eligibility requirements specified in this Part. If the termination is not upheld on appeal and benefits were not continued during the appeal, coverage under the Program shall be reinstated retroactive to the termination date. However, if an individual is eligible for All Kids Premium Level 1, it will be at the family's option whether coverage following a successful appeal shall be prospective only for the remainder of the 12-month period following application or retroactive to the date of termination. All premium and copayment requirements shall apply to any retroactive period.

4) Determination of the amount of the premium~~, Rebate,~~ or copayments required. Coverage, ~~Rebate amount~~ and any premium or copayment requirements, as determined by the Department, shall remain in force during the appeal process.

b) In addition to the actions that are appealable under subsection (a) of this Section, individuals covered under the All Kids Health Plan shall have the right to appeal any of the following actions:

1) Termination of coverage due to non-payment of the required premium.

2) Denial of payment for a medical service or item that requires prior approval.

3) Decision granting prior approval for a lesser or different medical service or item than was originally requested.

c) The Department's decision to deny an application due to closing of enrollment for the Program shall not be appealable.

d) Individuals may initiate the appeal process by:

1) Filing a written, signed request for a hearing directed to the Department's Assistance Hearings Section;

2) Calling a toll free telephone number (800/435-0774, or as designated by the Department).

e) The request for a hearing may be filed by the individual affected by the action or by the individual's authorized representative.

f) For purposes of initiating the appeal process, a copy of a written, signed request for a hearing is considered the same as the original written, signed request.

g) The request for a hearing must be filed no later than 60 days after notice of the appealable action has been given.

h) If an appeal is initiated within 10 calendar days after the notice of intended Department action and the individual specifically requests that the benefits be continued, benefits shall be continued at the level in effect prior to the proposed action, pending the results of the fair hearing process. All copayment obligations, including premiums, must be met during the period.

i) The provisions of Subpart A of the Department's administrative rules at 89 Ill. Adm. Code 104, Practice in Administrative Hearings, shall govern the handling of appeals and the conduct of hearings under the Program.

j) An individual can, prior to a decision being rendered on the appeal, reapply for the Program.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.260 Adding Children to the Program and Changes in Participation EMERGENCY

a) Families may add eligible children to the Program during the 12-month eligibility period, without eligibility being reviewed by the Department. Coverage for children added shall be prospective from the effective date determined according to Section 125.240(e) and shall continue for the remainder of the family's original 12-month eligibility period and may also include any prior coverage established pursuant to Section 125.240(f).

b) Premium amounts under the All Kids Health Plan ~~and Rebates under All Kids Rebate~~ will be adjusted to reflect adding or removing a child from the Program.

~~c) A child who would otherwise be terminated from All Kids Rebate because of losing private or employer-sponsored health insurance may change coverage to the All Kids Health Plan without eligibility being reviewed by the Department if there is no unpaid Rebate overpayment. Coverage under the All Kids Health Plan shall be prospective from the effective date determined according to Section 125.240(e) and shall continue for the remainder of the existing 12-month eligibility period. However, at the time of the change in coverage, a family may choose to have the All Kids Share or Premium coverage retroactive to the first day of the first month following the last month of coverage under the private or employer sponsored insurance if the family refunds within 30 days after the Department's notice that the child's coverage has been changed to All Kids Health Plan any Rebate payment received for a month in which there was no private or employer based insurance coverage, notwithstanding Section 125.445(c).~~

~~d) A child with significant health insurance may choose to change coverage from the All Kids Health Plan to All Kids Rebate without eligibility being reviewed by the Department if the family returns a Rebate form and there are no unpaid premiums owed to the Department. Coverage under All Kids Rebate shall be prospective from the effective date determined according to Section 125.240(e), following receipt by the Department of a completed Rebate Form and shall continue for the remainder of the existing 12-month eligibility period.~~

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART D: ALL KIDS REBATE

Section 125.400 Minimum Coverage Requirements (Repealed)
EMERGENCY

~~For an eligible individual to participate in All Kids Rebate, the eligible individual must be covered by an insurance plan that offers comprehensive major medical coverage providing benefits for physician services and hospital inpatient services.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.420 Coverage Verification Process (Repealed)
EMERGENCY

~~a) All applications for participation in All Kids Rebate must be accompanied by the Department's Insurance Rebate Form.~~

~~b) Verification of insurance coverage for the previous coverage period will be required at the annual renewal of All Kids Rebate.~~

~~c) The Department, or its authorized agent, may verify insurance coverage for participants under All Kids Rebate.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.430 Provision of Policyholder's Social Security Number (Repealed)
EMERGENCY

~~For an eligible individual to participate in All Kids Rebate, the policyholder's valid Social Security Number must be provided.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

Section 125.440 All Kids Rebate (Repealed)
EMERGENCY

~~a) The Rebate will be paid to the individual policyholder insuring the individual.~~

~~b) The Department will issue Rebates on a monthly basis.~~

~~c) The total dollar amount of the Rebate paid by the Department per individual per month shall be the lesser of:~~

~~1) The maximum monthly amount set by the Department calculated in accordance with the restrictions in 215 ILCS 106/25 and available appropriations, or~~

~~2) The policyholder's monthly portion of the premium paid for coverage of individuals enrolled under All Kids Rebate.~~

~~d) The Department shall set the amount of the Rebate, described in subsection (c) of this Section, prospectively.~~

~~e) To be eligible for payment, a Rebate must equal at least one dollar.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1153, effective January 1, 2014, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3)

Section Numbers:	Emergency Action:
140.2	Amend
140.3	Amend
140.6	Amend
140.441	Amend

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Article 7 of Public Act 98-104

5) Effective Date: January 1, 2014

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: None

7) Date Filed with the Index Department: December 23, 2013

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 as necessary for the public interest, safety, and welfare.

10) Complete Description of the Subjects and Issues Involved: This emergency rulemaking establishes the health benefits service package covered by the medical assistance program of the Department of Healthcare and Family Services for individuals eligible as ACA Adults as described in 305 ILCS 5/5-2(18) and under Former Foster Care as described in 305 ILCS 5/5-2(19).

11) Are there any other rulemakings pending on this Part? Yes

Section Numbers:	Proposed Action:	*Illinois Register* Citation:
140.24	Amend	37 Ill. Reg. 3362; March 22, 2013
140.28	Amend	37 Ill. Reg. 3362; March 22, 2013
140.55	Amend	37 Ill. Reg. 7078; May 24, 2013

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

140.80	Amend	37 Ill. Reg. 10941; July 19, 2013
140.462	Amend	37 Ill. Reg. 12637; August 16, 2013
140.523	Amend	37 Ill. Reg. 13998; September 6, 2013
140.12	Amend	37 Ill. Reg. 19971; December 20, 2013
140.440	Amend	37 Ill. Reg. 19971; December 20, 2013

12) Statement of Statewide Policy Objectives: This emergency rulemaking neither creates nor expands any State mandate affecting units of local government.

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

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

217/782-1233
HFS.Rulesofllinois.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 d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
140.20 Submittal of Claims
140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
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140.33 Publication of List of Sanctioned Entities
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140.40 Prior Approval for Medical Services or Items
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140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.44 Withholding of Payments Due to Fraud or Misrepresentation
140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

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Section
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140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
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140.101	Transplants (Recodified)
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140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
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140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
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AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

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effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency

amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended

at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December

29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days;

amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg.

6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013;

amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 140.2 Medical Assistance Programs
EMERGENCY

a) Under the Medical Assistance Programs, the Department pays participating providers for necessary medical services, specified in Section 140.3 through 140.7 for:

1) persons eligible for financial assistance under the Aid to the Aged, Blind or Disabled-State Supplemental Payment (AABD-SSP) and Temporary Assistance to Needy Families (TANF) programs (Medicaid-MAG);

2) persons who would be eligible for financial assistance but who have resources in excess of the Department's eligibility standards and who have incurred medical expenses greater than the difference between their income and the Department's standards (Medicaid-MANG);

3) individuals under age 18 who do not qualify for TANF/TANF-MANG and infants under age one year (see Section 140.7);

4) pregnant women who would not be eligible for TANF/TANF-MANG if the child were born and who do not qualify as mandatory categorically needy (see Section 140.9);

5) persons who are eligible for Title IV-E adoption assistance/foster care assistance from another State and who are living in Illinois;

6) noncitizens who have an emergency medical condition (see 89 Ill. Adm. Code 120.310); however, payment is not included for care and services related to an organ transplant procedure;

7) persons eligible for medical assistance under the Aid to the Aged, Blind or Disabled (AABD) program who reside in specified Supportive Living Facilities (SLFs), as described at 89 Ill. Adm. Code 146, Subpart B; and

8) persons eligible for FamilyCare as described in 89 Ill. Adm. Code 120.32.

9) beginning January 1, 2014, persons eligible as ACA Adults as described in 89 Ill. Adm. Code 120.10(h).

10) beginning January 1, 2014, persons eligible as Former Foster Care as described in 89 Ill. Adm. Code 120.10(i).

b) "Necessary medical care" is that which is generally recognized as standard medical care required because of disease, disability, infirmity or impairment.

c) The Department may impose prior approval requirements, as specified by rule, to determine whether the medical care is necessary and eligible for payment from the Department in individual situations. Such requirements shall be based on recommendations of technical and professional staff and advisory committees.

d) When recipients are entitled to Medicare benefits, the Department shall assume responsibility for their deductible and coinsurance obligations, unless the recipients have income and/or resources available to meet these needs. The total payment to a provider from both Medicare and the Department shall not exceed either the amount that Medicare determines to be a reasonable charge or the Department standard for the services provided, whichever is applicable.

e) The Department shall pay for services and items not allowed by Medicare only if they are provided in accordance with Department policy for recipients not entitled to Medicare benefits.

f) The Department may contract with qualified practitioners, hospitals and all other dispensers of medical services for the provision and reimbursement of any and all medical care or services as specified in the contract on a prepaid capitation basis (i.e., payment of a fixed amount per enrollee made in advance of the service); volume purchase basis (i.e., purchase of a volume of goods or services for a price specified in the contract); ambulatory visit basis (i.e., one comprehensive payment for each visit regardless of the services provided during that visit) or per discharge

basis (i.e., one comprehensive payment per discharge regardless of the services provided during the stay). Such contracts shall be based either on formally solicited competitive bid proposals or individually negotiated rates with providers willing to enter into special contractual arrangements with the State.

g) The Department may require that recipients of medical assistance under any of the Department's programs exercise their freedom of choice by choosing to receive medical care under the traditional fee for service system or through a prepaid capitation plan or under one of the other alternative contractual arrangements described in subsection (f) of this Section. The categories of recipients who may choose or be assigned to an alternative plan will be specified in the contract. Recipients required to make such a choice will be notified in writing by the Department. If a recipient does not choose to exercise his/her freedom of choice, the Department may assign that recipient to a prepaid plan. Under such a plan, recipients would obtain certain medical services or supplies from a single source or limited source. The Department will notify recipients in writing if they are assigned to a prepaid plan. Recipients enrolled in or assigned to a prepaid plan will receive written notification advising them of the services which they will receive from the plan. Covered services not provided by the plan will be reimbursed by the Department on a fee for service basis. Recipients will receive a medical eligibility card, which will apply to such services.

h) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization (HMO) whereby the recipient who chooses to receive medical care through an HMO must stay in the HMO for a certain period of time, not to exceed six months (the enrollment period). Upon written notice, the recipient may choose to disenroll from such an HMO at any time within the first month of each enrollment period. The Department will send the recipient a notice at least 30 days prior to the end of the enrollment period, which gives the recipient a specified period of time in which to inform the Department if the recipient does not wish to re-enroll in the HMO for a new enrollment period. The recipient may then disenroll at the end of the enrollment period only if the recipient responds to the notice and indicates in writing a choice to disenroll. Failure to respond to the notice will result in automatic re-enrollment for a new enrollment period. Recipients shall also be allowed to disenroll at any time for cause.

i) The Department may enter into contracts for the provision of medical care on a prepaid capitation basis from a Health Maintenance Organization whereby the

recipient who chooses to receive medical care through an HMO may choose to disenroll at any time, upon written notice.

j) The Department shall pay for services under the Maternal and Child Health Program, a primary health care program for pregnant women and children (see Subpart G).

k) Services covered for persons who are confined or detained as described in 89 Ill. Adm. Code 120.318(b) shall be limited as described in Section 140.10.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days)

Section 140.3 Covered Services Under Medical Assistance Programs
EMERGENCY

a) As described in this Section, medical services shall be covered for:

1) recipients of financial assistance under the AABD (Aid to the Aged, Blind or Disabled), TANF (Temporary Assistance to Needy Families), or Refugee/Entrant/Repatriate programs;

2) recipients of medical assistance only under the AABD program (AABD-MANG);

3) recipients of medical assistance only under the TANF program (TANF-MANG);

4) individuals under age 18 not eligible for TANF (see Section 140.7), pregnant women who would be eligible if the child were born and pregnant women and children under age eight who do not qualify as mandatory categorically needy (see Section 140.9);

5) disabled persons under age 21 who may qualify for Medicaid or in-home care under the Illinois Home and Community-Based Services Waiver for Medically Fragile Technology Dependent Children; and

6) Individuals 19 years of age or older eligible under the KidCare Parent Coverage Waiver as described at 89 Ill. Adm. Code 120.32 except for:

A) Services provided only through a waiver approved under section 1915(c) of the Social Security Act; and

B) Termination of pregnancy.

7) beginning January 1, 2014, ACA Adults as described in 89 Ill. Adm. Code 120.10(h). Notwithstanding any rule to the contrary in Title 89, the services that shall be covered are services for which the Department obtains federal approval and receives federal matching funds.

8) beginning January 1, 2014, Former Foster Care as described in 89 Ill. Adm. Code 120.10(i).

b) The following medical services shall be covered for recipients under age 21 who are included under subsection (a):

1) Inpatient hospital services;

2) Hospital outpatient and clinic services;

3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;

4) Encounter rate clinic visits;

5) Physician services;

6) Pharmacy services;

7) Home health agency visits;

8) Laboratory and x-ray services;

9) Group care services;

10) Family planning services and supplies;

11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;

12) Transportation to secure medical services;

13) EPSDT services pursuant to Section 140.485;

14) Dental services;

15) Chiropractic services;

16) Podiatric services;

17) Optical services and supplies;

18) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396;

19) Hospice services;

20) Nursing care pursuant to Section 140.472;

21) Nursing care for the purpose of transitioning children from a hospital to home placement or other appropriate setting pursuant to 89 Ill. Adm. Code 146, Subpart D; and

22) Telehealth services pursuant to Section 140.403.

23) Preventive services.

c) Effective July 1, 2012, the following medical services shall be covered for recipients age 21 or over who are included under subsection (a):

1) Inpatient hospital services;

2) Hospital outpatient and clinic services;

3) Hospital emergency room visits. The visit must be for the alleviation of

severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;

4) Encounter rate clinic visits;

5) Physician services;

6) Pharmacy services;

7) Home health agency visits;

8) Laboratory and x-ray services;

9) Group care services;

10) Family planning services and supplies;

11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;

12) Transportation to secure medical services;

13) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396;

14) Hospice services;

15) Dental services, pursuant to Section 140.420;

16) Podiatric services, pursuant to Section 140.425 for individuals with a diagnosis of diabetes;

17) Optical services and supplies; and

18) Telehealth services pursuant to Section 140.403.

19) Preventive services.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days)

Section 140.6 Medical Services Not Covered
EMERGENCY

The following services are not covered under the Department's medical assistance programs:

a) Services available without charge;

b) Services prohibited by State or Federal law;

c) Experimental procedures;

d) Research oriented procedures;

e) Medical examinations required for entrance into educational or vocational programs;

f) Autopsy examinations;

~~g) Preventive services, except those provided through the Medicheck program for children through age 20, and required school examinations;~~

~~h) Routine examinations;~~

g~~i~~) Artificial insemination;

h~~j~~) Abortion, except in accordance with Rule 4.03;

i~~k~~) Medical or surgical procedures performed for cosmetic purposes;

j~~l~~) Medical or surgical transsexual treatment;

k~~m~~) Diagnostic and/or therapeutic procedures related to primary infertility/sterility;

l~~n~~) Acupuncture;

m~~o~~) Subsequent treatment for venereal disease, when such services are available

through State and/or local health agencies;

n~~p~~) Medical care provided by mail or telephone;

o~~q~~) Unkept appointments;

p~~r~~) Non-medically necessary items and services provided for the convenience of recipients and/or their families;

q~~s~~) Preparation of routine records, forms and reports;

r~~t~~) Visits with persons other than a recipient, such as family members or group care facility staff.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.441 Pharmacy Services Not Covered
EMERGENCY

Items excluded from coverage include the following:

a) Drug products manufactured by drug manufacturers not meeting the rebate requirements of Section 140.440(d);

b) Anorectic drugs or combinations including such drugs;

c) Biologicals and drugs available without charge from the Illinois Department of Public Health or other agencies;

~~d) Any vaccine, drug or serum which is provided primarily for preventive purposes,e.g., influenza vaccine;~~

d~~e~~) Drugs for injection in a practitioner's office unless the cost of the drug per injection (excluding administration) exceeds $25.00;

e~~f~~) Drugs that have been classified by the Food and Drug Administration (FDA) as

ineffective or unsafe in a final order;

fg) Drugs that the Food and Drug Administration has proposed in a notice of opportunity for hearing to withdraw labeled indications (pursuant to section 107(c)(3) of the Drug Amendments of 1962 (P.L. 87-781) and section 505(e) of the Federal Food, Drug and Cosmetic Act (21 USC 355(e)) and any identical, related or similar drug products (determined by the FDA in accordance with 21 CFR 310.6);

gh) Items identified as Group Care Restricted Items (see Section 140.449(b)) are not covered when provided to recipients living in licensed long-term care facilities;

hi) Sickroom Needs and Medical Equipment Items are not covered as pharmacy items. A pharmacy that desires to provide the items must enroll as a provider of medical equipment; and

ij) Miscellaneous supplies that are stocked and dispensed by some pharmacies are not covered. These items include, but are not limited to, dental products, hair products, facial tissues, infant disposable diapers, sanitary pads, tampons, soap or other personal hygiene products, proprietary food supplements or substitutes, sugar or salt substitutes, household products, or infant formula for routine feeding.

jk) Effective July 1, 2012, blood factor, when a patient has not had a comprehensive examination at a federally-funded Hemophilia Treatment Center during the 365 days preceding the date of service.

(Source: Amended by emergency rulemaking at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities

2) Code Citation: 89 Ill. Adm. Code 147

3)

Section Numbers:	Emergency Action:
147.5	Repeal
147.125	Repeal
147.150	Repeal
147.175	Repeal
147.200	Repeal
147.205	Repeal
147.310	New
147.315	New
147.320	New
147.325	New
147.330	New
147.335	New
147.340	New
147.346	New
147.355	Repeal
147. TABLE A	Repeal
147. TABLE B	Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 96-1530

5) Effective Date: January 1, 2014

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: No

7) Date Filed with the Index Department: December 23, 2013

8) A copy of the emergency rulemaking, including any materials incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Reason for Emergency: This rulemaking establishes a new nursing component reimbursement methodology based on RUG-IV 48 methodology; it goes into effect on January 1, 2014.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

10) Complete Description of the Subjects and Issues Involved: The rulemakings are necessary for compliance with PA 96-1530 that requires the Department to implement, effective July 1, 2012, an evidence-based payment methodology for the reimbursement of nursing facility services. Additionally, the methodology must take into consideration the needs of individual residents, as assessed and reported by the most current version of the nursing facility Resident Assessment Instrument, adopted and in use by the federal government. Reimbursement for nursing component shall be calculated using Resource Utilization Groups.

11) Are there any other rulemakings pending on this Part? No

12) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands any State mandate affecting units of local government.

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

Jeanette Badrov
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 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 d: MEDICAL PROGRAMS

PART 147
REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section
147.5 Minimum Data Set-Mental Health (MDS-MH) Based Reimbursement System (Repealed)
EMERGENCY
147.15 Comprehensive Resident Assessment (Repealed)
147.25 Functional Needs and Restorative Care (Repealed)
147.50 Service Needs (Repealed)
147.75 Definitions (Repealed)
147.100 Reconsiderations (Repealed)
147.105 Midnight Census Report
147.125 Nursing Facility Resident Assessment Instrument (Repealed)
EMERGENCY
147.150 Minimum Data Set (MDS) Based Reimbursement System (Repealed)
EMERGENCY
147.175 Minimum Data Set (MDS) Integrity (Repealed)
EMERGENCY
147.200 Minimum Data Set (MDS) On-Site Review Documentation (Repealed)
EMERGENCY
147.205 Reimbursement for Ventilator Dependent Residents (Repealed)
EMERGENCY
147.250 Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)
147.300 Payment to Nursing Facilities Serving Persons with Mental Illness
147.301 Sanctions for Noncompliance
147.305 Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)
147.310 Implementation of a Case Mix System~~Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)~~
EMERGENCY
147.315 Nursing Facility Resident Assessment Instrument~~Comprehensive Functional Assessments and Reassessments (Repealed)~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY
147.320 DefinitionsInterdisciplinary Team (IDT) (Repealed)
EMERGENCY
147.325 Resident Reimbursement Classifications and RequirementsComprehensive Program Plan (CPP) (Repealed)
EMERGENCY
147.330 Resource Utilization Groups (RUGs) Case Mix RequirementsSpecialized Care – Administration of Psychopharmacologic Drugs (Repealed)
EMERGENCY
147.335 Enhanced Care RatesSpecialized Care – Behavioral Emergencies (Repealed)
EMERGENCY
147.340 Minimum Date Set On-Site ReviewsDischarge Planning (Repealed)
EMERGENCY
147.345 Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness (Repealed)
147.346 Appeals of Nursing Rate Determination
EMERGENCY
147.350 Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing Facilities
147.355 Reimbursement for Residents with Exceptional Needs (Repealed)
EMERGENCY
147.TABLE A Staff Time (in Minutes) and Allocation by Need Level (Repealed)
EMERGENCY
147.TABLE B MDS-MH Staff Time (in Minutes and Allocation by Need Level) (Repealed)
EMERGENCY
147.TABLE C Comprehensive Resident Assessment (Repealed)
147.TABLE D Functional Needs and Restorative Care (Repealed)
147.TABLE E Service (Repealed)
147.TABLE F Social Services (Repealed)
147.TABLE G Therapy Services (Repealed)
147.TABLE H Determinations (Repealed)
147.TABLE I Activities (Repealed)
147.TABLE J Signatures (Repealed)
147.TABLE K Rehabilitation Services (Repealed)
147.TABLE L Personal Information (Repealed)

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January 25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003; emergency amendment at 29 Ill. Reg. 10266, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18913, effective November 4, 2005; amended at 30 Ill. Reg. 15141, effective September 11, 2006; expedited correction at 31 Ill. Reg. 7409, effective September 11, 2006; amended at 31 Ill. Reg. 8654, effective June 11, 2007; emergency amendment at 32 Ill. Reg. 415, effective January 1, 2008, for a maximum of 150 days; emergency amendment suspended at 32 Ill. Reg. 3114, effective February 13, 2008; emergency suspension withdrawn in part at 32 Ill. Reg. 4399, effective February 26, 2008 and 32 Ill. Reg. 4402, effective March 11, 2008 and 32 Ill. Reg. 9765, effective June 17, 2008; amended at 32 Ill. Reg. 8614, effective May 29, 2008; amended at 33 Ill. Reg. 9337, effective July 1, 2009; emergency amendment at 33 Ill. Reg. 14350, effective October 1, 2009, for a maximum of

150 days; emergency amendment modified in response to the objection of the Joint Committee on Administrative Rules at 34 Ill. Reg. 1421, effective January 5, 2010, for the remainder of the 150 days; emergency expired February 27, 2010; amended at 34 Ill. Reg. 3786, effective March 14, 2010; amended at 35 Ill. Reg. 19514, effective December 1, 2011; amended at 36 Ill. Reg. 7077, effective April 27, 2012; emergency amendment at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days.

Section 147.5 Minimum Data Set-Mental Health (MDS-MH) Based Reimbursement System (Repealed)
EMERGENCY

~~a) For Class I Institution for Mental Diseases (IMDs), until data can be collected and the payment methodology implemented using the Illinois Minimum Data Set-Mental Health (IL MDS-MH), appropriate for the care needs of the IMD resident population, as described in Table B of this Part, the nursing component shall be the rate in effect on July 1, 2006. The payment methodology using the IL MDS-MH shall be implemented on July 1, 2010.~~

~~b) To receive payment based on Table B, Class I IMDs shall obtain software that produces the Mental Health Assessment Protocols, outcome measures, and quality indicators, which are part of the MDS-MH system, and train staff to utilize this clinical information in resident treatment and care planning.~~

~~c) The nursing component of the rate shall be calculated annually and may be adjusted semi-annually. The determination of rates shall be based upon a composite of MDS-MH data collected from each eligible resident in accordance with Table B for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period as present in the facility on the last day of the six-month period preceding the rate period. Residents for whom MDS-MH resident identification information is missing or inaccurate, or for whom there is no current MDS-MH record for that period, shall be placed in the lowest MDS-MH acuity level for calculation purposes for that rate period. The nursing component of the rate may be adjusted on a semi-annual basis if any of the following conditions are met:~~

~~1) Total variable nursing time for a rate period as calculated in subsection (d)(1) of this Section exceeds total variable nursing time calculated for the previous rate period by more than five percent.~~

~~2) Total variable nursing time for a rate period as calculated in subsection (d)(1) of this Section exceeds:~~

~~A) total variable nursing time as calculated for the annual rate period by more than 10 percent;~~

~~B) total variable nursing time as recalculated and adjusted for the annual period by more than five percent.~~

~~3) Total variable nursing time for a rate period as calculated in subsection (d)(1) of this Section declines from the total variable nursing time as calculated for the annual period by more than five percent. No semi-annual nursing component rate reduction shall exceed five percent from the annual rate determination.~~

~~d) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.~~

~~1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the MDS-MH is associated with an amount of time and staff level (Table B). Reimbursement is developed by multiplying the time for each service by the wages of the type of staff performing the service, except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. In calculating a facility's rate, the figures used by the Department for wages will be determined in the following manner:~~

~~A) The mean wages for the applicable staff levels (licensed staff, RNs, LPNs, certified nursing assistants (CNAs), social workers), as reported on the cost reports and determined by regional rate area, will be the mean wages.~~

~~B) Fringe benefits shall be calculated in accordance with Section 147.150(c)(1)(B).~~

~~C)~~ ~~The base wage shall be calculated in accordance with Section 147.150(c)(1)(C).~~

~~D)~~ ~~Special minimum wage factor shall be calculated in accordance with Section 147.150(c)(1)(D).~~

~~E)~~ ~~Beginning July 1, 2010, Class I IMDs shall be paid a rate based upon the sum of the following:~~

~~i)~~ ~~The facility MDS-MH system based rate multiplied by a ratio the numerator of which is the quotient obtained by dividing the funds appropriated specifically to pay for rates based upon the MDS-MH methodology by the total number of Medicaid patient days utilized by facilities covered by the MDS-MH based system and the denominator of which is the difference between the weighted mean rate obtained by the MDS-MH methodology and the weighted mean rate direct care rate for IMDs in effect on July 1, 2006.~~

~~ii)~~ ~~The facility rate in effect on July 1, 2006, multiplied by one minus the ratio computed in subsection (d)(1)(E)(i).~~

~~2)~~ ~~Vacation, sick leave and holiday time shall be calculated in accordance with Section 147.150(c)(2).~~

~~3)~~ ~~Special supplies, consultants and the Director of Nursing shall be calculated in accordance with Section 147.150(c)(3).~~

~~e)~~ ~~Determination of Facility Rates~~
~~An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection(d)(1) of this Section), adding the amounts for vacation, sick and holiday time (see Section 147.150(c)(2)), and supplies, consultants, and the Director of Nursing (see Section 147.150(c)(3)). The average of the rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.~~

~~f) In order to code any item on the MDS-MH and receive subsequent reimbursement according to Table B, Class I IMDs shall follow all criteria and specific guidelines in the IL MDS-MH manual (Hirdes et al., RAI-MH Training Manual and Resource Guide 2.0, Toronto, Ontario Joint Policy and Planning Committee, 2003).~~

~~g) In order for services to qualify for reimbursement according to Table B, Class I IMDs shall maintain a minimum ratio for Psychiatric Rehabilitation Services Coordinator staff of one for every 20 residents.~~

~~h) The Department shall not pay for any new admissions to the Class I IMDs who are age 60 years or older or do not have a severe mental illness as determined by the State's mental health pre-admission screening program.~~

~~i) Service providers under Section L, Service Utilization/Treatments, of the MDS-MH shall be coded in column A when services are delivered by staff employed by the facility. Column B shall be coded for services delivered by outside individuals not employed by the facility. The Medicaid rate shall reflect only those services delivered by staff that is employed by the facility.~~

~~j) The Medicaid rate determined by Table B for Class I IMDs shall be the combination of a nursing component and socio-development component.~~

~~k) The Department of Healthcare and Family Services and the Department of Human Services-Division of Mental Health shall have the right of entry and inspection to all Class I IMD facilities in order to assess resident mix, monitor data quality, develop service quality indicators, and conduct studies, such as staff time samples, in order to test and refine the payment method.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.125 Nursing Facility Resident Assessment Instrument (Repealed) EMERGENCY

~~a) Except as specified in subsection (b) of this Section, all Medicaid certified nursing facilities shall comply with the provisions of the current federal Long Term Care Resident Assessment Instrument User's Manual, version 2. (Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore,~~

~~Maryland 21244 (December 2005), and the Resident Assessment Instrument-Mental Health Illinois version 2 (July 2003), adopted from Minimum Data Set-Mental Health version 2. This incorporation by reference includes no later amendments or editions.)~~

~~b)~~ ~~Nursing facilities shall, in addition, comply with the following requirements:~~

~~1)~~ ~~Complete a full Minimum Data Set (MDS) assessment, which includes required items A through R, in addition to any State required items, for each resident quarterly, regardless of the resident's payment source. Facilities are not required to complete and submit the MDS Quarterly Assessment Form. When completing the full MDS assessment for quarterly submittal to the Department, it is not necessary to also complete the Resident Assessment Protocols (RAPs) or Section T. RAPs and Section T are only required with the comprehensive assessment described in the current federal Long Term Care Resident Assessment Instrument User's Manual, which includes assessments completed at admission, annually, for a significant change or for a significant correction of a prior MDS.~~

~~2)~~ ~~Transmit electronically to the State MDS database the MDS for all assessments within 31 days after the completion date of the assessment. Except for nursing facilities that are defined as Class I Institutions for Mental Diseases (IMDs) pursuant to 89 Ill. Adm. Code 145.30, the rate set will be based on the MDS received two quarters prior to the rate effective date and MDS not received within 31 days will be given a default rate.~~

~~c)~~ ~~While a new rate system referenced in Section 147.150 is under development, Medicaid-certified Class I IMDs shall electronically submit both the MDS pursuant to subsections (a) and (b) of this Section and the Illinois Minimum Data Set-Mental Health (IL MDS-MH) as specified by the Department at the following frequencies:~~

~~1)~~ ~~Complete a full IL MDS-MH within 14 days after admission for each resident, regardless of the resident's payment source.~~

~~2)~~ ~~Complete a full IL MDS-MH at 90 days after admission for each resident, regardless of the resident's payment source.~~

~~3) Complete a full IL MDS-MH at six months after admission for each resident, regardless of the resident's payment source, and every six months thereafter.~~

~~4) Transmit electronically to the Department's IL MDS-MH database, the IL MDS-MH for all required assessments within 31 days after the completion date of the assessment.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.150 Minimum Data Set (MDS) Based Reimbursement System (Repealed) EMERGENCY

~~a) Public Act 94-0964 requires the Department to implement, effective January 1, 2007, a payment methodology for the nursing component of the rate paid to nursing facilities. Except for nursing facilities that are defined as Class I Institutions for Mental Diseases (IMDs) pursuant to 89 Ill. Adm. Code 145.30, reimbursement for the nursing component shall be calculated using the Minimum Data Set (MDS). Increased reimbursement under this payment methodology shall be paid only if specific appropriation for this purpose is enacted by the General Assembly.~~

~~b) Except as referenced in subsection (c)(1)(E)(iv) of this Section, the nursing component of the rate shall be calculated and adjusted quarterly. The determination of rates shall be based upon a composite of MDS data collected from each eligible resident in accordance with Section 147.Table A for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period as present in the facility on the last day of the second quarter preceding the rate period. Residents for whom MDS resident identification information is missing or inaccurate, or for whom there is no current MDS record for that quarter, shall be placed in the lowest MDS acuity level for calculation purposes for that quarter.~~

~~c) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.~~

~~1) Variable Time Reimbursement.~~
~~Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Section 147.Table A). Reimbursement is developed by multiplying the time for each service by the wages of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. In calculating a facility's rate, the figures used by the Department for wages will be determined in the following manner:~~

~~A) The mean wages for the applicable staff levels (RNs, LPNs, certified nursing assistants (CNAs), activity staff, social workers), as reported on the cost reports and determined by regional rate area, will be the mean wages.~~

~~B) Fringe benefits will be the average percentage of benefits to actual salaries of all nursing facilities based upon cost reports filed pursuant to 89 Ill. Adm. Code 140.543. Fringe benefits will be added to the mean wage.~~

~~C) The base wage, including fringe benefits, will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected base wage changes.~~

~~D) Special minimum wage factor. The process used in subsection (c)(1)(A) of this Section to determine regional mean wages for RNs, LPNs and CNAs will include a minimum wage factor. For those facilities below 90% of the Statewide average, the wage is replaced by 90% of the Statewide average.~~

~~E) Beginning January 1, 2007, facilities shall be paid a rate based upon the sum of the following:~~

~~i)~~ ~~the facility MDS-based rate multiplied by the ratio the numerator of which is the quotient obtained by dividing the additional funds appropriated specifically to pay for rates based upon the MDS nursing component methodology above the December 31, 2006 funding by the total number of Medicaid patient days utilized by facilities covered by the MDS-based system and the denominator of which is the difference between the weighted mean rate obtained by the MDS-based methodology and the weighted mean rate in effect on December 31, 2006.~~

~~ii)~~ ~~the facility rate in effect on December 31, 2006, which is defined as the facility rate in effect on December 31, 2006 plus the exceptional care reimbursement per diem computed in 89 Ill. Adm. Code 140.569(a)(1), multiplied by one minus the ratio computed in Section 147.150(c)(1)(E)(i). The exceptional care reimbursement per diem effective January 1, 2007 computed in 89 Ill. Adm. Code 140.569 shall be included in the nursing component of the June 30, 2006 rate unless the total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section is more than a five percent drop from the total variable nursing time calculated for the June 30, 2006 rate quarter. Then the facility will receive for the rate period zero percent of the exceptional care reimbursement per diem computed in 89 Ill. Adm. Code 140.569.~~

~~iii)~~ ~~Until October 1, 2009, for facilities in which the number of ventilator care residents in any quarter has increased over the number used to compute the exceptional care per diem as specified in 89 Ill. Adm. Code 140.569(a)(1), the rate computed in subsections (c)(1)(E)(i) and (c)(1)(E)(ii) shall add the sum of total variable time reimbursement for the ventilator care add-on, vacation time, the average facility special patient need factors, and supply, consultant, and Director of Nursing factors for each resident receiving ventilator care in excess of the number used to compute the exceptional care per diem as specified in 89 Ill. Adm. Code~~

~~140.569(a)(1) divided by the total number of residents used to compute the MDS portion of the paid rate for that quarter. The resulting ventilator add-on shall be multiplied by one minus the ratio computed in Section 147.150(c)(1)(E)(i). This addition to the rate shall apply for each quarter regardless of the facility's eligibility for use of that quarter's MDS rate for computation of the paid facility rate as defined in subsection (b) of this Section.~~

~~iv) The calculations referenced in subsections (c)(1)(E)(i) and (ii) of this Section shall only change annually.~~

~~F) The annual amount of new funds allocated for MDS reimbursement methodology beginning January 1, 2007 is $60 million. The annual amount of new funds allocated for MDS reimbursement methodology beginning January 1, 2008 is $50 million. The annual amount of new funds for MDS reimbursement methodology beginning January 1, 2009 is $84 million. Subject to approval by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services, the annual amount of new funds for MDS reimbursement methodology, beginning May 1, 2011, is $222.5 million.~~

~~2) Vacation, Sick Leave and Holiday Time.~~
~~The time to be added for vacation, sick leave, and holidays will be determined by multiplying the total of variable time by 5%.~~

~~3) Special Supplies, Consultants and the Director of Nursing.~~
~~Reimbursement will be made for health care and program supplies, consultants required by the Department of Public Health (including the Medical Director), and the Director of Nursing by applying a factor to variable time and vacation, sick leave and holiday time. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830.)~~

~~A) Supplies will be updated for inflation using the General Services Inflator (see 89 Ill. Adm. Code 140.551). Health care and program salaries shall be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for~~

~~supplies will be the Statewide mean of the ratio of total facility health care and programs supply costs to total facility health care and programs salaries.~~

~~B)~~ ~~The Director of Nursing and the consultants will be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for the Director of Nursing and consultant costs shall be the Statewide mean of the ratio of all facilities' Director of Nursing and consultant costs to total facility health care and programs salaries.~~

~~C)~~ ~~These costs shall be updated pursuant to cost reports as referenced in 89 Ill. Adm. Code 153.125(f).~~

~~d)~~ ~~Determination of Facility Rates.~~
~~An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection (c)(1) of this Section), adding the amounts for vacation, sick and holiday time (see subsection (c)(2) of this Section), and supplies, consultants, and the Director of Nursing (see subsection (c)(3) of this Section). The average of the rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.~~

~~e)~~ ~~A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect July 1, 2003 shall be provided for a period not exceeding December 31, 2006, as follows:~~

~~1)~~ ~~MDS-based rate adjustments under this Section shall not be effective until the attainment of a threshold. The threshold shall be attained at the earlier of either:~~

~~A)~~ ~~when all nursing facilities have established a rate (sum of all components) which is no less than the rate effective June 30, 2002, or~~

~~B)~~ ~~January 1, 2007.~~

~~2)~~ ~~For a facility that would receive a lower nursing component rate per resident day under the payment methodology effective July 1, 2003 than~~

~~the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be held at the level in effect on June 30, 2003 until a higher nursing component rate of reimbursement is achieved by that facility.~~

~~3)~~ ~~For a facility that would receive a higher nursing component rate per resident day under the payment methodology in effect on July 1, 2003 than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be adjusted based on the payment methodology in effect July 1, 2003.~~

~~4)~~ ~~Notwithstanding subsections (e)(2) and (3) of this Section, the nursing component rate per resident day for the facility shall be adjusted in accordance with subsection (c)(1)(E) of this Section.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.175 Minimum Data Set (MDS) Integrity (Repealed)
EMERGENCY

~~a)~~ ~~The Department shall conduct reviews to determine the accuracy of resident assessment information transmitted in the Minimum Data Set (MDS) that are relevant to the determination of reimbursement rates. Such reviews may, at the discretion of the Department, be conducted electronically or in the facility.~~

~~b)~~ ~~The Department shall quarterly select, at random, a number of facilities in which to conduct on-site reviews. The Department may select facilities for on-site review based upon facility characteristics, past performance, or the Department's experience. This may include, but is not limited to, analysis of case mix profile of nursing facilities in regard to frequency in distribution of the residents in identified reimbursement categories. In addition, the Department may use findings of the licensing and certification survey conducted by IDPH indicating the facility is not accurately assessing residents. It may also include resident assessments submitted by the provider that do not meet submission deadlines, facilities with a high percentage of corrections and facilities with high submission error rates.~~

~~c) Electronic review. The Department shall conduct quarterly an electronic review of MDS data for eligible individuals to identify facilities for on-site review.~~

~~d) On-site review. The Department shall conduct an on-site review of MDS data for eligible individuals.~~

~~1) On-site reviews may be conducted with respect to residents or facilities that are identified pursuant to subsection (b) or (c) of this Section. Such review may include, but shall not be limited to, the following:~~

~~A) Review of resident records and supporting documentation, as identified in Section 147.200, observation and interview, to determine the accuracy of data relevant to the determination of reimbursement rates.~~

~~B) Review and collection of information necessary to assess the need for a specific service or care area.~~

~~C) Review and collection of information from the facility that will establish the direct care staffing level. The amount of staff available in the facility shall be sufficient to carry out the number and frequency of restorative programs identified for reimbursement.~~

~~2) The number of residents in any selected facility for whom information is reviewed may, at the sole discretion of the Department, be limited or expanded.~~

~~3) Upon the conclusion of any review, the Department shall conduct a meeting with facility management to discuss preliminary conclusions of the review. If facility management disagrees with those preliminary conclusions, facility management may, at that time, provide additional documentation to support their position.~~

~~e) Corrective action. Upon the conclusion of the review and the consideration of any subsequent supporting documentation provided by the facility, the Department shall notify the facility of its final conclusions, both with respect to accuracy of data and recalculation of the facility's reimbursement rate.~~

~~1) Data Accuracy~~

~~A) Final conclusions with respect to inaccurate data shall be referred to the Department of Public Health.~~

~~B) The Department, in collaboration with the Department of Public Health, shall make available additional training in the completion of resident assessments and the coding and transmission of MDS records.~~

~~2) Recalculation of Reimbursement Rate. The Department shall determine if reported MDS data or facility staffing data that were subsequently determined to be unverifiable would cause the direct care component of the facility's rate to be calculated differently when using the accurate data. No change in reimbursement required as a result of a review shall take effect before July 1, 2004. Prior to the record review of residents receiving skills training, the following components of this Part will be reviewed to ensure compliance:~~

~~A) Skills training shall be provided by staff that are paid by the facility and have been trained in leading skills groups by a Department approved trainer.~~

~~B) A private room shall be available with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise, and other distractions.~~

~~C) Schedules shall be presented that identify residents and reflect the facility's ability to provide the sessions in increments of a minimum of 30 minutes for each skills training (not including time to assemble and settle). The sessions shall be scheduled at least three times per week.~~

~~D) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions.~~

~~3) In the event one or more of these components are not in place, the recalculated rate may be extrapolated to the entire population receiving this service.~~

~~4) When problems are noted in 30 percent of the population of residents receiving skills training during the record review, the recalculated rate may be extrapolated to the entire population receiving this service. When the recalculated rate has been extrapolated to the entire population, the facility shall obtain prior approval from the Department before future reimbursement for skills training is allowable. The Department shall have up to 90 days to determine this approval.~~

~~5) When problems are noted in 30 percent of coded responses to the sample population for other services areas, the review may be expanded to up to 100 percent for those service areas. The original sample population is defined as 20%, or no less than 10, of the eligible residents pursuant to Section 147.150(b).~~

~~6) In addition, the facilities with widespread problems in restorative and psychosocial adaptation may be subject to follow up reviews to ensure problems are corrected.~~

~~7) A facility's rate will be subject to change if the recalculation of the direct care component rate, as a result of using MDS data that are verifiable:~~

~~A) Increases the rate by more than one percent. The rate is to be changed, retroactive to the beginning of the rate period, to the recalculated rate.~~

~~B) Decreases the rate by more than one percent. The rate is to be changed, retroactive to the beginning of the rate period, to the recalculated rate.~~

~~C) Decreases the rate by more than ten percent in addition to the rate change specified in this subsection (e)(7). The direct care component of the rate shall be reduced, retroactive to the beginning of the rate period, by $1 for each whole percentage decrease in excess of two percent.~~

~~8) Any evidence or suspicion of deliberate falsification or misrepresentation of MDS data shall be referred to the Department's Inspector General and the Department of Public Health.~~

~~f) Appeals. Facilities disputing any rate change may submit an appeal request pursuant to 89 Ill. Adm. Code 140.830.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.200 Minimum Data Set (MDS) On-Site Review Documentation (Repealed) EMERGENCY

~~a) Pursuant to Section 147.175, Department staff shall conduct on-site reviews of Minimum Data Set (MDS) data to determine the accuracy of resident information that is relevant to the determination of reimbursement rates.~~

~~1) Department staff shall request in writing the current charts of individual residents needed to begin the review process. Current charts and completed MDSs for the previous 15 months shall be provided to the review team within an hour after this request. Additional documentation regarding reimbursement areas for the identified Assessment Reference Date (ARD) timeframe shall be provided to the review team within four hours after the initial request.~~

~~2) When further documentation is needed by the review team to validate an area, the team will identify the area of reimbursement requiring additional documentation and provide the facility with the opportunity to produce that information. The facility shall provide the team with the additional documentation within 24 hours after the initial request. All documentation that is to be considered for validation must be provided to the team prior to exit.~~

~~3) Pursuant to 89 Ill. Adm. Code 140.12(f), the facility shall provide Department staff with access to residents, professional and non-licensed direct care staff, facility assessors, clinical records and completed resident assessment instruments, as well as other documentation regarding residents' care needs and treatments.~~

~~4) Failure to provide timely access to records may result in suspension or termination of a facility's provider agreement in accordance with 89 Ill. Adm. Code 140.16(a)(4).~~

~~5) Some states may have regulations that require supportive documentation elsewhere in the record to substantiate the resident's status on particular MDS items used to calculate payment under the State's Medicaid system (RAI Manual, page 1-24). These additional documentation requirements shall be met for reimbursement.~~

~~6) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with medical peer review organizations to provide utilization review and quality assurance.~~

~~b) There shall be documentation in the resident's record to support an MDS-coded response indicating that the condition or activity was present or occurred during the observation or look back period. Directions provided by the RAI User's Manual (as described in Section 147.125) are the basis for all coding of the MDS. Section S is reserved for additional State-defined items. All documentation requirements pertain to the MDS 2.0 and Section S items.~~

~~c) Each nursing facility shall ensure that MDS data for each resident accurately and completely describes the resident's condition, as documented in the resident's clinical records, maintained by the nursing facility, and the clinical records shall be current, accurate and in sufficient detail to support the reported resident data.~~

~~d) Documentation guidance has been compiled from the RAI Manual, instructions that are present on the MDS 2.0 form itself, RAI-MH, and Illinois additional documentation requirements. If later guidance is released by CMS that contradicts or augments guidance provided in this Section, the more current information from CMS becomes the acceptable standard. If additional ICD-9 codes are published, they will be reviewed for appropriateness.~~

~~e) Documentation from all disciplines and all portions of the resident's clinical record may be used to verify an MDS item response. All supporting documentation shall be found in the facility during an on-site visit.~~

~~f)~~ ~~All conditions or treatments shall have been present or occurred within the designated observation period. Documentation in the clinical record shall consistently support the item response and reflect care related to the symptom/problem. Documentation shall apply to the appropriate observation period and reflect the resident's status on all shifts. In addition, the problems that are identified by the MDS item responses that affect the resident's status shall be addressed on the care plan. Insufficient or inaccurate documentation may result in a determination that the MDS item response submitted could not be validated.~~

~~g)~~ ~~Disease Diagnoses. Throughout Table A, when a diagnosis is required, the following must be met:~~

~~1)~~ ~~Code only those diseases or infections that have a relationship to the resident's current ADL (Activities of Daily Living) status, cognitive status, mood or behavior status, medical treatments, nursing monitoring or risk of death as directed in the RAI Manual.~~

~~2)~~ ~~The disease conditions require a physician-documented diagnosis in the clinical record. It is good clinical practice to have the resident's physician provide supporting documentation for any diagnosis.~~

~~3)~~ ~~Do not include conditions that have been resolved or no longer affect the resident's functioning or care plan. One of the important functions of the MDS assessment is to generate an updated, accurate picture of the resident's health status.~~

~~h)~~ ~~Activities of Daily Living (ADL).~~

~~1)~~ ~~Facilities shall maintain documentation that supports the coding of Section G, Physical Functioning, and Structural Problems on the MDS during the look-back period. The documentation shall show the MDS-coded level of resident self-performance and support has been met.~~

~~2)~~ ~~Documentation shall be dated within the look-back period and must contain information from all three shifts that clearly supports the level of self-performance and support needed.~~

~~3) When there is a widespread lack of supporting documentation as described in subsections (h)(1) and (2), the ADL scores for the residents lacking documentation will be reset to zero.~~

~~4) When there is an occasional absence of documentation for residents in the sample, ADL scores will be based on the observation and/or interview of the resident and facility staff at the time of the review. If the resident has been discharged and there is no documentation to support the ADL coding, ADL scores will be reset to one.~~

~~i) Restorative services are programs under the direction and supervision of a licensed nurse and are provided by nursing staff. The programs are designed to promote the resident's ability to adapt and adjust to living as independently and safely as possible. The focus is on achieving and/or maintaining optimal physical, mental, and psychosocial functioning. A program is defined as a specific approach that is organized, planned, documented, monitored, and evaluated. Although therapists may participate in designing the initial program, members of nursing staff are still responsible for the overall coordination and supervision of restorative nursing programs. Staff completing the programs shall be communicating progress, maintenance, regression and other issues/concerns to the licensed nurse overseeing the programs. To qualify for reimbursement, the provision of restorative programs shall meet the following criteria for each program identified for reimbursement:~~

~~1) When programs are designed using verbal cueing as the only intervention, documentation and/or observation must support the following:~~

~~A) Without such cueing the resident would be unable to complete the required ADL task.~~

~~B) The verbal interventions are aimed at providing the resident with instructions for completing the task in such a way that promotes the resident's safety and awareness.~~

~~C) Verbal interventions that are simply reminders to complete the task may not be the sole content of the program.~~

~~2) Documentation shall clearly define the resident's need for the program and the defined program shall correspond to the identified need of the resident. Observation and/or interview shall also support the need for the program.~~

~~3) The clinical record shall identify a restorative nursing plan of care to assist the resident in reaching and/or maintaining his or her highest level of functioning. Staff completing the programs shall be aware of the program and the resident's need for the program.~~

~~4) Documentation must support that the program was reevaluated and goals and interventions were revised as necessary to assist the resident in reaching and/or maintaining his or her highest level of functioning.~~

~~5) Documentation shall contain objective and measurable information so that progress, maintenance or regression can be recognized from one report to the next.~~

~~6) Goals shall be resident specific, realistic, and measurable. Goals shall be revised as necessary. Revisions shall be made based on the resident's response to the program.~~

~~7) The resident's ability to participate in the program shall be addressed.~~

~~8) Written evidence of measurable objectives and interventions shall be in the restorative plan of care and be individualized to the resident's problems and needs. There shall be evidence the objectives and interventions were reviewed quarterly and revised as necessary.~~

~~9) There shall be evidence of quarterly evaluation written by a licensed nurse in the clinical record. The evaluation must assess the resident's progress and participation in the program since the last evaluation. It shall contain specific information that includes the resident's response to the program (i.e., amount of assistance required, devices used, the distance, the progress made, how well the resident tolerated the program). An evaluation shall be documented on each restorative program the resident is receiving.~~

~~10) There shall be written evidence that staff carrying out the programs have been trained in techniques that promote resident involvement in the activity.~~

~~11) If volunteers or other staff were assigned to work with specific residents, there shall be written evidence of specific training in restorative techniques that promote the resident's involvement in the restorative program.~~

~~12) There shall be documentation to support that the programs are ongoing and administered as planned outside the look-back period, unless there is written justification in the clinical record that supports the need to discontinue the program. Observation and/or interviews must also support that the programs are ongoing and administered as planned.~~

~~13) If a restorative program is in place when a care plan is being revised, it is appropriate to reassess progress, goals, duration and frequency as part of the care planning process. The results of this reassessment shall be documented in the record.~~

~~14) The actual number of minutes per day spent in a restorative program shall be documented for each resident and for each restorative program during the look-back period.~~

~~15) The Department designated endurance assessment must be completed quarterly on each resident receiving two or more restorative programs. A licensed nurse must complete this assessment.~~

~~16) A resident coded as totally dependent in an ADL function will only be reimbursed for one quarter for the following corresponding restorative programs: bed mobility, transfer, walking, dressing/grooming, and/or eating/swallowing.~~

~~17) A resident scoring and/or receiving hospice services shall not be eligible for the following restorative programs: bed mobility, transfer, walking, dressing/grooming, eating and/or other restoratives.~~

~~18) When multiple restoratives are coded in a facility, the staff levels must support the ability to deliver these programs based on the number and frequency of programs coded.~~

~~19) All restorative programs shall meet the specifications of the RAI Manual for the individual restoratives.~~

~~j) Passive Range of Motion (PROM).~~

~~1) The restorative program shall meet the definition of PROM as identified in the RAI Manual.~~

~~2) The PROM program shall address the functional limitations identified in section G4 of the MDS.~~

~~3) There shall be evidence that the program is planned and scheduled. PROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.~~

~~k) Active Range of Motion (AROM).~~

~~1) The restorative program meets the definition of AROM as identified in the RAI Manual.~~

~~2) The AROM programs shall address the functional limitations identified in section G4 of the MDS.~~

~~3) There shall be evidence that the program is planned and scheduled. AROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.~~

~~4) AROM does not include exercise groups with more than four residents assigned per supervising helper or caregiver.~~

~~l) Splint/Brace Assistance. A splint or brace is defined as an appliance for the fixation, union, or protection of an injured part of the body.~~

~~m) Dressing or Grooming Restorative. Grooming programs, including programs to help the resident learn to apply make-up, may be considered restorative nursing~~

~~programs when conducted by a member of the activity staff. These programs shall have goals, objectives, and documentation of progress and be related to the identified deficit.~~

~~n) Scheduled Toileting.~~

~~1) The program shall have documentation to support that all the requirements identified in the RAI Manual are met.~~

~~2) The description of the plan shall be documented, including: frequency, reason, and response to the program.~~

~~3) The plan shall be periodically evaluated and revised, as necessary, including documentation of the resident's response to the plan.~~

~~4) This does not include a "check and change" program or routine changing of the resident's incontinent briefs, pads or linens when wet, when there is no participation in the plan by the resident.~~

~~5) There shall be documentation to support the deficit in toileting and/or the episodes of incontinence.~~

~~6) A resident scoring S1 = 1 (meets Subpart S criteria) shall have a corresponding diagnosis of cerebral vascular accident (CVA) or multiple sclerosis to qualify for reimbursement in scheduled toileting.~~

~~o) Continence Care.~~

~~1) Documentation shall support that catheter care was administered during the look-back period.~~

~~2) The type and frequency of the care shall be documented.~~

~~3) Documentation shall support that the RAI requirements for a bladder retraining program were administered during the look-back period.~~

~~4) The resident's level of incontinence shall be documented during the look-back period to support the bladder retraining program.~~

~~5) Bladder scanners cannot be the sole content of the bladder retraining program.~~

~~p) Pressure Ulcer Prevention.~~

~~1) Documentation shall support the history of resolved ulcer in the identified timeframe and/or the use of the coded interventions during the identified timeframe.~~

~~2) Interventions and treatments shall meet the RAI definitions for coding.~~

~~3) Documentation shall support a specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.~~

~~4) There shall be documentation that the resident was assessed related to his or her risk for developing ulcers. A resident assessed to be at high risk shall have interventions identified in the plan of care.~~

~~q) Moderate Skin Care/Intensive Skin Care.~~

~~1) Interventions and treatments shall meet the RAI definitions for coding.~~

~~2) Documentation of ulcers shall include staging as the ulcers appear during the look-back period.~~

~~3) Documentation of ulcers shall include a detailed description that includes, but is not limited to, the stage of the ulcer, the size, the location, any interventions and treatments used during the look-back period.~~

~~4) Documentation of burns shall include, but is not limited to, the location, degree, extent, interventions and treatments during the look-back period.~~

~~5) Documentation of open lesions shall include, but is not limited to, location, size, depth, any drainage, interventions and treatments during the look-back period.~~

~~6) Documentation of surgical wounds shall include, but is not limited to, type, location, size, depth, interventions and treatment during the look-back period.~~

~~7) All treatments involving M5e, M5f, M5g, and M5h shall have a physician's order with the intervention and frequency.~~

~~8) Documentation to support that the intervention was delivered during the look-back period shall be included.~~

~~9) Documentation of infection of the foot shall contain a description of the area and the location.~~

~~10) Documentation shall support a specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.~~

~~11) Documentation for items coded in M4 shall include documentation of an intervention, treatment, and/or monitoring of the problem or condition identified.~~

~~r) IV Therapy.~~

~~1) Documentation shall include the date delivered, type of medication and method of administration.~~

~~2) Documentation shall support monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse as required in subsection (y) of this Section.~~

~~s) Injections. Documentation shall include the drug, route given and dates given.~~

~~t) Oxygen Therapy. Documentation shall include a physician's order and the method of administration and date given.~~

~~u) Chemotherapy. Documentation shall support the resident was monitored for response to the chemotherapy.~~

~~v) Dialysis. Documentation shall support the resident was monitored for response to the dialysis.~~

~~w) Blood Glucose Monitoring.~~

~~1) Documentation shall support that RAI criteria for coding a diagnosis was met, including a physician documented diagnosis.~~

~~2) Documentation shall support coding of a therapeutic diet being ordered and given to the resident.~~

~~3) Documentation shall support coding of a dietary supplement being ordered and given to the resident during the look-back period. There shall be evidence to support it was not part of a unit's daily routine for all residents.~~

~~4) Documentation shall support the coding that injections were given the entire seven days of the look-back period.~~

~~x) Infectious Disease.~~

~~1) Documentation shall support that the criteria defined in the RAI Manual for coding this subsection were met.~~

~~2) Documentation shall support the active diagnosis by the physician and shall include signs and symptoms of the illness.~~

~~3) Interventions and treatments shall be documented.~~

~~4) Documentation shall support that all RAI requirements for coding a Urinary Tract Infection (UTI) are met.~~

~~5) Administration of maintenance medication to prevent further acute episodes of UTI is not sufficient to code I2j.~~

~~y) Acute Medical Conditions.~~

~~1) Documentation shall support that the RAI requirements for coding these areas are met.~~

~~2) Documentation shall support monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse.~~

~~3) There shall be evidence that the physician has evaluated and identified the medically unstable or acute condition for which clinical monitoring is needed.~~

~~4) There shall be evidence of significant increase in licensed nursing monitoring.~~

~~5) There shall be evidence that the episode meets the definition of acute, which is usually of sudden onset and time-limited course.~~

~~z) Pain Management.~~

~~1) There shall be documentation to support the resident's pain experience during the look-back period and that interventions for pain were offered and/or given.~~

~~2) Residents shall be assessed in a consistent, uniform and standardized process to measure and assess pain.~~

~~aa) Discharge Planning.~~

~~1) Social services shall document monthly the resident's potential for discharge, specific steps being taken toward discharge, and the progress being made.~~

~~2) Social service documentation shall demonstrate realistic evaluation, planning, and follow-through.~~

~~3) Discharge plans shall address the current functional status of the resident, medical nursing needs, and the availability of family and/or community resources to meet the needs of the resident.~~

~~bb) Nutrition.~~

~~1) Documentation shall support coding of tube feeding during the look-back period.~~

~~2) Intake and output records and caloric count shall be documented to support the coding of K6.~~

~~3) Documentation of a planned weight change shall include a diet order and a documented purpose or goal that is to facilitate weight gain or loss.~~

~~4) Documentation of a dietary supplement shall include evidence that resident received the supplement and that it was ordered and given between meals.~~

~~cc) Hydration.~~

~~1) Documentation shall support that the resident passes two or fewer bowel movements per week, or strains more than one of four times when having a bowel movement during the look-back period to support the coding of H2b.~~

~~2) Documentation shall support that the resident received a diuretic medication during the look-back period to support the coding of O4c.~~

~~3) Documentation shall include frequency of episodes and accompanying symptoms to support the coding of vomiting.~~

~~4) Documentation shall include signs and symptoms, interventions and treatments used to support the coding of volume depletion, dehydration or hypovolemia.~~

~~5) There shall be documentation of temperature to support the coding of fever.~~

~~6) There shall be documentation to support the coding of internal bleeding that shall include the source, characteristics and description of the bleeding.~~

~~7) There shall be documentation that interventions were implemented related to the problem identified.~~

~~dd) Psychosocial Adaptation. Psychosocial adaptation is intended for residents who require a behavior symptom evaluation program or group therapy to assist them in dealing with a variety of mood or behavioral issues. The criteria for reimbursement in this area requires both an intervention program and the~~

~~identification of mood or behavioral issues. Residents shall be assessed for mood and behavioral issues and interventions shall be implemented to assist the resident in dealing with the identified issues. To qualify for reimbursement in this area, the facility must meet the following criteria:~~

~~1) Criteria for a special behavior symptom evaluation program.~~

~~A) There must be documentation to support that the program is an ongoing and comprehensive evaluation of behavior symptoms.~~

~~B) Documentation must support the resident's need for the program.~~

~~C) The documentation must show that the purpose of the program is to attempt to understand the "meaning" behind the resident's identified mood or behavioral issues.~~

~~D) Interventions related to the identified issues must be documented in the care plan.~~

~~E) The care plan shall have interventions aimed at reducing the distressing symptoms.~~

~~2) Criteria for group therapy.~~

~~A) There is documentation the resident regularly attends sessions at least weekly.~~

~~B) Documentation supports that the therapy is aimed at helping reduce loneliness, isolation, and the sense that one's problems are unique and difficult to solve.~~

~~C) This area does not include group recreational or leisure activities.~~

~~D) The therapy and interventions are addressed in the care plan.~~

~~E) This must be a separate session and cannot be conducted as part of skills training.~~

~~3) Criteria for indicators of depression.~~

~~A) There must be documentation to support that identified indicators occurred during the look-back period.~~

~~B) The documentation shall support the frequency of the indicators as coded during the look-back period.~~

~~C) There shall be documentation to support that interventions were implemented to assist the resident in dealing with these issues.~~

~~4) Criteria for sense of initiative/involvement.~~

~~A) There is documentation to support the resident was not involved or did not appear at ease with others or activities during the look-back period.~~

~~B) There shall be evidence that interventions were implemented to assist the resident in dealing with these issues.~~

~~5) Criteria for unsettled relationships/past roles.~~

~~A) There is documentation to support the issues coded in this area during the look-back period.~~

~~B) There shall be evidence that interventions were implemented to assist the resident in dealing with the issues identified.~~

~~6) Criteria for behavioral symptoms.~~

~~A) There is documentation to support that the behaviors occurred during the look-back period and the interventions used.~~

~~B) Documentation should reflect the resident's status and response to interventions.~~

~~C) Documentation should include a description of the behavior exhibited and the dates it occurred, as well as staff response to the behaviors.~~

~~D) Documentation supporting that the behaviors coded meet the RAI definitions for the identified behavior.~~

~~E) The care plan identifies the behaviors and the interventions to the behaviors.~~

~~7) Criteria for delusions/hallucinations.~~

~~A) There is documentation to support that the delusions or hallucinations occurred during the look-back period.~~

~~B) Documentation contains a description of the delusion or hallucinations the resident was experiencing.~~

~~C) There is documentation to support the interventions used.~~

~~ee) Psychotropic Medication Monitoring.~~
~~Documentation shall support the facility followed the documentation guidelines as directed by 42 CFR 483.25(l), Unnecessary drugs (State Operations Manual F-tag F329).~~

~~ff) Psychiatric Services (Section S).~~

~~1) There shall be evidence the resident met IDPH Subpart S criteria during the look-back period.~~

~~2) There shall be evidence a pre-admission screening completed by a Department of Human Services-Division of Mental Health screening entity was completed on the resident that identifies the resident as having a serious mental illness (SMI).~~

~~3) Ancillary provider services are services that are provided by direct non-facility psychiatric service providers in order to meet 77 Ill. Adm. Code 300, Subpart S requirements.~~

~~4) Psychiatric rehabilitation services that are provided by non-facility providers or an outside entity shall meet the needs of the SMI resident as determined by the resident's individual treatment plan (ITP).~~

~~5) Facilities must ensure compliance with 77 Ill. Adm. Code 300.4050 when utilizing non-facility or outside ancillary providers.~~

~~6) Adjustments in the rate for utilization of ancillary providers shall be calculated based upon Department claims data for ancillary provider billing.~~

~~gg) Skills Training. Skills training is specific methods for assisting residents who need and can benefit from this training to address identified deficits and reach personal and clinical goals. To qualify for reimbursement, the provision of skills training shall meet all of the following criteria:~~

~~1) Skills and capabilities shall be assessed with the use of a standardized skills assessment, a cognitive assessment and an assessment of motivational potential. The assessment of motivational potential will assist in determining the type and size of the group in which a resident is capable of learning.~~

~~2) Addresses identified skill deficits related to goals noted in the treatment plan.~~

~~3) Skills training shall be provided by staff that are paid by the facility and have been trained in leading skills groups by a Department approved trainer.~~

~~4) Training shall be provided in a private room with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise, and other distractions.~~

~~5) Training shall be provided in groups no larger than ten, with reduced group size for residents requiring special attention due to cognitive, motivational or clinical issues, as determined by the skills assessment, cognition and motivational potential. Individual sessions can be provided as appropriate and shall be identified in the care plan.~~

~~6) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions. (Published skills modules developed for the severe mentally ill (SMI) and~~

~~Mental Illness/Substance Abuse (MISA) populations are available for use and as models.)~~

~~7)~~ ~~The curriculum shall address discrete sets of skill competencies, breaking skills down into smaller components or steps in relation to residents' learning needs.~~

~~8)~~ ~~The specific written content shall provide the rationale for learning, connecting skill acquisition to resident goals.~~

~~9)~~ ~~Training shall employ skill demonstration/modeling, auditory and visual presentation methods, role-playing and skill practice, immediate positive and corrective feedback, frequent repetition of new material, practice assignments between training sessions (homework), and brief review of material from each previous session.~~

~~10)~~ ~~There shall be opportunities for cued skill practice and generalization outside session as identified in the care plan and at least weekly documentation relative to skill acquisition.~~

~~11)~~ ~~Each training session shall be provided and attended in increments of a minimum of 30 minutes each (not counting time to assemble and settle) at least three times per week. Occasional absences are allowable, with individual coverage of missed material as necessary. However, on-going 1:1 training shall not qualify under this area.~~

~~hh)~~ ~~Close or Constant Observations.~~

~~1)~~ ~~Coding of this item is intended only for interventions applied in response to the specific current significant need of an individual resident. This item shall not be coded for observation conducted as standard facility policy for all residents, such as for all new admissions, or as part of routine facility procedures, such as for all returns from hospital, or as a part of periodic resident headcounts.~~

~~2)~~ ~~There shall be documentation for the reason for use, confirmation that the procedure was performed as coded with staff initials at appropriate intervals, brief explanation of the resident's condition and reason for terminating the observation.~~

~~ii) Cognitive Impairment/Memory Assistance Services.~~

~~1) Documentation shall include a description of the resident's short-term memory problems.~~

~~2) A method of assessing and determining the short-term memory problem shall be documented.~~

~~3) Documentation shall include a description of the resident's ability to make everyday decisions about tasks or activities of daily living.~~

~~4) Documentation shall include a description of the resident's ability to make himself or herself understood.~~

~~jj) Dementia Care Unit.~~

~~1) Unit was Illinois Department of Public Health certified during look-back period.~~

~~2) Resident resided in the unit during the look-back period.~~

~~3) Activity programming is planned and provided seven days a week for an average of eight hours per day.~~

~~4) Required assessments were completed on the resident.~~

~~5) If the resident has a Cognitive Performance Scale (CPS) score of five, care planning shall address the resident's participation in the unit's activities.~~

~~6) If a particular resident does not participate in at least an average of four activities per day over a one-week period, the unit director shall evaluate the resident's participation and have the available activities modified and/or consult with the interdisciplinary team.~~

~~7) Documentation shall support staff's efforts to involve the resident.~~

~~kk) Exceptional Care Services.~~

~~1) Respiratory Services.~~

~~A) A respiratory therapist shall evaluate the status of the resident at least monthly if the resident has a tracheostomy.~~

~~B) Documentation of respiratory therapy being provided 15 minutes a day shall be present in the clinical record for the look-back period.~~

~~C) Documentation of a physician's orders for the treatments.~~

~~D) Respiratory therapy requires documentation in the record of the treatment and the times given by a qualified professional (respiratory therapist or trained nurse) as defined in the RAI Manual.~~

~~E) Documentation of suctioning includes type, frequency and results of suctioning.~~

~~F) Documentation of trach care includes type, frequency and description of the care provided.~~

~~2) Weaning From Ventilator.~~
~~Documentation shall be in place to support weaning from the ventilator.~~

~~3) Morbid Obesity.~~

~~A) A dietician's evaluation shall be completed with evidence of on-going consultation.~~

~~B) On-going monitoring of weight shall be evident.~~

~~C) The psychosocial needs related to weight issues shall be identified and addressed.~~

~~4) Complex Wounds.~~
~~Facilities are to follow documentation guidelines as directed by 42 CFR 483.25(c) (State Operations Manual F-tag F314). All documentation requirements listed in F314 shall be met.~~

~~5) Traumatic Brain Injury (TBI).~~

~~A) Documentation shall support that psychological therapy is being delivered by licensed mental health professionals, as described in the RAI Manual.~~

~~B) Documentation shall support a special symptom evaluation program as an ongoing, comprehensive, interdisciplinary evaluation of behavioral symptoms as described in the RAI Manual.~~

~~C) Documentation shall support evaluation by a licensed mental health specialist in the last 90 days. This shall include an assessment of a mood, behavioral disorder, or other mental health problems by a qualified clinical professional as described in the RAI Manual.~~

~~D) The care plan shall address the behaviors of the resident and the interventions used.~~

~~ll) Accident/Fall Prevention.~~

~~1) Documentation shall support that the resident has the risk factor identified on the MDS.~~

~~2) Documentation shall support that the resident has been assessed for fall risks.~~

~~3) If the resident is identified as high risk for falls, documentation shall support that interventions have been identified and implemented.~~

~~mm) Restraint Free.~~

~~1) There shall be documentation to support the previous use of a restraint and the resident response to the restraint.~~

~~2) There shall be evidence that the restraint was discontinued.~~

~~nn) Clarification and additional documentation requirements are as follows:~~

~~1) Defined actions such as further assessment or documentation, described in the RAI Manual as "good clinical practice", are required by the Department as supporting documentation. Clinical documentation that contributes to identification and communication of a resident's problems, needs and strengths, that monitors his or her condition on an on-going basis, and that records treatments and response to treatment is a matter of good clinical practice and is an expectation of trained and licensed health care professionals (RAI page 1–23).~~

~~2) The facility shall have in place policies and procedures to address specific care needs of the residents, written evidence of ongoing in-services for staff related to residents' specific care needs and all necessary durable medical equipment to sustain life and carry out the plan of care as designed by the physician. In the absence of these items, a referral will be made to the Illinois Department of Public Health.~~

~~3) No specific types of documentation or specific forms are mandated, but documentation shall be sufficient to support the codes recorded on the MDS. Treatments and services ordered and coded shall be documented as delivered in the clinical record.~~

~~4) When completing a significant change assessment, the guidelines provided in the RAI Manual shall be followed. This includes documenting "the initial identification of a significant change in terms of the resident's clinical status in the progress notes" as described in RAI page 2–7.~~

~~5) Documentation used to support coding must be signed or initialed and dated. Changes to documentation shall be done in accordance with professional standards of practice, which includes lining through the error, initialing and dating the changes made.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.205 Reimbursement for Ventilator Dependent Residents (Repealed) EMERGENCY

~~a)~~ ~~Pursuant to Public Act 96-473, effective October 1, 2009, Department of Healthcare and Family Services (HFS) shall begin paying nursing facilities for ventilator dependent residents through a system separate from the Minimum Data Set (MDS) based reimbursement methodology. For purposes of this Section, ventilators are defined as any type of electrical or pneumatically powered closed mechanical system for residents who are, or who may become, unable to support their own respiration. It does not include Continuous Positive Airway Pressure (CPAP) or Bi-level Positive Airway Pressure (BIPAP) devices.~~

~~b)~~ ~~Payment shall be made for each individual resident receiving ventilator services through the Medicaid Management Information System (MMIS). The rate shall include the facility specific support, capital and nursing components plus the geographic area average ventilator minutes from the MDS and $150 supply cost.~~

~~c)~~ ~~Other services coded by a facility on the MDS for a ventilator dependent resident shall continue to be applied toward the nursing component of the nursing facility rate.~~

~~d)~~ ~~Staffing~~

~~1)~~ ~~A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health (DPH) in 77 Ill. Adm. Code 300.1240 or 250.910(e) and 250.910(f)(1), as appropriate). Additional RN staff may be determined necessary by HFS, based on HFS' review of the ventilator services.~~

~~2)~~ ~~A minimum of the required number of LPN staff (as required by DPH in 77 Ill. Adm. Code 300.1230, 300.1240 or 250.910(e) and 250.910(f)(1), as appropriate), on duty, with an RN on call, if not on duty on the evening and night shifts, seven days per week.~~

~~3)~~ ~~A certified respiratory therapy technician or registered respiratory therapist shall be available at the facility or on call 24 hours a day.~~

~~4)~~ ~~A certified respiratory therapist shall evaluate and document the respiratory status of the ventilator resident on a weekly basis.~~

~~5)~~ ~~At least one of the full-time licensed nursing staff members must have successfully completed a course in the care of ventilator dependent~~

~~individuals and the use of ventilators, conducted and documented by a certified respiratory therapy technician or registered respiratory therapist or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons.~~

~~6)~~ ~~All staff caring for ventilator dependent residents must have documented in-service training in ventilator care prior to providing that care. In-service training must be conducted at least annually by a certified respiratory therapy technician or registered respiratory therapist or a qualified registered nurse who has at least one-year experience in the care of ventilator dependent persons. In-service training documentation shall include name and qualification of the in-service director, duration of presentation, content of presentation and signature and position description of all participants.~~

~~e)~~ ~~Physical Plant~~
~~The Provider shall have and maintain physical plant adaptations to accommodate the necessary equipment, such as, an emergency electrical backup system.~~

~~f)~~ ~~Notification to HFS~~
~~A provider shall notify HFS, in writing, when a ventilator dependent resident is admitted and discharged from the facility. Notification in either instance shall occur within five days after the admission or discharge. Discharge is defined as the resident leaving the facility with no intention of returning. It does not mean an admission to a hospital.~~

~~g)~~ ~~Accessibility~~
~~The provider must make accessible to HFS and/or DPH all provider, resident and other records necessary to determine that the needs of the resident are being met and to determine the appropriateness of ventilator services.~~

~~h)~~ ~~Pursuant to Section 5-5.4(4) of the Public Aid Code, payment for ventilator services has been incorporated into Section 147.355 that covers payment for exceptional need categories, including ventilator care, identified in that Section.~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.310 **Implementation of a Case Mix System**~~**Inspection of Care (IOC) Review**~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

~~**Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)**~~
EMERGENCY

a) P.A. 98-0104 requires the Department to implement, effective January 1, 2014, an evidence-based payment methodology for the reimbursement of nursing services. The methodology shall take into consideration the needs of individual residents, as assessed and reported by the most current version of the nursing facility Minimum Data Set (MDS), adopted and in use by the federal government. This methodology shall not apply to Institution for Mental Disease (IMDs) or facilities that are licensed under the Specialized Mental Health Rehabilitation Act of 2013.

b) This Section establishes the method and criteria used to determine the resident reimbursement classification based upon the assessments of residents in nursing facilities. Resident reimbursement classification shall be established utilizing the 48-group, Resource Utilization Groups IV (RUG-IV) classification scheme and weights as published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). An Illinois specific default group is established in subsection (f)(3) of this Section and identified as AA1 with an assigned weight equal to the weight assigned to group PA1.

c) The pool of funds available for distribution by case mix shall be determined using the formula contained below. Base rate spending pool shall be:

1) The base year resident days which are calculated by multiplying the number of Medicaid residents in each nursing facility based on MDS comprehensive assessments for Medicaid residents on the last day of the quarter used to establish the base rate times 365 days.

2) Each facility's nursing component per diem in effect on July 1, 2012 shall be multiplied by the number determined in subsection (c)(1) of this Section.

3) Thirteen million is added to the result of subsection (c)(2) of this Section, to adjust for the exclusion of nursing facilities defined as Class I IMDs.

d) For each nursing facility with Medicaid residents as indicated by the MDS data defined in subsection (c)(1) of this Section, weighted days adjusted for case mix

and regional wage adjustment shall be calculated. For each nursing facility this calculation is the product of:

1) Base year resident days as calculated in subsection (c)(1) of this Section.

2) The nursing facility's regional wage adjustor based on the Health Service Areas (HSA) groupings and adjustors in effect on April 30, 2012.

3) Facility weighted case mix which is the number of Medicaid residents as indicated by the MDS data defined in subsection (c)(1) of this Section multiplied by the associated case weight for the RUG-IV 48-group model using standard RUG-IV procedures for index maximization, except for residents scoring in RUG groups PA1, PA2, BA1, and BA2. The case mix index for these four groups will be calculated as indicated in the chart below.

RUGs IV	January 1, 2014 CMS published CMI
PA1	0.45
PA2	0.49
BA1	0.53
BA 2	0.58

4) The sum of the products calculated for each nursing facility in subsections (d)(1) through (d)(3) of this Section shall be the base year case mix, rate adjusted weighted days.

e) The statewide RUG-IV nursing base per diem rate effective on January 1, 2014, shall be the quotient of subsection (c) of this Section divided by the sum calculated under subsection (d)(4) of this Section and is $83.49.

f) For services provided on or after:

1) January 1, 2014, the Department shall compute and pay a facility-specific nursing component of the per diem rate as the arithmetic mean of the resident-specific nursing components, as determined in subsection (d) of this Section, assigned to Medicaid-enrolled residents on record, as of 30 days prior to the beginning of the rate period, in the Department's Medicaid Management Information System (MMIS), or any successor

system, as present in the facility on the last day of the second quarter preceding the rate period. The RUG-IV nursing component per diem for a nursing facility shall be the product of the statewide RUG-IV nursing base per diem rate, the facility average case mix index to be calculated quarterly, and the regional wage adjustor. Transition rates for services provided between January 1, 2014 and December 31, 2014, shall be as follows:

A) The transition RUG-IV per diem nursing rate for nursing facilities whose rate calculated in this subsection is greater than the nursing component rate in effect July 1, 2012, shall be paid the sum of:

i) The nursing component rate in effect July 1, 2012; plus

ii) The difference of the RUG-IV nursing component per diem calculated for the current quarter minus the nursing component rate in effect July 1, 2012, multiplied by 0.88.

B) The transition RUG-IV per diem nursing rate for nursing facilities whose rate calculated in this subsection is less than the nursing component rate in effect July 1, 2012, shall be paid the sum of:

i) The nursing component rate in effect July 1, 2012; plus

ii) The difference of the RUG-IV nursing component per diem calculated for the current quarter minus the nursing component rate in effect July 1, 2012, multiplied by 0.13.

2) The Department shall determine the group to which resident is assigned using the 48-group RUG-IV classification scheme with an index maximization approach. A resident for whom RUGs resident identification information is missing or inaccurate, or for whom there is no current MDS record for that quarter, shall be assigned to default group AA1. A resident for whom a MDS assessment does not meet the CMS edit requirements as described in the Long Term Care Resident Assessment Instrument (RAI) Manual or for whom an MDS assessment has not been submitted within 14 calendar day of the time requirements in Section 147.315 shall be assigned to default group AA1.

3) The assessment used for the purpose of rate calculation shall be identified as an Omnibus Budget Reconciliation Act (OBRA) assessment on the MDS following the guidance in the RAI Manual.

4) The MDS used for the purpose of rate calculation shall be determined by the Assessment Reference Date (ARD) identified on the MDS assessment.

g) The Department shall provide each nursing facility with information that identifies the group to which each resident has been assigned.

(Source: Old Section 147.310 repealed at 26 Ill. Reg. 3093, effective February 15, 2002; new Section 147.310 added by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.315 Nursing Facility Resident Assessment Instrument~~Comprehensive Functional Assessments and Reassessments (Repealed)~~
EMERGENCY

a) A facility shall conduct and electronically submit a Minimum Data Set (MDS) assessment that conforms with the assessment schedule and guidance defined by Code of Federal Regulations, Title 42, section 483.20, and in the RAI Manual, published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), and subsequent updates when issued by CMS.

b) A facility shall complete the MDS Comprehensive Item Set form that includes all items Section A-Z, for each resident quarterly, regardless of the resident's payment source. The Comprehensive Item Set refers to the MDS items that are active on a particular assessment type or tracking form. While a Comprehensive Item Set is required for all assessments including quarterlies, a comprehensive assessment is not required on a quarterly basis. A comprehensive assessment is defined as both the completion of a Comprehensive Item Set as well as completion of the Care Area Assessment (CAA) process and care planning. When completing the Comprehensive Item Set for the quarterly MDS, the CAA process is not required. The federal regulatory requirements at 42 CFR 483.20(d) requires nursing facilities to maintain all resident assessments completed within the previous 15 months in the resident's active clinical record.

c) A facility shall electronically transmit to the CMS database the following MDS assessments in the timeframes identified.

1) The Omnibus Budget Reconciliation Act (OBRA) regulations require nursing facilities that are Medicare or Medicaid certified to conduct initial and periodic assessments for all their residents. The MDS 3.0 is part of that assessment process and is required by CMS. The assessment that will be used for the purpose of rate calculations shall be identified as an OBRA assessment on the MDS following the guidance in the RAI Manual.

2) Admission, Annual, Significant Change in Status, and Significant Correction to Prior Comprehensive Assessments shall be completed and transmitted to the CMS database no later than 14 calendar days after the care plan completion date. The quarterly assessment shall identify the MDS was transmitted to the CMS database no later than 14 calendar days after the MDS completion date.

3) An MDS admission assessment and CAAs shall be completed by the 14th calendar day from the resident's admission date. This assessment shall include completion of the MDS Comprehensive Item Set as well as completion of the CAA process and care planning. Care plan completion date is 7 calendar days after the MDS/CAA completion date. Transmission date is within 14 calendar days after the care plan completion date.

4) An annual assessment shall have an assessment reference date (ARD) within 366 calendar days of the ARD identified on the last comprehensive assessment. This assessment shall include completion of the MDS Comprehensive Item Set as well as completion of the CAA process and care planning. The MDS/CAA completion date is the ARD plus 14 calendar days. The care plan completion date is MDS/CAA completion date plus 7 calendar days. Transmission date is care plan date plus 14 calendar days.

5) A significant change assessment shall be completed within 14 calendar days after the identification of a significant change. This assessment shall include completion of the MDS Comprehensive Item Set as well as completion of the CAA process and care planning. The MDS/CAA completion date is 14 calendar days after the determination date plus 7 calendar days. Transmission date is care plan date plus 14 calendar days.

6) All quarterly assessments shall have an ARD within 92 calendar days of the previous ARD assessment. This assessment includes the completion of the MDS Comprehensive Item Set, but does not include the completion of the CAA process and care planning. MDS completion date is ARD plus 14 calendar days. Transmission date is completion date plus 14 calendar days.

7) The significant correction to a prior comprehensive assessment or significant correction to a prior quarterly assessment shall be completed when the interdisciplinary team determines that a resident's prior assessment contains a significant error that has not been corrected by more recent assessments as required by the RAI Manual. Nursing facilities shall document the initial identification of a significant error in a prior assessment in the progress notes.

d) A facility shall comply with the following:

1) All staff completing any part of the MDS shall enter their signatures, titles, section or portion(s) of section(s) they completed and the date completed.

2) The signature attests that the information entered by them, to the best of their knowledge, most accurately reflects the resident's status during the timeframes identified.

3) Federal regulations require the RN assessment coordinator to sign and thereby certify that the assessment is completed.

4) When the electronic MDS record submitted to the state from the CMS database does not match the facility's copy of the MDS, the items on the MDS submitted will be used for purposes of validation.

5) It is the facility's responsibility to create an electronic transmission file that meets the requirements detailed in the current MDS Data Specification Manual. The facility shall submit MDS assessments under the appropriate authority and timely as defined in the RAI Manual. In addition, the facility is responsible to access the CMS database to receive and review validation reports. Records that are rejected or contain errors

must be dealt with 30 days prior to the rate period and appropriately to avoid default rate.

(Source: Old Section 147.315 repealed at 26 Ill. Reg. 3093, effective February 15, 2002; new Section 147.315 added by emergtency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.320 Definitions~~Interdisciplinary Team (IDT) (Repealed)~~ EMERGENCY

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

"Active Disease Diagnosis" means a physician documented diagnosis (or by a nurse practitioner, physician assistance, or clinical nurse specialist if allowable under State licensure laws) that have a direct relationship to the resident's current functional status, cognitive status, mood or behavior, medical treatments, nursing monitoring or risk of death.

"Assessment Reference Date" means the last day of the Minimum Data Set (MDS) look-back period. The date sets the designated endpoint of the look-back period in the MDS process, and all MDS items refer back in time from that point. This period of time is also called the observation or assessment period.

"Case Mix" means a method of classifying care that is based on the intensity of care and services provided to the resident.

"Case Mix Index" means the weighting factors assigned to each RUG-IV classifications.

"Case Mix Reimbursement System" means a payment system that measures the intensity of care and services required for each resident, and translates these measures into the amount of reimbursement given to the facility for care of a resident.

"Continuous Positive Airway Pressure (CPAP)" means a respiratory support device that prevents the airways from closing by delivering slightly pressurized air through a mask continually or via electronic cycling throughout the breathing cycle. The mask enables the individual to support his or her own respirations by

providing enough pressure when the individual inhales to keep his or her airway open.

"Department" means the Illinois Department of Healthcare and Family Services (HFS).

"Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to him or herself or some other person. It includes any act that constitutes fraud under applicable federal or state law.

"Index Maximization" means a method to classify a resident who could be assigned to more than one category, to the category with the highest case mix index.

"Minimum Data Set (MDS)" means the assessment instrument specified by the Centers for Medicare and Medicaid Services (CMS) and designated by the "Department". A core set of screening, clinical, and functional status elements, including common definitions and coding categories, forms the foundation of a comprehensive assessment.

"Monitoring" means the ongoing collection and analysis of information (such as observations and diagnostic test results) and comparison to baseline and current data in order to ascertain the individual's response to treatment and care, including progress or lack of progress towards a goal. Monitoring can detect any improvements, complications or adverse consequences of the condition or of the treatments, and support decisions about adding, modifying, continuing or discontinuing any interventions.

"Nursing Monitoring" means clinical monitoring (e.g. serial blood pressure evaluations, medication management, etc.) by a licensed nurse.

"Resource Utilization Group" or "RUG" means the system for grouping a nursing facility's residents according to their clinical and functional status identified in MDS data supplied by a facility.

"Significant Error" means an error in an assessment where a resident's overall clinical status in not accurately represented and the error has not been corrected via submission of a more recent assessment.

"Ventilator or Respirator" means a type of electronically or pneumatically powered closed system mechanical ventilator support devices that ensures adequate ventilation in the resident who is, or who may become, unable to support his or her respirations.

(Source: Old Section 147.320 repealed at 26 Ill. Reg. 3093, effective February 15, 2002; new Section 147.320 added by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.325 Resident Reimbursement Classifications and Requirements ~~Comprehensive Program Plan (CPP) (Repealed)~~ EMERGENCY

a) Resident reimbursement classification shall be based on the Minimum Data Set (MDS), Version 3.0 assessment instrument mandated by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) that nursing facilities are required to complete for all residents. When later guidance or clarifications are released by CMS that contradicts or augments guidance provided in this Section, the more current information becomes the accepted standard and shall become effective as of the date required by CMS. The Department shall establish resident classification according to the 48-group, Version IV or RUG-IV model. Resident classification shall be established based on the individual items identified on the MDS and shall be completed according to the RAI Manual.

b) Each resident shall be classified based on the information from the MDS submitted according to the categories as identified in Section 147.330 and as defined in the RAI Manual.

c) General Documentation Requirements

1) A facility shall maintain resident records on each resident in accordance with acceptable professional standards and practices.

2) Supportive documentation in the clinical record used to validate the MDS item response(s) shall be dated during the specified look-back period or other timeframe as identified in the RAI Manual. Records shall be retained for at least three years from the date of discharge.

3) Supportive documentation entries shall be dated and their authors identified by signature or initials. Signatures are required to authenticate all documentation utilized to support MDS item response(s). At a minimum, the signature shall include the first initial, last name, and title/credentials. Any time a facility chooses to use initials in any part of the record for authentication of an entry, there shall also be corresponding full identification of the initials on the same form or on a signature legend. Initials may never be used where a signature is required by law (i.e. on the MDS). When electronic signatures are used, the facility shall have policies in place to identify those who are authorized to sign electronically and have safeguards in place to prevent unauthorized use of electronic signatures.

4) Each page or individual document in the clinical record shall contain the resident's identification information.

5) A multi-page supportive documentation form completed by one staff member may be signed and dated at the end of the form, provided that each page is identified with the resident's identification information and the date(s) are clearly indentified on the form.

6) Corrections/Obliterations/Errors/Mistaken entries. At a minimum, there shall be one line through the incorrect information, the staff's initial, the date of correction was made, and the corrected information. Information that is deemed illegible by Department reviews will not be considered for validation purposes.

7) An error correction in the electronic record applies the same principles as for the paper clinical record. Some indication that a previous version of the entry exists shall be evident to the caregiver or other person viewing the entry.

8) Late entries shall be clearly labeled as a late entry and contain the current date, time and authorized signature. Amendments are a form of late entry. Amendments shall be clearly labeled as an addendum or amendment and include the current date, time and authorized signature.

9) Facilities shall have a written policy and procedures that states who is authorized to make amendments, late entries, and correct errors in the electronic health records (EHRs) and clearly dictate how these changes to the EHR are made.

10) Resident records shall be complete, accurately documented, readily accessible to Department staff, and systematically organized. At a minimum, the record shall contain sufficient information to identify the resident, a record of the resident's assessments, care plan, record of services provided, and progress notes.

11) Documentation from all disciplines and all portions of the resident's clinical record may be used to validate an MDS item response. All supporting documentation shall be produced by a facility during an onsite visit.

12) Documentation shall support all conditions or treatments were present or occurred within the look-back period ending on, and including the ARD period. The look-back period shall include observations and events through the end of the day (midnight) of the ARD. Documentation shall apply to the appropriate look-back period and reflect the resident's status on all shifts.

13) Documentation in the clinical record shall consistently support the item response and reflect care related to the symptom or problem. Documentation shall reflect the resident's status on all shifts.

14) Problems that are identified by the MDS item responses that affect the resident's status shall be addressed on the care plan when deemed appropriate by the interdisciplinary team (IDT) as identified in the RAI Manual.

15) Insufficient or inaccurate documentation may result in a determination that the MDS item submitted was not validated.

16) Documentation shall support that the services delivered were medically necessary.

17) Documentation shall support an individualized care plan was developed based on the MDS and other assessments and addressed the resident's strengths and needs. In addition, documentation, observation and/or interview shall support services were delivered as identified by the care plan.

18) Clinical documentation that contributes to identification and communication of a resident's problems, needs and strengths that monitors his or her condition on an ongoing basis and that records treatments and response to treatment is a matter of clinical practice and is an expectation of trained and licensed health care professional.

19) When there is a significant change in status assessment done, documentation shall include the identification of the significant change in status in the clinical record.

d) Disease Diagnosis Requirements

1) The disease condition shall require a physician-documented diagnosis in the clinical record during the 60 days prior to and including the ARD.

2) The diagnosis shall be determined to be active as defined in the RAI Manual during the 7-day look-back period. Conditions that have been resolved or no longer affect the resident's current functioning or care plan during the 7-day look-back period shall not be included.

3) Documentation shall support that the active diagnoses have a direct relationship to the resident's current functional status, cognitive status, mood or behavior, medical treatments, nursing monitoring, or risk of death during the look-back period.

4) There shall be specific documentation in the record by a physician stating the disease is active. Including a disease/diagnosis on the resident's clinical record problem list is not sufficient for determining active or inactive status. In the absence of specific documentation that a disease is active, the following indicators may be used to confirm active disease.

A) Recent onset or acute exacerbation of the disease or condition indicated by a positive study, test or procedure, hospitalization for

acute symptoms and/or recent change in therapy during the 7-day look-back period.

B) Symptoms and abnormal signs indicating ongoing or decompensating disease in the last 7-day look-back period.

C) Ongoing therapy with medication or other interventions to mange a condition that requires monitoring for therapeutic efficacy or to monitor potentially severe side effects in the 7-day look-back period. A medication indicates active disease if that medication is prescribed to manage an ongoing condition that requires monitoring or is prescribed to decrease active symptoms associated with a condition.

D) When documentation of conditions that are generally short term in nature (i.e., fever, Septicemia, pneumonia, etc.) are noted over a long period of time by the facility staff, the physician may be interviewed to determine accuracy of the diagnosis. In addition, when questions regarding the validity of the diagnosis are found during review of the documentation the physician may be interviewed.

(Source: Old Section 147.325 repealed at 26 Ill. Reg. 3093, effective February 15, 2002; new Section 147.325 added by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.330 Resource Utilization Groups (RUGs) Case Mix Requirements~~Specialized Care – Administration of Psychopharmacologic Drugs (Repealed)~~

a) Activities of Daily Living (ADL)

1) Documentation shall support the ADL coded level as defined in the Resident Assessment Instrument (RAI) Manual.

2) Documentation of ADLs shall support the RAI requirement was met for coding Self Performance and Support during the look-back period. It is the responsibility of the person completing the assessment to consider all episodes of the activity that occurred over a 24-hour period during each day of the 7-day look-back period. There shall be signatures/initials of

staff providing the ADL assistance and dates to authenticate the services were provided as coded during the look-back period. If using an ADL grid for supporting documentation, the key for self-performance and support provided shall be equivalent to definitions to the MDS key.

3) The ADL scores for residents lacking documentation shall be reset to zero.

b) Extensive Services. Documentation shall support that the following requirements were met during the look-back period based on the MDS items identified.

1) Documentation shall support tracheostomy care was completed during the look-back period while a resident in the facility.

2) Documentation shall support the use of a ventilator or respirator during the look-back period while a resident in the facility. Documentation shall support the device was an electrically or pneumatically powered closed-system mechanical ventilator support device that ensures adequate ventilation in the resident who is, or who may become, unable to support his or her own respiration. This does not include BiPAP or CPAP devices or a ventilator or respirator that is used only as a substitute for BiPAP or CPAP.

3) Documentation supports the need for and use of isolation during the look-back period while a resident is in the facility.

4) Documentation shall support the following conditions for "strict isolation" was met during the look-back period:

A) The resident has active infection with highly transmissible or epidemiologically significant pathogens that have been acquired by physical contact or airborne or droplet transmission;

B) Precautions are over and above standard precautions. That is, transmission-based precautions (Contact, droplet, and/or airborne) must be in effect; and

C) The resident is in a room alone because of active infection and cannot have a roommate even if the roommate has a similar active infection that requires isolation. The resident must remain in

his/her room. This requires that all services be brought to the resident (e.g., rehabilitation, activities, dining etc).

5) Treatment and/or procedures the resident received shall be care planned and reevaluated to ensure continued appropriateness.

6) Extensive Services are defined as indicated in the chart below.

Category (Description)	ADL Score	End Splits or Special Requirements	IL RUG-IV GROUP
Extensive Services – At least one of the following:			
Tracheostomy Care while a resident (O0100E2)	≥ 2	Tracheostomy care and Ventilator/Respirator	ES3
Ventilator or Respirator while a resident (O0100F2)	≥ 2	Tracheostomy care OR Ventilator/Respirator	ES2
Infection Isolation while a resident O0100M2)	≥ 2	Infection Isolation: • Without trach • Without Ventilator /Respirator	ES1

c) Rehabilitation-Documentation shall support the following requirements were met during the look-back period based on the MDS items identified.

1) All RAI Manual requirements and definitions shall be met, including the qualifications for therapists.

2) Documentation shall support medically necessary therapies that occurred after admission or readmission to the facility that were:

A) Ordered by a physician based on a qualified therapist's (i.e., one who meets Medicare requirements) assessment and treatment plan;

B) Documented as delivered in the clinical record; and

C) Care planned and periodically evaluated to ensure the resident receives needed therapies and the current treatment plans are

effective. Any service provided at the request of the resident or family that is not medically necessary shall not be included, even when performed by a therapist or a therapy assistant. It does not include the services performed when a facility elects to have licensed professionals perform repetitive exercises and other maintenance treatments or to supervise aides performing these maintenance services that are considered restorative care.

3) Documentation shall support the therapies were provided while the individual was living and being cared for at the long-term care facility. It does not include therapies that occurred while the person was an inpatient at a hospital or recuperative or rehabilitation center or other long-term care facility, or recipient of home care or community based services.

4) Documentation shall support the services were directly and specifically related to an active written treatment plan that is approved by the physician after any needed consultation with a qualified therapist and is based on an initial evaluation performed by a qualified therapist prior to the start of these services in the facility.

5) Documentation shall support the services were a level of complexity and sophistication, or the condition of the resident shall be of a nature that requires the judgment, knowledge, and skills of a therapist.

6) Documentation shall support the services were provided with expectation, based on the assessment of the resident's restoration potential made by the physician, that the condition of the patient will improve materially in a reasonable and generally predictable period of time, or the services shall be necessary for the establishment of a safe and effective maintenance program.

7) Documentation shall support the services are considered under accepted standards of medical practice to be specific and effective treatment for the resident's condition.

8) Documentation shall support that services are medically necessary for the treatment of the resident's condition. This includes the requirement that the amount, frequency, and duration of the services shall be reasonable and they must be furnished by qualified personnel.

9) Documentation shall include the actual minutes of therapy. Minutes shall not be rounded to the nearest 5th minute and conversion of units to minutes or minutes to units is not acceptable.

10) Documentation shall identify the different modes of therapy (i.e., individual, concurrent, group) and the documentation shall support the criteria for the mode identified is met.

11) Documentation shall support that the restorative program include nursing interventions that promote the residents ability to adapt and adjust to living as independently and safely as possible. The program actively focuses on achieving and maintaining optimal physical, mental, and psychosocial functioning.

12) Documentation shall support the following components for a restorative program is met:

A) There are measurable objectives/interventions established for the performance of the activity;

B) A licensed nurse shall evaluate and document the results of the evaluation related to the program on a quarterly basis.

C) Documentation includes the actual number of minutes the activity was performed and supports at least 15 minutes in a 24-hour period for a minimum of 6 days; and

D) Individuals who implement the program shall be trained in the interventions and supervised by a nurse.

13) Documentation shall support the requirements identified for coding ADL was met.

14) Rehabilitation is defined as indicated in the chart below.

Category (Description)	ADL Score	End Splits or Special Requirements	IL Rug-IV Group

At least 5 distinct calendar days (15 min per day minimum) in any combination of Speech, Occupational or Physical Therapy in the last 7 days. (O0400A4, O0400B4, O0400C4) AND 150 minutes or greater of any combination of Speech, Occupational or Physical Therapy in the last 7 days (O0400A1, O0400A2, O0400A3, O0400B1, O0400B2, O0400B3, O0400C1, O0400C2, O0400C3) OR At least 3 distinct calendar days (15 min per day minimum) in any combination of Speech, Occupational, or Physical Therapy in the last 7 days (O0400A4, O0400B4, O0400C4) AND 45 minutes or greater in any combination of Speech, Occupational or Physical Therapy in the last 7 days (O0400A1, O0400A2, O0400A3, O0400B1, O0400B2, O0400B3, O0400C1, O0400C2, O0400C3) AND at least 2 nursing rehabilitation services. See description of Restorative in subsection (h)	15-16 11-14 6-10 2-5 0-1	None None None None None	RAE RAD RAC RAB RAA

d) Special Care High-Documentation shall support the following requirements were met during the look-back period based on the MDS items identified.

1) Documentation shall support the requirements and criteria for coding an active disease diagnosis were met.

2) Documentation shall support the ADL scores met the requirements and criteria for coding.

3) Documentation shall include the date completed and the staff member completing the Mood interview when indicated. Documentation shall demonstrate the presence and frequency of clinical mood indicators when staff assessment of mood is utilized. This shall include date observed, a brief description of the symptoms, staff observing, and any interventions.

4) Documentation shall support a diagnosis of coma or persistent vegetative state.

5) Documentation shall support an active diagnosis of Septicemia. Interventions and/or treatments for the diagnosis shall be documented upon delivery.

6) Documentation shall support an active diagnosis of diabetes, and shall support insulin injections were given the entire 7 days of the look-back period and there were orders for insulin changes on 2 or more days during the look-back period.

7) Documentation shall support the active diagnosis of Quadriplegia.

8) Documentation shall support the active diagnosis of Chronic Obstructive Pulmonary Disease (COPD) and/or asthma with shortness of breath while lying flat. Interventions and/or treatments for the condition shall be documented upon delivery.

9) Documentation to support fever shall include a recorded temperature of at least 2.4 degrees higher than the previous recorded baseline temperature and documentation shall support one of the following: pneumonia, vomiting, weight loss, and/or feeding tube with at least 51% of total calories or if 26-50% of the calories there is also fluid intake of 501cc or more per day. Interventions and/or treatments for the condition shall be documented upon delivery.

10) Documentation to support parenteral or IV feedings. Documentation shall support the intervention was administered for nutrition or hydration purposes.

11) Documentation of respiratory therapy shall include the following:

A) Physician orders that include a statement of frequency, duration, and scope of treatment;

B) The actual minutes the therapy was provided while a resident is in the facility;

C) Evidence that the services are provided by a qualified professional; and

D) Evidence that the services are directly and specifically related to an active written treatment plan that is based on an initial evaluation performed by qualified personnel.

12) Special Care High is defined as indicated in the chart below.

Category (Description)	ADL Score	End Splits or Special Requirements	IL RUG-IV Group
Special Care High (ADL Score of ≥ 2 or more and at least one of the following:	15-16	Depression	HE2
	15-16	No Depression	HE1
Comatose (B0100) and completely ADL dependent or ADL did not occur (G0110A1, G0110B1, G0110H1, G0110I1 all = 4 or 8)	11-14	Depression	HD2
	11-14	No Depression	HD1
Septicemia (I2100)	6-10	Depression	HC2
Diabetes (I2900) with both of the following:	6-10	No Depression	HC1
• Insulin injections for all 7 days (N0350A = 7)	2-5	Depression	HB2

• Insulin order changes on 2 or more days (N0350B ≥ 2) Quadriplegia (I5100) with ADL score ≥ 5(ADLs as above) Asthma or COPD (I6200) AND shortness of breath while lying flat (J1100C) Fever (J1550A) and one of the following: • Pneumonia (I2000) • Vomiting (J1550B) • Weight Loss (K0300 = 1 or 2) • Feeding Tube (K0510B1 or K0510B2) with at least 51% of total calories (K0710A3 = 3) OR 26% to 50% through parenteral/enteral intake (K0710A3 = 2) and fluid intake is 501cc or more per day (K0710B3 = 2) Parenteral/IV Feeding (K0510A1 or K0510A2) Respiratory Therapy for all 7 days (O0400D2 = 7) If a resident qualifies for Special Care High but the ADL score is a 1 or less, then the resident classifies as Clinically Complex	2-5	No Depression (Note: See description of depression indicators in subsection (k))	HB1

e) Special Care Low – Documentation shall support the following requirements were met during the look-back period based on the MDS items identified.

1) Documentation shall support the requirements and criteria for coding disease diagnosis were met. This includes an active diagnosis of Cerebral Palsy, Multiple Sclerosis, or Parkinson's.

2) Documentation shall support an active diagnosis of respiratory failure and the administration of oxygen therapy while a resident. Documentation shall include the date and method of delivery. Documentation shall support a need for the use of oxygen.

3) Documentation shall support the requirements and criteria for coding ADLs were met.

4) Documentation shall include the date, and staff completing the Mood interview. Documentation shall demonstrate the presence and frequency of clinical mood indicators when staff assessment of mood is utilized. This shall include date observed, a brief description of the symptom, any interventions implemented and identification of staff observing.

5) Documentation shall support the presence of a feeding tube and the proportion of calories received through the tube feeding.

6) Documentation shall support the presence of two or more Stage 2 pressure ulcers or any Stage 3 or 4 pressure ulcer as defined in the RAI Manual. Documentation shall include observation date, location, and measurement and description of the ulcer. Other factors related to the ulcer shall be noted including: condition of the tissue surrounding the area (color, temperature, etc.), exudates and drainage present, fever, presence of pain, absence or diminished pulses, and origin of the wound (such as pressure, injury or contributing factors) if known. Interventions and/or treatments for the ulcer shall be documented as delivered.

7) Documentation shall support the presence of two or more venous or arterial ulcers as defined in the RAI Manual. Documentation shall include observation date, location, and measurement and description of the ulcer. Interventions and/or treatment for the ulcer shall be documented as delivered.

8) Documentation shall support the presence of a Stage 2 pressure ulcer and a venous or arterial ulcer. Documentation shall include observation date,

location, and measurement and description of the ulcer. Interventions and/or treatments for the ulcer shall be documented as delivered.

9) Documentation shall support two or more of the following interventions when ulcers are noted: pressure relieving devices, turning and repositioning, nutrition and/or hydration, ulcer care, application of dressing and/or application of ointments. Documentation shall support the interventions identified were implemented during the look-back period.

10) Documentation and/or observation shall support the use of pressure relieving devices for the resident. This does not include egg crate cushions, doughnuts or rings.

11) Documentation for a turning and repositioning program shall include specific approaches for changing the resident's position and realigning the body and the frequency it is to be implemented. Documentation shall support the program was implemented and is monitored and reassessed to determine the effectiveness of the intervention.

12) Documentation shall support the nutrition and/or hydration interventions were delivered. These shall be based on an individual assessment of the resident's nutritional deficiencies and needs. Vitamins and mineral supplements shall only be coded on the MDS when noted through a thorough nutritional assessment.

13) Documentation for ulcer care shall support the care was delivered. Documentation shall include the date delivered, type of care delivered, and identification of the staff delivering the care.

14) Documentation shall support the application of non-surgical dressing and shall include date applied and identification of the staff delivering the care. This does not include application of a band-aid.

15) Documentation shall support the application of ointments or medications were actually applied to somewhere other than the feet. This includes only ointments or medications used to treat and/or prevent skin conditions. Documentation shall include name and description of the ointment used, date applied, and identification of the staff delivering the care.

16) Documentation of infections of the foot and/or presence of diabetic foot ulcers or open lesions to the foot shall include a description of the area.

17) Documentation shall support interventions and/or treatments for the problems noted were implemented. Documentation shall define the intervention and treatment, the date delivered and the identification of the staff delivering the care.

18) Documentation shall support the application of dressing to the feet was actually delivered. Documentation shall include the date applied and identification of the staff delivering the care.

19) Documentation shall support the reason for and the administration of radiation while a resident. Documentation shall include the date of administration and identification of the staff delivering the care.

20) Documentation shall support dialysis was administered while a resident. Documentation shall include type of dialysis, date delivered, and identification of the staff delivering the care.

21) Special Care Low is defined as indicated in the chart below.

Category (Description)	ADL Score	End Splits or Special Requirements	IL RUG-IV Group
Special Care Low-ADL score of 2 or more and at least one of the following:	15-16	Depression	LE2
Cerebral Palsy (I4400) with ADL score ≥ 5	15-16	No Depression	LE1
Multiple Sclerosis (I5200) with ADL score ≥ 5	11-14	Depression	LD2
Parkinson's disease (I5300) with ADL score ≥ 5	11-14	No Depression	LD1
Respiratory Failure (I6300) and oxygen therapy while a resident (O0100C2)	6-10	Depression	LC2
Feeding Tube (K0510B1 or K0510B2) with at least 51% of total calories (K0710A3 = 3) OR	6-10	No Depression	LC1
26% to 50% through parenteral/enteral intake (K0710A3 = 2) and fluid intake is 501cc or more per day (K0710B3 = 2)	2-5	Depression	LB2

Two or more Stage 2 pressure ulcers (M0300B1) with two or more skin treatments • Pressure relieving device for chair (M1200A) and/or bed (M1200B) • Turning/Repositioning (M1200C) • Nutrition or hydration intervention (M1200D) • Ulcer care (M1200E) • Application of dressing (M1200G) • Application of ointments (M1200H) Any Stage 3 or 4 pressure ulcer (M0300C1, D1, F1) with two or more skin treatments-See above list Two or more venous/arterial ulcers (M1030) with two or more skin treatments-See above list One Stage 2 pressure ulcer (M0300B1) and one venous/arterial ulcer (M1030) with two or more skin treatments-See above list Foot infection (M1040A), Diabetic foot ulcer (M1040B) or other open lesion of foot (M1040C) with application of dressing to feet (M1200I) Radiation treatment while a resident (O0100B2) Dialysis treatment while a resident (O0100J2) If a resident qualifies for Special Care Low but the ADL score is 1 or less-then the resident classifies as Clinically Complex	2-5	No Depression Note: See description of depression indicators	LB1

f) Clinically Complex – Documentation shall support the following requirements were met during the look-back period based on the MDS items identified.

1) Documentation shall support the requirements and criteria for coding disease diagnosis were met. This shall include documentation of an active diagnosis of pneumonia that includes current symptoms and any interventions.

2) Documentation shall also support an active diagnosis of hemiplegia or hemiparesis.

3) Documentation shall support the requirements and criteria for coding ADLs were met.

4) Documentation shall include the date completed, and staff completing the Mood interview when indicated. Documentation shall demonstrate the presence and frequency of clinical mood indicators when staff assessment of mood is utilized. This shall include date observed, brief description of the symptom, any interventions, and identification of staff observing.

5) Documentation shall support the presence of open lesions other than ulcers. The documentation shall include, but is not limited to, an entry noting the observation date, location, measurement and description of the lesion and any interventions. Documentation of interventions shall include at least one of the following: surgical wound care, application of nonsurgical dressing to an area other than the feet and/or application of ointments to an area other than the feet. Documentation shall include all the types of interventions, dates delivered, and the staff delivering the interventions.

6) Documentation shall support the presence of a surgical wound. The documentation shall include an entry noting the observation date, origin of the wound, location, measurement and description, and any interventions. Documentation of interventions shall include at least one of the following: surgical wound care, application of nonsurgical dressing to an area other than the feet and/or application of ointments to an area other than the feet. Documentation shall include the type of intervention, dates delivered, and the staff delivering the interventions.

7) Documentation shall support the presence of a burn. Documentation shall include an entry noting the observation date, location, measurement and description, and any interventions.

8) Documentation shall support the administration of a chemotherapy agent while a resident in the facility. Documentation shall include the name of the agent, date delivered and the staff delivering.

9) Documentation shall support the administration of oxygen while a resident in the facility. This shall include the date and method of delivery. Additionally, documentation shall support a need for the use of oxygen.

10) Documentation shall support the administration of an IV medication while a resident in the facility. The documentation shall include the name of the medication, date delivered, method of delivery, and identification of staff delivering.

11) Documentation shall support the resident received a transfusion while a resident was at the facility. Documentation shall include the date received, reason and identification of staff delivering the care.

12) Clinically Complex is defined as indicated in the chart below.

Category (Description)	ADL Score	End Splits or Special Requirements	IL RUG -IV Group
Clinically Complex-At least one of the following:	15-16	Depression	CE2
Pneumonia (I2000)	15-16	No Depression	CE1
Hemiplegia/hemiparesis (I4900) with ADL score ≥ 5	11-14	Depression	CD2
Surgical wounds (M1040E) or open lesion (M1040D) with any selected skin treatment below	11-14	No Depression	CD1
• Surgical wound care (M1200F)	6-10	Depression	CC2
• Application of nonsurgical dressing (M1200G) not to feet	6-10	No Depression	CC1
	2-5	Depression	CB2
	2-5	No Depression	CB1

• Application of ointment (M1200H) not to feet Burns (M1040F) Chemotherapy while a resident (O0100A2) Oxygen therapy while a resident (O0100C2) IV Medication while a resident (O0100H2) Transfusions while a resident (O0100I2) If a resident qualifies for Special Care High or Special Care Low, but the ADL score of 1 or 0, then the resident classifies in Clinically Complex CA1 or CA2	0-1 0-1	Depression No Depression	CA2 CA1

g) Behavioral Symptoms and Cognitive Performance – Documentation shall support the following requirements were met during the look-back period based on the MDS items identified.

1) Documentation shall include the date completed, and staff completing the Mood interview. Documentation shall demonstrate the presence and frequency of clinical mood indicators when staff assessment of mood is utilized. This shall include date observed, brief description of the symptom, any interventions and identification of staff observing.

2) Documentation shall include the date and staff completing the Brief Interview for Mental Status (BIMS).

3) Documentation shall support the occurrence of a hallucination and/or delusion that include the date observed, description, and name of staff observing.

4) Documentation shall include the date observed, staff observing, frequency, and description of resident's specific physical, verbal or other behavioral

symptom. Documentation shall include any interventions and the resident's response.

5) Documentation shall include the date observed, staff observing, frequency and description of the behavior of rejection of care. Rejection of care shall meet all of the coding requirements. Residents, who have made an informed choice about not wanting a particular treatment, procedure, etc., shall not be identified as "rejecting care". Documentation shall include any interventions and the resident's response.

6) Documentation shall include the date observed, staff observing, frequency and description of any wandering behavior. Documentation shall support a determination for the need for environmental modifications (door alarms, door barriers, etc.) that enhance resident safety and the resident's response to any interventions. Care plans shall address the impact of wandering on resident safety and disruption to others and shall focus on minimizing these issues.

7) Documentation shall identify how the coded behavior affected the resident, staff and/or others. Care plan interventions shall address the safety of the resident and others and be aimed at reducing distressing symptoms.

8) Documentation supports presence of a restorative program. This shall include, but is not limited to, the following: Documentation of the actual number of minutes the program was provided that equals 15 minutes, in a 24-hour period, a restorative care plan that contains measurable objectives, and goals that are specific, realistic and measurable. In addition, documentation shall support the programs are delivered 6-7 days a week, supervised by a licensed nurse, a quarterly evaluation is completed by a licensed nurse, and staff are trained in skilled techniques to promote the resident's involvement in the activity.

9) Behavioral Symptoms and Cognitive Performance is defined as indicated in the chart below.

Category (Description)	ADL Score	End Splits or Special Requirements	IL RUG-IV GROUP

Behavioral Symptoms and Cognitive Performance	2-5	2 or more Restorative Nursing Programs	BB2
BIMS score of 9 or less AND an ADL score of 5 or less	2-5	0-1 Restorative Nursing Programs	BB1
OR	0-1		BA2
Defined as Impaired Cognition by Cognitive Performance Scale AND an ADL score of 5 or less	0-1	2 or more Restorative Nursing Programs	BA1
		0-1 Restorative Nursing Programs	
Hallucinations (E0100A)			
Delusions (E0100B)			
Physical Behavioral symptom directed toward others (E0200A = 2 or 3)			
Verbal behavioral symptom directed towards others (E0200B = 2 or 3)			
Other behavioral symptom not directed towards others (E0200C = 2 or 3)			
Rejection of care (E08002 or 3)			
Wandering (E0900 = 2 or 3)			

h) Reduced Physical Function

1) Documentation shall support the ADL coded level.

2) Documentation shall support presence of a restorative program. This shall include, but is not limited to, documentation of the actual number of minutes the program was provided that equals 15 minutes, in a 24-hour period, 6-7 days a week, a restorative care plan that contains measureable objectives, and goals that are specific, realistic and measurable, documentation that supports the programs are supervised by a licensed nurse, a quarterly evaluation is completed by a licensed nurse and staff are trained in skilled techniques to promote the resident's involvement in the activity.

3) Reduced Physical Function is defined as indicated in the chart below.

Category (Description)	ADL Score	End Splits or Special Requirements	IL RUG-IV Group
Reduced Physical Function	15-16	2 or more Restorative	PE2
List of Restorative Programs			
Passive (O0500A = 6 or 7) or Active (O0500B = 6 or 7) ROM	15-16	0-1 Restorative	PE1
Splint or brace assistance (O0500C = 6 or 7)	11-14	2 or more Restorative	PD2
Bed Mobility (O0500D = 6 or 7)	11-14	0-1 Restorative	PD1
and/or walking training (O0500F = 6 or 7)	6-10	2 or more Restorative	PC2
Transfer training (O0500E = 6 or 7)			
Dressing and/or grooming training (O0500G = 6 or 7)	6-10	0-1 Restorative	PC1
Eating and/or swallowing training (O0500H = 6 or 7)	2-5	2 or more Restorative	PB2
Amputation/prostheses care (O0500I = 6 or 7)	2-5	0-1 Restorative	PB1
Communication training (O0500J = 6 or 7)	0-1	2 or more Restorative	PA2
No Clinical Conditions	0-1	0-1 Restorative	PA1
These programs count as one service even if both are provided			

i) Illinois Specific Classification – This is assigned to a resident for whom RUGs resident identification information is missing or inaccurate, or for whom there is no current MDS record for that quarter. In addition, a resident for whom an assessment is necessary to determine group classification is incomplete or has not been submitted within 14 calendar days of the time requirements in Section 147.315 shall be assigned the default group.

An assessment that is missing and/or submitted more than 14 days late from the due date	N/A		AA1

j) Additional Scoring Indicators – Additional Scoring Indicators

ADL	Self-Performance	Support	ADL Score
Bed Mobility (G0110A) Transfer (G0110B) Toilet Use (G0110I)	Coded -, 0, 1, 7, or 8 Coded 2 Coded 3 Coded 4 Coded 3 or 4	Any Number Any Number -,0, 1, or 2 -,0,1 , or 2 3	0 1 2 3 4
Eating (G0110H)	Coded -, 0, 1, 2, 7 or 8 Coded -, 0, 1, 2, 7 or 8 Coded 3 or 4 Coded 3 Coded 4	-, 0, 1 or 8 2 or 3 -, 0 or 1 2 or 3 2 or 3	0 2 2 3 4

k) Depression – Additional Scoring Indicator − The depression end split is determined by either the total severity score from the resident interview in Section D0200 (PHQ-9) or from the total severity score from the caregiver assessment of Mood D0500 (PHQ9-OV)

Resident	Staff	Description
D0200A	D0500A	Little interest or pleasure in doing things
D0200B	D0500B	Feeling down, depressed or hopeless
D0200C	D0500C	Trouble falling or staying asleep, sleeping too much
D0200D	D0500D	Feeling tired or having little energy
D0200E	D0500E	Poor appetite or overeating
D0200F	D0500F	Feeling bad or failure or let self or others down
D0200G	D0500G	Trouble concentrating on things
D0200H	D0500H	Moving or speaking slowly or being fidgety or restless

D0200I	D0500I	Thoughts of better off dead or hurting self
	D0500J	Short tempered, easily annoyed

Residents that were interviewed D0300 (Total Severity Score) ≥ 10 but not 99
Staff Assessment-Interview not conducted D0600 (Total Severity Score) ≥ 10

l) Restorative Nursing – Additional Scoring Indicators
Activities that are individualized to the resident's needs, planned, monitored, evaluated, and documented in the resident's clinical record. These are nursing interventions that promote the resident's ability to adapt and adjust to living as independently and safely as possible. The concept actively focuses on achieving and maintaining optimal physical, mental, and psychosocial functioning. The program shall be performed for a total of at least 15 minutes during a 24 hour-period. Measurable objective and interventions shall be documented in the care plan. There shall be evidence of periodic evaluation by the licensed nurse. A registered nurse or licensed practical nurse shall supervise the activities. This does not include groups with more than four residents per supervising staff.

Restorative Nursing Programs-2 or more required to be provided 6 or more days a week

Passive Range of Motion (O0500A) and/or Active Range of Motion (O0500B)* These are exercises performed by the resident or staff that are individualized to the resident's needs, planned, monitored, and evaluated. Movement by a resident that is incidental to dressing, bathing, etc. does not count as part of a formal restorative program. Staff must be trained in the procedures.

Splint or Brace Assistance (O0500C) − This includes verbal and physical guidance and direction that teaches the resident how to apply, manipulate, and care for a brace or splint; or there is a scheduled program of applying and removing a splint or brace. The resident's skin and circulation under the device should be assessed and the limb repositioned in correct alignment.

The following activities include repetition, physical or verbal cueing, and/or task segmentation provided by any staff member under the supervision of a licensed nurse.

Bed Mobility Training (O0500D) and/or walking training (O0500F)* − Bed Mobility − Activities provided to improve or maintain the resident's self-

performance in moving to and from a lying position, turning side to side and position self in bed. Walking − Activities provided to improve or maintain the resident's self-performance in walking, with or without assistive devices.

Transfer Training (O0500E) − Activities provided to improve or maintain the resident's self-performance in moving between surfaces or planes either with or without assistive devices.

Dressing and/or grooming training (O0500G) − Activities provided to improve or maintain the resident's self-performance in dressing and undressing, bathing and washing, and performing other personal hygiene tasks.

Eating and/or swallowing training (O0500H) − Activities provided to improve or maintain the resident's self-performance in feeding oneself food and fluids, or activities used to improve or maintain the resident's ability to ingest nutrition and hydration by mouth.

Amputation/Prosthesis (O0500I) − Activities provided to improve or maintain the resident's self-performance in putting on and removing prosthesis, caring for the prosthesis, and providing appropriate hygiene at the site where the prostheses attaches to the body.

Communication training (O0500J) − Activities provided to improve or maintain the resident's self-performance in functional communication skills or assisting the resident in using residual communication skills and adaptive devices.

No count days required for current toileting program or trail (H0200C) and/or Bowel training program (H0500)* − This is a specific approach that is organized, planned, documented, monitored, and evaluated that is consistent with the nursing facility's policies and procedures and current standards of practice. The program is based on an assessment of the resident's unique voiding pattern. The individualized program requires notations of the resident's response to the program and subsequent evaluations as needed. It does not include simply tracking continence status, changing pads or wet garments, and random assistance with toileting or hygiene.

*Count as one service even if both are provided.

m) Cognitive Impairment – Additional Scoring Indicators

Cognitive impairment is determined by either the summary score from the resident interview in Section C0200-C0400 (BIMS) or from the calculation of Cognitive Performance Scale if the BIMS is not conducted.

Brief Interview for Mental Status (BIMS)
BIMS summary score (C0500 ≥ 9)

n) Cognitive Performance Scale – Additional Scoring Indicators

Cognitive Performance Scale is based off staff assessment. The RUG-IV Cognitive Performance Scale (CPS) is used to determine cognitive impairment. The resident is cognitively impaired if one of the three following conditions exists.
B0100 Coma (B0100 = 1) and completely ADL dependent or ADL did not occur (G0110A1, G0110B1, G0110H1, G0110I1 all = 4 or 8)

C1000 Severely impaired cognitive skills (C1000 = 3)

B0700, C0700, C1000 Two or more of the following impairment indicators are present:
B0700 > 0 Problem being understood
C0700 = 1 Short term memory problem
C1000 > 0 Cognitive skills problem
And
One or more of the following severe impairment indicators are present:
B0700 ≥ 2 Severe problem being understood

C1000 ≥ 2 Severe cognitive skills problem

(Source: Old Section 147.330 repealed at 26 Ill. Reg. 3093, effective February 15, 2002; new Section 147.330 added by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.335 Enhanced Care Rates~~Specialized Care – Behavioral Emergencies (Repealed)~~
EMERGENCY

An additional enhance rate is applied for certain categories of residents that are in need of more resources.

a) Ventilator Services – The following criteria shall be met to be eligible for enhanced rates.

1) Ventilators are defined as any type of electrical or pneumatically powered closed mechanical system for residents who are, or who may become, unable to support their own respiration. It does not include Continuous Positive Airway Pressure (CPAP) or Bi-level Positive Airway Pressure (BiPAP) devices. When ventilators are used to deliver CPAP or BiPAP they shall not be counted as ventilator services for enhanced rates.

2) Ventilator(s) set to PEEP or CPAP to aid in weaning a resident from the ventilator are included. The weaning process shall be documented in the clinical record. Ventilator(s) used to deliver CPAP or BiPAP services for the resident with Sleep Apnea are not included.

3) Nursing facility shall notify the Department using a Department designated form that includes a physician order sheet that identifies the need and delivery of ventilator services. A facility shall also use the designated form to notify the Department when a resident is no longer receiving ventilator services. In addition, a Section S item response of the MDS may be used.

4) The following criteria shall be met in order for a facility to qualify for ventilator care reimbursement.

A) A facility shall establish admission criteria to ensure the medical stability of patients prior to transfer from an acute care setting.

B) Facilities shall be equipped with technology that enables it to meet the respiratory therapy, mobility and comfort needs of its patients.

C) Clinical assessment of oxygenation and ventilation-arterial blood gases or other methods of monitoring carbon dioxide and oxygenation shall be available on-site for the management of residents. Documentation shall support clinical monitoring of oxygenation stability was completed at least twice a day.

D) Emergency and life support equipment, including mechanical ventilators, shall be connected to electrical outlets with back-up generator power in the event of a power failure.

E) Ventilators shall be equipped with internal batteries to provide a short term back-up system in case of a total loss of power.

F) An audible, redundant ventilator alarm system shall be required to alert staff of a ventilator malfunction, failure or resident disconnect. A back-up ventilator shall be available at all times.

G) For facilities licensed under the Nursing Home Care Act, a minimum of one RN on duty for 8 consecutive hours, 7 days per week, as required by 77 Ill. Adm. Code 300.1240. For facilities licensed under the Hospital Licensing Act, an RN shall be on duty at all times, as required by 77 Ill. Adm. Code 250.910. Additional RN staff may be determined necessary by the Department, based on the Department's review of the ventilator services.

H) Licensed nursing staff shall be on duty in sufficient numbers to meet the needs of residents as required by 77 Ill. Adm. Code 300.1230. For facilities licensed under the Nursing Home Care Act, the Department requires that an RN shall be on call, if not on duty, at all times.

I) No less than one licensed respiratory care practitioner licensed in Illinois shall be available at the facility or on call 24-hours a day to provide care, monitor life support systems, administer medical gases and aerosol medications, and perform diagnostic testing as determined by the needs and number of the residents being served by a facility. The practitioner shall evaluate and document the respiratory status of a ventilator resident on no less than a weekly basis.

J) A pulmonologist, or physician experienced in the management of ventilator care, shall direct the care plan for ventilator residents on no less than a twice per week basis.

K) At least one of the full-time licensed nursing staff members shall have successfully completed a course in the care of ventilator dependent individuals and the use of the ventilators, conducted and documented by a licensed respiratory care practitioner or a qualified registered nurse who has at least one-year experience in the care of ventilator dependent individuals.

L) All staff caring for ventilator dependent residents shall have documented in-service training in ventilator care prior to providing such care. In-service training shall be conducted at least annually by a licensed respiratory care practitioner or qualified registered nurse who has at least one-year experience in the care of ventilator dependent individuals. Training shall include, but is not limited to, status and needs of the resident, infection control techniques, communicating with the ventilator resident, and assisting the resident with activities. In-service training documentation shall include name and title of the in-service director, duration of the presentation, content of presentation, and signature and position description of all participants.

M) Documentation shall support the resident has a health condition that requires medical supervision 24-hours a day of licensed nursing care and specialized services or equipment.

N) The medical records shall contain physician's orders for respiratory care that includes, but is not limited to, diagnosis, ventilator settings, tracheostomy care and suctioning, when applicable.

O) Documentation shall support the resident receive tracheostomy care at least daily.

5) To be eligible to receive ventilator add-on, facilities shall also be required to implement the established written protocols on the following areas:

A) Pressure Ulcers. A facility shall have established policies and procedures on assessing, monitoring and prevention of pressure ulcers, including development of a method of monitoring the occurrence of pressure ulcers. Staff shall receive in-service training on those areas.

i) Documentation shall support the resident has been assessed quarterly for their risk for developing pressure ulcers.

ii) Documentation shall support that interventions for pressure ulcer prevention were implemented and include, but are not limited to, a turning and repositioning schedule, use of pressuring reducing devices, hydration and nutritional interventions and daily skin checks.

B) Pain. A facility shall have established policies and procedures on assessing the occurrence of pain, including development of a method of monitoring the occurrence of pain. Staff shall receive in-service training on this area.

i) Documentation shall support the resident has been assessed quarterly for the presence of pain and the risk factors for developing pain.

ii) Documentation shall support an effective pain management regime is in place for the resident.

C) Immobility. A facility shall have established policies and procedures to assess the possible effects of immobility. These shall include, but not be limited to, range of motion techniques, contracture risk. Staff shall receive in-service training on this area.

i) Documentation shall support the resident's risk for contractures were assessed quarterly and interventions are in place to reduce the risk.

ii) Effects of immobility will be monitored and interventions implemented as needed.

D) Risk of infection. A facility shall have established policies and procedures on assessing risk for developing infection and prevention techniques. These shall include, but are not limited to proper hand washing techniques, aseptic technique in delivery care

to a resident, and proper care of equipment and supplies. Staff shall receive in-service training on this area.

i) Documentation shall support the resident was given oral care every shift to reduce the risk of infection.

ii) Documentation shall support the facility has a method to monitor and track infections.

E) Social Isolation. A facility shall have a method of assessing a resident's risk for social isolation. Interventions shall be in place to involve a resident in activities when possible.

F) Ventilator Weaning. A facility shall have a method of routinely assessing a resident's weaning potential and interventions implemented as needed. Documentation shall support the weaning process and the use of mechanical ventilation for a portion of each day for stabilization.

G) Policies shall include monitoring expectations of the ventilator resident, routine maintenance of equipment and specific staff training related to ventilator settings and care.

H) In order to maintain quality standards and reduce cross contamination, the facility shall have a policy for cleaning and maintaining equipment.

6) Department staff shall conduct on-site visits on a random or targeted basis to ensure both facility and resident compliance with requirements. All records shall be accessible to determine that the needs of a resident are being met and to determine the appropriateness of ventilator services. In addition to the requirements of this subsection, Department review shall include, at a minimum, the following:

A) The tracking of Ventilator Associated Pneumonia;

B) Documentation to track hospitalizations, reason for hospitalizations, and interventions aimed at reducing hospitalizations for ventilator residents;

C) Ventilator weaning;

7) An enhanced payment shall be added to the rate determined by the methodology currently in place:

A) Payment shall be made for each individual resident receiving ventilator services;

B) The rate add-on for ventilator services is $174 per day.

b) Traumatic Brain Injury (TBI) – The following criteria shall be met to be eligible for enhanced rates.

1) A facility shall meet all the criteria set forth in this subsection for TBI care to a resident in order to receive the enhanced TBI reimbursement rate identified.

2) TBI is a nondegenerative, noncongenital insult to the brain from an external mechanical force, possibly leading to permanent or temporary impairment of cognitive, physical, and psychosocial functions, with an associated diminished or altered state of consciousness.

3) The following criteria shall be met in order for a facility to qualify for TBI reimbursement.

A) The facility shall have written policies and procedures for care of the residents with TBI and behaviors that include, but are not limited to, monitoring for behaviors, identification and reduction of agitation, safe and effective interventions for behaviors, and assessment of risk factors for behaviors related to safety of residents, staff and staff shall be in-serviced on these policies.

B) The facility shall have staff to complete the required physical (PT), occupational (OT) or speech therapy (SP), as needed. Additionally, a facility shall have staffing sufficient to meet the behavior, physical and psychosocial needs of the resident.

C) Staff shall receive in-service for the care of a TBI resident and dealing with behavior issues identifying and reducing agitation, and rehabilitation for the TBI resident. In-service training shall be conducted at least annually. In-service documentation shall include name and title of the in-service director, duration of the presentation, content of presentation, and signature and position description of all participants.

D) The facility environment shall be such that it is aimed at reducing distractions for the TBI resident during activities and therapies. This shall include, but not be limited to, avoiding overcrowding, loud noises, lack of privacy, seclusion and social isolation.

E) Care plans on all residents shall address the physical, behavioral and psychosocial needs of the TBI residents. Care plans shall be individualized to meet the resident's needs, and shall be revised as necessary.

F) The facility shall use the "Rancho Los Amigos Cognitive Scale" to determine the level of cognitive functioning. The assessment shall be completed quarterly by a trained rehabilitation registered nurse. Based on the level of functioning, and the services and interventions implemented, a resident will be placed in 1 of 3 tiers of payments. Tier 3 is the highest reimbursement. By completing a Department designated form, facilities will be responsible for notifying the Department of the applicable tier in which a resident is placed.

G) Documentation found elsewhere in the resident records shall support the scoring on the Rancho Los Amigos Scale as well as the delivery of coded interventions.

4) Admission Criteria

A) Documentation by a neurologist that the resident has a severe and extensive TBI diagnosis.

B) The diagnosis meets RAI Manual requirements for coding.

C) The diagnosis has resulted in significant deficits and disabilities that required intense rehabilitation therapy. In addition, documentation from the neurologist shall identify the resident has the ability to benefit from rehabilitation and a potential for independent living.

D) Diagnostic testing shall support the presence of a severe and extensive TBI as a result of external force.

E) Documentation the resident was assessed using the Rancho Los Amigos Cognitive Scale and scored a Level IV-X. Residents scoring a Level I, II or III on the Rancho Los Amigos Cognitive Scale shall not be eligible for TBI reimbursement.

F) Documentation the resident is medically stable and has been assessed for potential behaviors and safety risk to self, staff and others.

5) Tier I requirements are as follows:

A) Tier I shall not exceed six months.

B) The resident shall have previously scored in Tier II or Tier III.

C) The resident has received intensive rehabilitation and is preparing for discharge to the community. The resident shall receive intervention and training focusing on independent living skills, prevocational training and employment support. This includes, but

is not limited to, community support options, substance abuse counseling, as appropriate, time management and goal setting.

D) Resident scores a Level VIII-X on the Rancho Los Amigos Cognitive Scale (Purposeful, Appropriate, and stand-by assistance to Modified Independence).

E) No behaviors or Behaviors present, but less than 4 days (E0200A-C<2 AND E0500A-C=0 AND E0800< 2 and E1000A+B=0). If behaviors are present, resident receives behavior management training to address the specific behaviors identified.

F) Cognitive- Brief Interview for Mental Status (BIMS) is 13-15 (Cognitively intact, C0500).

G) Activities of daily living (ADL) functioning. All ADL tasks shall be coded less than 3 (Section G).

H) An assessment shall be completed quarterly to identify the resident's needs and risk factors related to independent living. This assessment shall include, but is not limited to, physical development and mobility, communication skills, cognition level, food preparation and eating behaviors, personal hygiene and grooming, health and safety issues, social and behavioral issues, ADL potential with household chores, transportation, vocational skills and money management.

I) Discharge Potential. There is an active discharge plan in place (Q0400A=1) or referral has been made to the local contact agency (Q0600=1). There shall be weekly documentation by a licensed social worker related to discharge potential and progress. This shall include working with the resident on community resources and prevocational employment options.

J) The resident shall receive interventions and/or training related to their specific discharge needs.

6) Tier II requirements are as follows:

A) Tier II shall not exceed twelve months.

B) Resident has reached a plateau in rehabilitation ability, but still requires services related to the TBI. Resident shall have previously scored in Tier III. The resident continues to receive restorative nursing services.

C) Resident scores a Level IV-VII on the Rancho Los Amigos Cognitive Scale (Confusion, may or may not be appropriate).

D) Cognition. BIMS is less than 13 (C0500) or Cognitive Skills for decision making are moderately to severely impaired (C1000=2 or 3).

E) Resident has behaviors (E0300=1 or E1000=1) and these behaviors impact resident (E0500A-C=1) or impact others (E0600A-C=1). Behaviors shall be tracked daily and interventions implemented. There shall be documentation of weekly meetings with interdisciplinary staff to discuss behaviors, effectiveness of interventions and to implement revisions as necessary.

F) ADL function (Section G) 3 or more ADL requires limited or extensive assistance.

G) Resident is on 2 or more of the following restorative: Bed Mobility (O0500D=1), Transfer (O0500E=1), Walking (O0500F=1), Dressing/Grooming (O0500G=1), Eating (O0500H=1) or Communication (O0500J=1).

H) Resident receives either Psychological (O0400E2>1) or Recreational Therapy (O0400F2>1) at least two or more days a week. Documentation shall include a summary of the sessions, resident's progress and potential goals, and identify any revisions needed.

I) Documentation shall support one to one meeting with a licensed social worker at least twice a week to discuss potential needs, goals and any behavior issues.

J) Documentation of at least quarterly oversight of care plan by a neurologist.

K) Documentation the resident has received instruction and training at least twice per week that includes, but is not limited to, behavior modification, anger management, time management goal setting, life skills and social skills.

L) Behavioral rehabilitation assessment and evaluations shall be completed quarterly and shall include cognition, behaviors, interventions and outcomes.

M) Documentation shall support the residents requires intensive counseling, behavioral management and neuro-cognitive therapy. The resident behaves in such a manner as to indicate an inability, without ongoing supervision and assistance of others, they would be unable to satisfy the need for nourishment, personal care, medical care, shelter, self-protection and safety.

7) Tier III requirements are as follows:

A) Tier III shall not exceed nine months.

B) The injury resulting in a TBI diagnosis must have occurred within the prior six months to score in Tier III.

C) Includes the acutely diagnosed resident with extensive deficits in physical functioning and identifies intensive rehabilitation needs.

D) Resident scores an IV-VII on the Rancho Los Amigos Cognitive Scale.

E) Cognition- BIMS is less than 13 (C0500) or Cognitive Skills for decision making are moderately to severely impaired (C1000=2 or 3).

F) Documentation shall support the facility is monitoring behaviors and has implemented interventions to identify the risk factors for behaviors and to reduce the occurrence of behaviors.

G) Resident receives Rehabilitation therapy (PT, OT or ST) at least 500 minutes per week and at least one rehabilitation discipline five days per week (O0400). The therapy shall meet the RAI Manual guidelines for coding. The resident shall continue to show the potential for improvement in the therapy programs.

H) The facility shall have trained rehabilitation staff on-site working with the resident on a daily basis. This shall include a trained rehabilitation nurse and rehabilitation aides. The resident requires a minimum of six to eight hours per day of one-to-one support as a result of functional issues.

I) Documentation shall support there are weekly meetings of the interdisciplinary team to discuss the resident's rehabilitation progress and potential.

J) Resident receives Psychological Therapy (O0400E2>1) at least two days per week. Documentation shall include a summary of the sessions, resident's progress and potential goals, and identify any revisions needed.

K) There shall be documentation to support monthly oversight by a neurologist.

L) A comprehensive medical and neuro-psychological assessment is done upon admission and quarterly. It shall include, but is not limited to, the following:

i) Physical ability and mobility;

ii) Motor coordination;

iii) Hearing, vision and speech;

iv) Behavior and impulse control;

v) Social functionality;

vi) Cognition;

vii) Safety and medical needs; and

viii) Communication needs.

8) Rates of payment for each Tier are as follows:

A) The payment amount for Tier I is $265.17 per day.

B) The payment amount for Tier II is $486.49 per day.

C) The payment amount for Tier III is $767.46 per day.

(Source: Old Section 147.335 repealed at 26 Ill. Reg. 3093, effective February 15, 2002; new Section 147.335 added by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.340 Minimum Data Set On-Site Reviews~~Discharge Planning (Repealed)~~ EMERGENCY

a) The Department shall conduct reviews to determine the accuracy of the resident assessment information transmitted in the Minimum Data Set (MDS) that are relevant to the determination of reimbursement rates. The MDS data used by the Department to set the reimbursement rate will be used to conduct the validation reviews. Such reviews may, at the discretion of the Department, be conducted electronically or onsite in the facility.

b) The Department may select, at random, a number of facilities in which to conduct quarterly on-site reviews.

c) The Department may also select facilities for on-site review based upon facility characteristics, atypical patterns of scoring MDS items, non-submission or late submission of assessments, high percentage of significant corrections, previous history of review changes, or the Department's experience. The Department may also use the findings of the licensing and certification survey conducted by the Department of Public Health (DPH) indicating the facility is not accurately assessing residents.

d) In addition, the Department may conduct reviews if the Department determines that circumstances exist that could alter or affect the validity of case mix classifications of residents. These circumstances include, but are not limited to, the following:

1) Frequent changes in administration or management of the facility;

2) An unusually high percentage of residents in a specific case mix classification or high percentage of change in the number of residents in a specific case mix classification;

3) Frequent adjustments of case mix classification as result of reconsiderations, reviews, or significant corrections submitted;

4) A criminal indictment alleging fraud; and

5) Other similar factors that relate to a facility's ability to conduct accurate assessments.

e) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with medical peer review organizations to provide utilization review and quality assurance.

f) Electronic review. The Department shall conduct quarterly an electronic review of MDS data for eligible individuals to identify facilities for on-site review.

g) On-site review. The Department shall conduct an on-site review of MDS data for eligible individuals. The Department is authorized to conduct unannounced on-site reviews. On-site reviews may include, but shall not be limited to, the following:

1) Review of the resident records and supporting documentation, as identified in Section 147.330 and according to the facility manual for case mix classification issued by the Department.

2) Observation and interviews of residents, families and/or staff, to determine the accuracy of data relevant to the determination of reimbursement rates.

3) Review and collection of information necessary to assess the resident's need for a specific service or care area.

h) The Department shall select at least 20 percent, with a minimum of ten assessments, of the assessments submitted. The number of residents in any

selected facility for whom information is reviewed may, at the sole discretion of the Department, be limited or expanded.

i) If more than 25 percent of the RUG-IV classifications are changed as a result of the initial review, the review may be expanded to a second 25 percent, with a minimum of ten assessments. If the total changes between the first and second sample exceed 40 percent, the Department may expand the review to all the remaining assessments.

j) If the facility qualifies for an expanded review, the Department may review the facility again within six months. If a facility has two expanded reviews within a 24-month period, that facility may be subject to reviews every six months for the next 18 months and a penalty may be applied as defined in subsection(s) of this Section.

k) Pursuant to 89 Ill. Adm. Code 140.12(f), the facility shall provide Department staff with access to residents, professional and non-licensed direct care staff, facility assessors, clinical records and completed resident assessment instruments, as well as other documentation regarding the residents' care needs and treatments. Failure to provide timely access to records may result in suspension or termination of a facility's provider agreement in accordance with 89 Ill. Adm. Code 140.l16(a)(4).

l) Department staff shall request in writing the current charts of individual residents needed to begin the review process. The team will request no more than two records per reviewer to begin the review process. If the facility chooses to have HFS staff review the electronic health record, at least two computer terminals with read-only access will be made available to the review team within one hour. Within four hours of the team's arrival and for the remainder of the review, the facility shall provide a computer terminal for each reviewer or hard copies shall be provided. Current charts and completed MDS(s) for the previous 15 months shall be provided to review team within an hour after the request. Additional documentation regarding reimbursement areas for the identified Assessment Reference Date (ARD) timeframe shall be provided to the review team within four hours after the initial request.

m) When further documentation is needed by the review team to validate an area, the team shall identify the MDS item requiring additional documentation and provide the facility with the opportunity to produce that information. The facility shall provide the team with additional documentation within 24 hours after the initial request.

n) Facilities shall ensure that clinical records, regardless of form, are easily and readily accessible to Department staff.

o) Throughout the review, the Department shall identify to the facility any preliminary conclusions regarding the MDS item(s)/area(s) that could not be validated. If the facility disagrees with those preliminary conclusions they shall present the Department with any and all documentation to support their position. It is up to the facility to determine what documentation is needed to support both the Resident Assessment Instrument (RAI) Manual and rule requirements regarding the MDS item(s) identified.

p) All documentation that is to be considered for validation must be provided to the team prior to exit. All RAI Manual requirements and requirements identified in this subsection shall be presented to validate the identified area.

q) Corrective Action. Upon conclusion of the review and the consideration of any subsequent supporting documentation provided by the facility, the Department shall notify the facility of its final conclusions, both with respect to accuracy of data and recalculation of the facility's reimbursement rate. The Department shall reclassify a resident if the Department determines that the resident was incorrectly classified.

r) Data Accuracy. Final conclusions with respect to inaccurate data may be referred to the appropriate agencies, including, but not limited to, the Department's Office of Inspector General, Illinois State Police or Department of Public Health.

s) Recalculation of Reimbursement Rate. The Department shall determine if the reported MDS data that was subsequently determined to be unverifiable would cause the direct care component of the facility's rate to be calculated differently when using the accurate data.

t) A facility's rate shall be subject to change if the recalculation of the direct care component rate, as a result of using RUGs-IV data that is verifiable:

1) Decreases the rate by more than one percent. The rate is to be changed, retroactive to the beginning of the rate period, to the recalculated rate.

2) Decreases the rate by more than ten percent in addition to the rate change specified in this subsection. The direct care component of the rate may be reduced, retroactive to the beginning of the rate period, by $1.00 for each whole percentage decrease in excess of two percent.

u) Based on the areas identified as reclassified, the nursing facility may request that the Department reconsider the assigned classification. The request for reconsideration shall be submitted in writing to the Department within 30 days after the date of the Department's notice to the facility. The request for reconsideration shall include the name and address of the facility, the name of each resident in which reconsideration is requested, the reason(s) for the reconsideration for each resident, and the requested classification changes for each resident based on the MDS items coded. In addition, a facility may offer explanations as to how they feel the documentation presented during the review supports their request for reconsideration. However, all documentation used to validate an area shall be submitted to the Department prior to exit. Documentation presented after exit will not be considered when determining a recalculation request. If the facility fails to provide the required information with the reconsideration request, or the request is not timely, the request shall be denied.

v) Reconsideration by the Department shall be made by individuals not directly involved in that facility review. The reconsideration shall be based upon the initial assessment documentation and the reconsideration information sent to the

Department by the facility. The Department shall have 120 days after the date of the request for reconsideration to make a determination and notify the facility in writing of the final decision.

(Source: Old Section 147.340 repealed at 26 Ill. Reg. 3093, effective February 15, 2002; new Section 147.340 added by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.346 Appeals of Nursing Rate Determination
EMERGENCY

a) Appeals must be submitted in writing to the Department no later than 30 days after the date of the Department's notice to the facility of the rate calculation resulting from the on-site review. The revised rate shall be processed into the payment system 30 days after the date of the Department's notice in order to allow time for submission of appeals.

b) The appeal shall contain clear and relevant supportive documentation. The facility must succinctly address the area being appealed. Additional documentation not presented to the HFS review team during the review, or at the time of exit, will not be considered in the appeal process.

c) The Department will rule on all appeals within 120 days after the date of appeal, except in rare instances where the Department may require additional information from the facility. In this case, the response period may be extended.

d) The appeal and supportive documentation will go through several stages of review within the Department to ensure fairness, objectivity and consistency with the appeal determination. The rate resulting from the appeal determination will become effective the first day of the applicable quarter.

(Source: Added by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

Section 147.355 Reimbursement for Residents with Exceptional Needs (Repealed)
EMERGENCY

~~a) Pursuant to Public Act 96-1530, effective January 1, 2012, the Department of Healthcare and Family Services (HFS) shall allocate at least $8 million of the~~

~~funds collected from the assessment identified in 89 Ill. Adm. Code 140.84 to develop and make enhanced payments to nursing facilities for services provided to residents with exceptional needs. For purposes of this Section, an exceptional need means ventilator care, tracheotomy care, bariatric care, complex wound care and traumatic brain injury (TBI) care. The break-out of the spending will be $2 million each for ventilator care and TBI as scored under the Minimum Data Set (MDS) 3.0, and $4 million for tracheotomy care, bariatric care, complex wound care and TBI supply costs as scored under the MDS 2.0.~~

~~b) Ventilator Care~~

~~1) Ventilators are defined as any type of electrical or pneumatically powered closed mechanical system for residents who are, or who may become, unable to support their own respiration. It does not include Continuous Positive Airway Pressure (CPAP) or Bi-level Positive Airway Pressure (BIPAP) devices.~~

~~2) In order for an applicable rate to be assigned to a ventilator dependent resident, a nursing facility shall notify the Department using a Department designated form that includes a physician order sheet that identifies the need and delivery of ventilator services. A facility shall also use the designated form to notify the Department when a resident is no longer receiving ventilator services. The following criteria shall be met in order for a facility to qualify for ventilator care reimbursement.~~

~~3) A facility shall establish admission criteria to ensure the medical stability of patients prior to transfer from an acute care setting.~~

~~4) Facilities shall be equipped with technology that enables them to meet the respiratory therapy, mobility and comfort needs of their patients.~~

~~5) Clinical assessment of oxygenation and ventilation-arterial blood gases or other methods of monitoring carbon dioxide and oxygenation shall be available on-site for the management of residents.~~

~~6) Emergency and life support equipment, including mechanical ventilators, shall be connected to electrical outlets with back-up generator power in the event of a power failure.~~

~~7) Ventilators shall be equipped with internal batteries to provide a short back-up system in case of a total loss of power.~~

~~8) An audible, redundant ventilator alarm systems shall be required to alert caregivers of a ventilator malfunction, failure or resident disconnect. A back-up ventilator shall be available at all times.~~

~~9) Staffing~~

~~A) A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health (DPH) in 77 Ill. Adm. Code 300.1240 or 250.910(e) and (f)(1), as appropriate). Additional RN staff may be determined necessary by HFS, based on the HFS review of the ventilator services.~~

~~B) A minimum of the required number of LPN staff (as required by DPH in 77 Ill. Adm. Code 300.1230 and 300.1240 or 250.910(e) and (f)(1), as appropriate), on duty, with an RN on call, if not on duty on the evening and night shifts, seven days per week.~~

~~C) No less than one licensed respiratory care practitioner licensed in Illinois shall be available at the facility or on call 24 hours a day to provide care, monitor life support systems, administer medical gases and aerosol medications, and perform diagnostic testing as determined by the needs and number of the residents being served by a facility. The practitioner shall evaluate and document the respiratory status of a ventilator resident on no less than a weekly basis.~~

~~D) A pulmonologist, or physician experienced in the management of ventilator care, shall direct the plan of care for ventilator residents on no less than a biweekly basis.~~

~~E) At least one of the full-time licensed nursing staff members shall have successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a licensed respiratory care practitioner or a qualified registered nurse who has at least one-year experience in the care of ventilator dependent individuals.~~

~~F)~~ ~~All staff caring for ventilator dependent residents shall have documented in-service training in ventilator care prior to providing that care. In-service training shall be conducted at least annually by a licensed respiratory care practitioner or qualified registered nurse who has at least one-year experience in the care of ventilator dependent individuals. Training shall include, but is not limited to, status and needs of the resident, infection control techniques, communicating with the ventilator resident, and assisting the resident with activities. In-service training documentation shall include name and qualification of the in-service director, duration of the presentation, content of presentation, and signature and position description of all participants.~~

~~10)~~ ~~Facilities shall be required to have established protocols on the following areas:~~

~~A)~~ ~~Pressure Ulcers. A facility shall have established policies and procedures on assessing, monitoring and prevention of pressure ulcers, including development of a method of monitoring the occurrence of pressure ulcers. Staff shall receive in-service training on those areas.~~

~~i)~~ ~~Documentation shall support that the resident has been assessed quarterly for his or her risk for developing pressure ulcers.~~

~~ii)~~ ~~Interventions for pressure ulcer prevention shall be in place that include, but are not limited to, a turning and repositioning schedule, use of pressure reducing devices, hydration and nutritional interventions and daily skin checks.~~

~~B)~~ ~~Pain. A facility shall have established policies and procedures on assessing the occurrence of pain, including development of a method of monitoring the occurrence of pain. Staff shall receive in-service training on this area.~~

~~i) Documentation shall support that resident has been assessed quarterly for the presence of pain and the risk factors for developing pain.~~

~~ii) Documentation shall support that an effective pain management regime is in place for the resident.~~

~~C) Immobility. A facility shall have established policies and procedures to assess the possible effects of immobility and risk for developing infections. These shall include, but not be limited to, range of motion techniques, contracture risk, proper hand washing techniques, aseptic technique in delivering care to a resident and proper care of the equipment and supplies. Staff shall receive in-service training on those areas.~~

~~i) Documentation shall support that the resident's risk for contractures were assessed quarterly and interventions are in place to reduce the risk.~~

~~ii) Documentation shall support that the resident was given oral care every shift to reduce the risk of infection.~~

~~D) Social Isolation. A facility shall have a method of assessing a resident's risk for social isolation. Intervention shall be in place to involve a resident in activities when possible.~~

~~E) Ventilator Weaning. A facility shall have a method or routinely assessing a resident's weaning potential and interventions shall be implemented as needed.~~

~~11) HFS staff shall conduct on-site visits on a random and targeted basis to ensure both facility and resident compliance with identified requirements. All records shall be accessible to determine that the needs of a resident are being met and to determine the appropriateness of ventilator services. In addition to the requirements of this subsection (b)(11), HFS review shall include, but not be limited to, the following:~~

~~A) Ventilator Associated Pneumonia;~~

~~B) Ventilator Weaning;~~

~~C) Length of Stay and Hospital Discharge;~~

~~D) Length of Stay and Discharge Destination; and~~

~~E) Length of Stay and Death.~~

~~12) The enhanced payment shall be added to the rate determined by MDS 2.0:~~

~~A) Payment shall be made for each individual resident receiving ventilator services;~~

~~B) A rate for ventilator services shall be set based on geographic area for all facilities within that area; and~~

~~C) The rate shall include the facility specific support, capital and nursing components plus the geographic area average ventilator minutes from the MDS and $174 supply costs.~~

~~e) TBI~~

~~1) Any facility meeting the criteria set forth in this subsection (c) for TBI care serving individuals shall receive the enhanced TBI reimbursement rate identified. This rate is in lieu of the rate received under MDS 2.0 reimbursement, and the TBI add-on shall no longer apply.~~

~~2) TBI is a nondegenerative, noncongenital insult to the brain from an external mechanical force, possibly leading to permanent or temporary impairment of cognitive, physical and psychosocial functions, with an associated diminished or altered state of consciousness.~~

~~3) The following criteria shall be met in order for a facility to qualify for TBI reimbursement:~~

~~A) The facility shall have policies and procedures for care of the residents with TBI and associated behaviors that include, but are not limited to, monitoring for behaviors, identification and reduction of agitation, safe and effective interventions for~~

~~behaviors, and assessment of risk factors for behaviors related to safety of residents, staff and others.~~

~~B)~~ ~~The facility shall have staff to complete the required physical (PT), occupational (OT) or speech (ST) therapy, as needed. Additionally, a facility shall have staffing sufficient to meet the behavior, physical and psychosocial needs of the resident.~~

~~C)~~ ~~Staff caring for a TBI resident shall receive in-service training for the care of a TBI resident and dealing with behavior issues, identifying and reducing agitation, and rehabilitation for the TBI resident. In-service training shall be conducted at least annually. In-service documentation shall include name and qualifications of the in-service director, duration of the presentation, content of presentation, and signature and position description of each participants.~~

~~D)~~ ~~The facility environment shall be such that it is aimed at reducing distractions for the TBI resident during activities and therapies. This shall include, but not be limited to, avoiding overcrowding, loud noises, lack of privacy, seclusion and social isolation.~~

~~E)~~ ~~Care plans on all residents shall address the physical, behavioral and psychosocial needs of the TBI residents. Care plans shall be individualized to meet the resident's needs and shall be revised as necessary.~~

~~F)~~ ~~The facility shall use the Rancho Los Amigos Cognitive Scale (Rancho) to determine the level of cognitive functioning. The assessment shall be completed quarterly by a trained rehabilitation registered nurse. Based on the level of functioning, and the services and interventions implemented, a resident will fall into one of three tiers of payments, tier 3 being the highest reimbursement. By completing a Department designated form, facilities will be responsible for notifying the Department of the applicable tier into which a resident falls.~~

~~G) Documentation found elsewhere in the resident records shall support the scoring on the Rancho assessment, as well as the delivery of coded interventions.~~

~~4) Admission Criteria~~

~~A) Documentation by a neurologist that the resident has a TBI diagnosis on the MDS 3.0 (I5500−1) that meets the RAI requirements for coding. In addition, documentation from the neurologist shall identify that the resident has the ability to benefit from rehabilitation and a potential for independent living.~~

~~B) Documentation that the resident was assessed using the Rancho Los Amigos Cognitive Assessment and scored a Level IV-X. Residents scoring a Level I, II or III on the Rancho assessment shall not be eligible for TBI reimbursement.~~

~~C) Documentation that the resident is medically stable and has been assessed for potential behaviors and safety risk to self, staff and others.~~

~~5) Tier I requirements are as follows:~~

~~A) The payment amount is $264.17 per day, and shall not exceed six months.~~

~~B) The resident must have previously scored in Tier II or Tier III.~~

~~C) Includes residents who have received intensive rehabilitation and are preparing for discharge to the community. The resident shall receive instructions focusing on independent living skills, prevocational training and employment support.~~

~~D) Resident scores a Level VIII-X on the Rancho Los Amigos Cognitive Scale (Purposeful, Appropriate, and stand-by assistance to Modified Independence).~~

~~E) No behaviors or behaviors present, but less than 4 days (E0200A-C<2 AND E0500A-C=0 AND E0800=2 and E1000A+B=0 on the MDS 3.0).~~

~~F) Cognitive-Brief Interview for Mental Status (BIMS) is 13-15 (Cognitively intact, C0500 on MDS 3.0).~~

~~G) Activities of daily living (ADL) functioning. All ADL tasks shall be coded less than 3 (Section G on MDS 3.0).~~

~~H) An assessment shall be completed to identify the resident's needs and risk factors related to independent living. This assessment shall include, but is not limited to, physical development and mobility, communication skills, cognition level, food preparation and eating behaviors, personal hygiene/grooming, health/safety issues, social/behavioral issues, ADL potential with household chores, transportation, vocational skills and money management.~~

~~I) Discharge potential. There is an active discharge plan in place (Q0400A=1 on MDS 3.0) or referral has been made to the local contact agency (Q0600=1 on MDS 3.0). There shall be weekly documentation by a licensed social worker related to discharge potential and progress.~~

~~6) Tier II requirements are as follows:~~

~~A) The payment amount is $486.49 per day, and shall not exceed 12 months.~~

~~B) Includes residents who have reached a plateau in rehabilitation ability, but still require services related to the TBI. Resident must have previously scored in Tier III.~~

~~C) Resident scores a Level IV-VII on the Rancho Los Amigos Cognitive Scale (Confusion, may or may not be appropriate).~~

~~D) Cognition. BIMS is less than 13 (C0500 on MDS 3.0) or Cognitive Skills for decision making are moderately to severely impaired (C1000=2 or 3 on MDS 3.0).~~

~~E) Resident has behaviors (E0300=1 or E1000=1 on MDS 3.0) and these behaviors impact resident (E0500A-C=1) or impact others (E0600A-C=1). Behaviors shall be tracked daily and interventions implemented as needed. There shall be documentation of weekly meetings with interdisciplinary staff to discuss behaviors, effectiveness of interventions and implementation of revisions as necessary.~~

~~F) ADL function (Section G on MDS 3.0) 3 or more ADLs requires limited or extensive assistance.~~

~~G) Resident is on 2 or more of the following restoratives: Bed Mobility (O0500D=1 on MDS 3.0), Transfer (O0500E=1 on MDS 3.0), Walking (O0500F=1 on MDS 3.0), Dressing/Grooming (O0500G=1 on MDS 3.0), Eating (O0500H=1 on MDS 3.0) or Communication (O0500J=1 on MDS 3.0).~~

~~H) Resident receives either Psychological (O0400E2>1 on MDS 3.0) or Recreational Therapy (O0400F2>1 on MDS 3.0) at least two or more days a week.~~

~~I) Documentation shall support that a one-on-one meeting with a licensed social worker is held at least twice a week to discuss potential needs, goals and any behavior issues.~~

~~J) At least quarterly oversight of plan of care by a neurologist.~~

~~K) Documentation that the resident has received instruction and training that includes, but is not limited to, behavior modification, anger management, time management, goal setting, life skills and social skills.~~

~~7) Tier III requirements are as follows.~~

~~A) The payment amount is $767.46 per day and shall not exceed nine months.~~

~~B)~~ ~~The injury resulting in a TBI diagnosis must have occurred within the prior six months to score in Tier III.~~

~~C)~~ ~~Includes the acutely diagnosed resident with high rehabilitation needs.~~

~~D)~~ ~~Resident scores a Level IV-VII on the Rancho LOS Amigos Cognitive Scale.~~

~~E)~~ ~~Cognition-BIMS is less than 13 (C0500 on the MDS 3.0) or Cognitive Skills for decision making are moderately to severely impaired (C1000=2 or 3 on MDS 3.0).~~

~~F)~~ ~~Documentation shall support that the facility is monitoring behaviors and has implemented interventions to identify the risk factors for behaviors and to reduce the occurrence of behaviors.~~

~~G)~~ ~~Resident receives Rehabilitation Therapy (PT, OT or ST) at least 500 minutes per week and at least 1 rehab discipline 5 days/week (O400 on MDS 3.0). The therapy shall meet the RAI guidelines for coding.~~

~~H)~~ ~~The facility shall have trained rehab staff on site working with the resident on a daily basis. This shall include a trained rehab nurse and rehab aides.~~

~~I)~~ ~~Documentation shall support that there are weekly meetings of the interdisciplinary team to discuss the resident's rehab progress and potential.~~

~~J)~~ ~~Resident receives Psychological Therapy (O0400E2>1 on MDS 3.0) at least 2 days per week.~~

~~K)~~ ~~There shall be documentation to support monthly oversight by a neurologist.~~

~~d)~~ ~~Other Exceptional Need Services~~

~~1) Facilities scoring tracheotomy care, bariatric care, complex wound care and TBI on MDS 2.0 shall receive an additional add-on for supply costs associated with providing those services.~~

~~2) Following are the per diem add-ons for the four services identified in subsection (d)(1).~~

~~A) Tracheotomy Care – $8.80~~

~~B) Bariatric Care – $1.00~~

~~C) Complex Wound Care – $8.80~~

~~D) TBI – $8.80~~

(Source: Repealed by emergency rulemaking at 38 Ill. Reg. 1205, effective January 1, 2014, for a maximum of 150 days)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 147.TABLE A Staff Time (in Minutes) and Allocation by Need Level (Repealed) EMERGENCY

~~a) Effective July 1, 2003, each Medicare and Medicaid certified nursing facility shall complete, and transmit quarterly to the Department, a full Minimum Data Set (MDS) for each resident who resides in a certified bed, regardless of payment source. A description of the MDS items referenced in the tables found following subsection (e) of this Table A are contained in the Long Term Care Resident Assessment Instrument User's Manual available from the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (December 2002).~~

~~b) Table A identifies MDS items that shall be used to calculate a profile on each Medicaid-eligible resident within each facility.~~

~~c) The profile for each Medicaid-eligible resident shall then be blended to determine the nursing component of the nursing facility's Medicaid rate.~~

~~d) Each MDS item in Table A includes a description of the item and the variable time referred to in Section 147.150(c)(1). The variable time assigned to each level represents the type of staff that should be delivering the service (unlicensed, licensed, social worker and activity) and the number of minutes allotted to that service item.~~

~~e) Following is a listing of the reimbursable MDS items found in Table A.~~

~~1) Base Social Work and Activity~~

~~2) Activities of Daily Living (ADL)~~

~~3) Restorative Programs~~

~~PROM/AROM~~

~~Splint/Brace~~

~~Bed Mobility~~

~~Mobility/Transfer~~

~~Walking~~

~~Dressing/Grooming~~

~~Eating~~

~~Prosthetic Care~~

~~Communication~~

~~Other Restorative~~

~~Scheduled Toileting~~

~~4) Medical Services~~

~~Continence Care~~

~~Catheter Care~~

~~Bladder Retraining~~

~~Pressure Ulcer Prevention~~

~~Moderate Skin Care Services~~

~~Intensive Skin Care Services~~

~~Ostomy Care~~

~~IV Therapy~~

~~Injections~~

~~Oxygen Therapy~~

~~Chemotherapy~~

~~Dialysis~~

~~Blood Glucose Monitoring~~

~~End Stage Care~~

~~Infectious Disease~~

~~Acute Medical Conditions~~

~~Pain Management~~

~~Discharge Planning~~

~~Nutrition~~

~~Hydration~~

~~5)~~ ~~Mental Health (MH) Services~~

~~Psychosocial Adaptation~~

~~Psychotropic Medication Monitoring~~

~~Psychiatric Services (Section S)~~

~~Skills Training~~

~~Close or Constant Observation~~

~~6)~~ ~~Dementia Services~~

~~Cognitive Impairment/Memory Assistance~~

~~Dementia Care Unit~~

~~7)~~ ~~Exceptional Care Services~~

~~Extensive Respiratory Services~~

~~Total Weaning From Ventilator~~

~~Morbid Obesity~~

~~Complex Wound Care~~

~~Traumatic Brain Injury (TBI)~~

~~8) Special Patient Need Factors:~~

~~Communication: add 1% of staff time accrued for ADLs through Exceptional Care Services~~

~~Vision Problems: add 2% of staff time accrued for ADLs through Exceptional Care Services~~

~~Accident/Fall Prevention: add 3% of staff time accrued for ADLs through Exceptional Care Services~~

~~Restraint Free Care: add 2% of staff time accrued for ADLs through Exceptional Care Services~~

~~Activities: add 2% of staff time accrued for ADLs through Exceptional Care Services~~

~~MDS ITEMS AND ASSOCIATED STAFF TIMES~~

~~Throughout Table A, where multiple levels are identified, only the highest level shall be scored.~~

~~1) Base Social Work and Activity~~

~~Level~~		~~Unlicensed~~	~~Licensed~~	~~Social Worker~~	~~Activity~~
~~I~~	~~All Clients~~	~~0~~	~~0~~	~~5~~	~~10~~

~~2) Activities of Daily Living~~

~~Documentation shall support the following for scoring Activities of Daily Living.~~

~~1) Coding of Section G, Physical Functioning, and Structural Problems on the MDS during the look-back period.~~

~~2) MDS coded level of resident self-performance and support has been met.~~

~~3) When there is a widespread lack of supporting documentation as described in subsections (1) and (2) of this item **(2)**, the ADL scores for the residents lacking documentation will be reset to zero.~~

~~4) When there is an occasional absence of documentation for residents in the sample, ADL scores will be based on the observation and/or interview of the resident and facility staff at the time of the review. If the resident has been discharged and there is no documentation to support the ADL coding, ADL scores will be reset to one.~~

~~Level~~	~~Composite Scores~~	~~Unlicensed~~	~~Licensed~~	~~Social Worker~~	~~Activity~~
~~I~~	~~Composite 7-8~~	~~50~~	~~7.5 RN~~ ~~7.5 LPN~~		
~~II~~	~~Composite 9-11~~	~~62~~	~~9.5 RN~~ ~~9.5 LPN~~		
~~III~~	~~Composite 12-14~~	~~69~~	~~10.5 RN~~ ~~10.5 LPN~~		
~~IV~~	~~Composite 15-29~~	~~85~~	~~12.5 RN~~ ~~12.5 LPN~~		

~~ADL Scoring Chart for the above Composite Levels~~

~~MDS values equal to "-" denote missing data.~~

~~ADL~~	~~MDS items~~	~~Description~~	~~Score~~
~~Bed Mobility~~	~~G1aA = - or~~ ~~G1aA = 0 or~~ ~~G1aA = 1.~~ ~~G1aA = 2.~~	~~Self-Performance = missing~~ ~~Self-Performance = independent~~ ~~Self-Performance = supervision~~ ~~Self-Performance = limited assistance~~	 ~~1~~ ~~3~~

	~~G1aA = 3 or~~ ~~G1aA = 4 or~~ ~~G1aA = 8 AND~~ ~~G1aB = - or~~ ~~G1aB = 0 or~~ ~~G1aB = 1 or~~ ~~G1aB = 2.~~ ~~G1aB = 3 or~~ ~~G1aB = 8.~~	~~Self-Performance = extensive assistance~~ ~~Self-Performance = total dependence~~ ~~Self-Performance = activity did not occur~~ ~~Support = missing~~ ~~Support = no set up or physical help~~ ~~Support = set up help only~~ ~~Support = 1 person assist~~ ~~Support = 2+ person physical assist~~ ~~Support = activity did not occur~~	~~4~~ ~~5~~

~~Transfer~~	~~G1bA = - or~~ ~~G1bA = 0 or~~ ~~G1bA = 1.~~ ~~G1bA = 2.~~ ~~G1bA = 3 or~~ ~~G1bA = 4 or~~ ~~G1bA = 8 AND~~ ~~G1bB = - or~~ ~~G1bB = 0 or~~ ~~G1bB = 1 or~~ ~~G1bB = 2.~~ ~~G1bB = 3 or~~ ~~G1bB = 8.~~	~~Self-Performance = missing~~ ~~Self-Performance = independent~~ ~~Self-Performance = supervision~~ ~~Self-Performance = limited assistance~~ ~~Self-Performance = extensive assistance~~ ~~Self-Performance = total dependence~~ ~~Self-Performance = activity did not occur~~ ~~Support = missing~~ ~~Support = no set up or physical help~~ ~~Support = set up help only~~ ~~Support = 1 person assist~~ ~~Support = 2+ person physical assist~~ ~~Support = activity did not occur~~	~~1~~ ~~3~~ ~~4~~ ~~5~~

~~Locomotion~~	~~G1eA = - or~~ ~~G1eA = 0 or~~ ~~G1eA = 1.~~ ~~G1eA = 2.~~	~~Self-Performance = missing~~ ~~Self-Performance = independent~~ ~~Self-Performance = supervision~~ ~~Self-Performance = limited assistance~~	~~1~~ ~~3~~

	~~G1eA = 3 or~~ ~~G1eA = 4 or~~ ~~G1eA = 8 AND~~ ~~G1eB = - or~~ ~~G1eB = 0 or~~ ~~G1eB = 1 or~~ ~~G1eB = 2.~~ ~~G1eB = 3 or~~ ~~G1eB = 8.~~	~~Self-Performance = extensive assistance~~ ~~Self-Performance = total dependence~~ ~~Self-Performance = activity did not occur~~ ~~Support = missing~~ ~~Support = no set up or physical help~~ ~~Support = set up help only~~ ~~Support = 1 person assist~~ ~~Support = 2+ person physical assist~~ ~~Support = activity did not occur~~	~~4~~ ~~5~~

~~Toilet~~	~~G1iA = - or~~ ~~G1iA = 0 or~~ ~~G1iA = 1.~~ ~~G1iA = 2.~~ ~~G1iA = 3 or~~ ~~G1iA = 4 or~~ ~~G1iA = 8 AND~~ ~~G1iB = - or~~ ~~G1iB = 0 or~~ ~~G1iB = 1 or~~ ~~G1iB = 2.~~ ~~G1iB = 3 or~~ ~~G1iB = 8.~~	~~Self-Performance = missing~~ ~~Self-Performance = independent~~ ~~Self-Performance = supervision~~ ~~Self-Performance = limited assistance~~ ~~Self-Performance = extensive assistance~~ ~~Self-Performance = total dependence~~ ~~Self-Performance = activity did not occur~~ ~~Support = missing~~ ~~Support = no set up or physical help~~ ~~Support = set up help only~~ ~~Support = 1 person assist~~ ~~Support = 2+ person physical assist~~ ~~Support = activity did not occur~~	~~1~~ ~~3~~ ~~4~~ ~~5~~

~~Dressing~~	~~G1gA = - or~~ ~~G1gA = 0 or~~ ~~G1gA = 1.~~ ~~G1gA = 2.~~ ~~G1gA = 3 or~~ ~~G1gA = 4 or~~ ~~G1gA = 8.~~	~~Self-Performance = missing~~ ~~Self-Performance = independent~~ ~~Self-Performance = supervision~~ ~~Self-Performance = limited assistance~~ ~~Self-Performance = extensive assistance~~ ~~Self-Performance = total dependence~~ ~~Self-Performance = activity did not occur~~	~~1~~ ~~2~~ ~~3~~

~~Hygiene~~	~~G1jA = - or~~ ~~G1jA = 0 or~~ ~~G1jA = 1.~~ ~~G1jA = 2.~~ ~~G1jA = 3 or~~ ~~G1jA = 4 or~~ ~~G1jA = 8.~~	~~Self-Performance = missing~~ ~~Self-Performance = independent~~ ~~Self-Performance = supervision~~ ~~Self-Performance = limited assistance~~ ~~Self-Performance = extensive assistance~~ ~~Self-Performance = total dependence~~ ~~Self-Performance = activity did not occur~~	~~1~~ ~~2~~ ~~3~~

~~Eating~~	~~G1hA = - or~~ ~~G1hA = 0 or~~ ~~G1hA = 1.~~ ~~G1hA = 2.~~ ~~G1hA = 3 or~~ ~~G1hA = 4 or~~ ~~G1hA = 8~~ ~~Or~~ ~~K5a = 1 or~~ ~~K5b = 1 and~~ ~~Intake = 1~~ ~~Where~~ ~~Intake = 1 if~~ ~~K6a = 3 or~~ ~~K6a = 4~~ ~~Or Intake = 1 if~~ ~~K6a = 2 and~~ ~~K6b = 2 or~~	~~Self-Performance = missing~~ ~~Self-Performance = independent~~ ~~Self-Performance = supervision~~ ~~Self-Performance = limited assistance~~ ~~Self-Performance = extensive assistance~~ ~~Self-Performance = total dependence~~ ~~Self-Performance = activity did not occur~~ ~~Parenteral/IV in last 7 days~~ ~~Tube feeding in last 7 days~~ ~~See below~~ ~~Parenteral/enteral intake 51-75% of total calories~~ ~~Parenteral/enteral intake 76-100% of total calories~~ ~~Parenteral/enteral intake 26-50% of total calories~~ ~~Average fluid intake by IV or tube is 501-1000 cc/day~~	~~1~~ ~~2~~ ~~3~~

	~~K6b = 3 or~~ ~~K6b = 4 or~~ ~~K6b = 5.~~	~~Average fluid intake by IV or tube is 1001-1500 cc/day~~ ~~Average fluid intake by IV or tube is 1501-2000 cc/day~~ ~~Average fluid intake by IV or tube is 2001 or more cc/day~~	

~~**3) Restorative Programs**~~

~~With the exception of amputation/prosthesis care and splint or brace assistance restoratives, the total number of restorative programs eligible for reimbursement shall be limited to four, with no more than three being a Level II restorative. Scheduled toileting shall be included in this limit. Splint or brace assistance and amputation/prosthesis care shall be reimbursed independently. A resident coded in I1t (CVA/stroke), I1v (hemiplegia/hemiparesis), I1w (Multiple Sclerosis), I1x (paraplegia) or I1cc (Traumatic Brain Injury) on the MDS and also coded as B4≤2 (cognitive skills for decision making) shall be limited to a total of six restoratives with no more than four being a Level II restorative. A Department designed assessment shall be required quarterly to assess the resident's endurance and the resident's ability to benefit from two or more restorative programs.~~

~~For the following restorative programs: bed mobility, mobility/transfer, walking, dressing/grooming, and eating, when the corresponding ADL is coded a "1" under self-performance on the current MDS, the previous MDS must have a code of greater than "1" to qualify for reimbursement.~~

~~If PROM is scored, AROM is reset to zero unless the resident has a diagnosis of CVA, hemiplegia/hemiparesis, multiple sclerosis, paraplegia or traumatic brain injury.~~

~~When the number of restoratives coded on the MDS exceeds the allowable limits for reimbursement, the following order shall be used.~~

~~A) Eating Restorative~~

~~B) Scheduled Toileting~~

~~C) Walking Restorative~~

~~D) Transfer Restorative~~

~~E) PROM/AROM~~

~~F) Bed Mobility Restorative~~

~~G) Communication Restorative~~

~~H) Dressing/Grooming Restorative~~

~~I) Other Restorative~~

~~Restorative Services are programs under the direction and supervision of a licensed nurse and are provided by nursing staff. The programs are designed to promote the resident's ability to adapt and adjust to living as independently and safely as possible. The focus is on achieving and/or maintaining optimal physical, mental, and psychosocial functioning. A program is defined as a specific approach that is organized, planned, documented, monitored, and evaluated. Although therapists may participate in designing the initial program, members of nursing staff are still responsible for the overall coordination and supervision of restorative nursing programs. Staff completing the programs should be communicating progress, maintenance, regression and other issues/concerns to the licensed nurse overseeing the programs. To qualify for reimbursement, the provision of restorative programs shall meet the following criteria for each program identified for reimbursement:~~

~~1) When programs are designed using verbal cueing as the only intervention, documentation and/or observation must support the following:~~

~~A) Without such cueing, the resident would be unable to complete the required ADL task.~~

~~B) The verbal interventions are aimed at providing the resident with instructions for completing the task in such a way that promotes the resident's safety and awareness.~~

~~C) Verbal interventions that are simply reminders to complete the task may not be the sole content of the program.~~

~~2) Documentation shall clearly define the resident's need for the program and the program defined shall correspond to the identified need of the resident. Observation and/or interview shall also support the need for the program.~~

~~3) The clinical record shall identify a restorative nursing plan of care to assist the resident in reaching and/or maintaining his or her highest level of functioning. Staff completing the programs shall be aware of the program and the resident's need for the program.~~

~~4) Documentation must support that the program was reevaluated and goals and interventions were revised as necessary to assist the resident in reaching and/or maintaining his or her highest level of functioning.~~

~~5) Documentation shall contain objective and measurable information so that progress, maintenance or regression can be recognized from one report to the next.~~

~~6) Goals shall be resident specific, realistic, and measurable. Goals shall be revised as necessary. Revisions shall be made based on the resident's response to the program.~~

~~7) The resident's ability to participate in the program shall be addressed.~~

~~8) Written evidence of measurable objectives and interventions shall be in the restorative plan of care and be individualized to the resident's problems and needs. There shall be evidence the objectives and interventions were reviewed quarterly and revised as necessary.~~

~~9) There shall be evidence of quarterly evaluation written by a licensed nurse in the clinical record. The evaluation must assess the resident's progress and participation in the program since the last evaluation. It shall contain specific information that includes the resident's response to the program (i.e., amount of assistance required, devices used, the distance, the progress made, how well the resident tolerated the program). An evaluation shall be documented on each restorative program the resident is receiving.~~

~~10)~~ ~~There shall be written evidence that staff carrying out the programs have been trained in techniques that promote resident involvement in the activity.~~

~~11)~~ ~~If volunteers or other staff were assigned to work with specific residents, there shall be written evidence of specific training in restorative techniques that promote the resident's involvement in the restorative program.~~

~~12)~~ ~~There shall be documentation to support that the programs are ongoing and administered as planned outside the look-back period, unless there is written justification in the clinical record that supports the need to discontinue the program. Observation and/or interviews must also support that the programs are ongoing and administered as planned.~~

~~13)~~ ~~If a restorative program is in place when a care plan is being revised, it is appropriate to reassess progress, goals, duration and frequency as part of the care planning process. The results of this reassessment shall be documented in the record.~~

~~14)~~ ~~The actual number of minutes per day spent in a restorative program shall be documented for each resident and for each restorative program during the look-back period.~~

~~15)~~ ~~The Department designated endurance assessment must be completed quarterly on each resident receiving two or more restorative programs. A licensed nurse must complete this assessment.~~

~~16)~~ ~~A resident coded as totally dependent in an ADL function will only be reimbursed for one quarter for the following corresponding restorative programs: bed mobility, transfer, walking, dressing/grooming, and/or eating/swallowing.~~

~~17)~~ ~~A resident scoring and/or receiving hospice services shall not be eligible for the following restorative programs: bed mobility, transfer, walking, dressing/grooming, eating and/or other restoratives.~~

~~18) When multiple restoratives are coded in a facility, the staff levels must support the ability to deliver these programs based on the number and frequency of programs coded.~~

~~19) All restorative programs shall meet the specifications in the RAI Manual for the individual restoratives.~~

~~**Passive Range of Motion (PROM)**~~

~~The following documentation shall support the following for scoring PROM.~~

~~1) The restorative program shall meet the definition of PROM as identified in the RAI Manual.~~

~~2) The PROM program shall address the functional limitations identified in section G4 of the MDS.~~

~~3) There shall be evidence that the program is planned and scheduled. PROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
	~~G4aA > 0 or~~	~~Any function limits in ROM of neck~~				
	~~G4bA > 0 or~~	~~Any function limits in ROM of arm~~				
	~~G4cA > 0 or~~	~~Any function limits in ROM of hand~~				
	~~G4dA > 0 or~~	~~Any function limits in ROM of leg~~				
	~~G4eA > 0 or~~	~~Any function limits in ROM of foot~~				
	~~G4fA > 0 or~~	~~Any function limits in ROM of other limitation or loss~~				
	~~G4aB > 0 or~~	~~Any function limits in voluntary movement of neck~~				

	~~G4bB > 0 or~~ ~~G4cB > 0 or~~ ~~G4dB > 0 or~~ ~~G4eB > 0 or~~ ~~G4fB > 0~~	~~Any function limits in voluntary movement of arm~~ ~~Any function limits in voluntary movement of hand~~ ~~Any function limits in voluntary movement of leg~~ ~~Any function limits in voluntary movement of foot~~ ~~Any function limits in voluntary movement of other limitation or loss~~				
	~~AND~~					
~~I~~	~~3 ≤ P3a ≤ 5~~	~~3 to 5 days of PROM rehab~~	~~10~~	~~3 RN 3 LPN~~		
~~II~~	~~6 ≤ P3a ≤ 7~~	~~6 to 7 days of PROM rehab~~	~~15~~	~~3 RN 3 LPN~~		

~~**Active Range of Motion (AROM)**~~

~~The following documentation shall support the following for scoring AROM.~~

~~1) The restorative program meets the definition of AROM as identified in the RAI Manual.~~

~~2) The AROM programs shall address the functional limitations identified in section G4 of the MDS.~~

~~3) There shall be evidence that the program is planned and scheduled. AROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.~~

~~4) AROM does not include exercise groups with more than four residents assigned per supervising helper or caregiver.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
	~~G4aA > 0 or~~	~~Any function limits in ROM of neck~~				
	~~G4bA > 0 or~~	~~Any function limits in ROM of arm~~				
	~~G4cA > 0 or~~	~~Any function limits in ROM of hand~~				
	~~G4dA > 0 or~~	~~Any function limits in ROM of leg~~				
	~~G4eA > 0 or~~	~~Any function limits in ROM of foot~~				
	~~G4fA > 0 or~~	~~Any function limits in ROM of other limitation or loss~~				
	~~G4aB > 0 or~~	~~Any function limits in voluntary movement of neck~~				
	~~G4bB > 0 or~~	~~Any function limits in voluntary movement of arm~~				
	~~G4cB > 0 or~~	~~Any function limits in voluntary movement of hand~~				
	~~G4dB > 0 or~~	~~Any function limits in voluntary movement of leg~~				
	~~G4eB > 0 or~~	~~Any function limits in voluntary movement of foot~~				
	~~G4fB > 0~~	~~Any function limits in voluntary movement of other limitation or loss~~				
	~~AND~~					
~~I~~	~~3 ≤ P3b ≤ 5~~	~~3 to 5 days of AROM rehab~~	~~8~~	~~2 RN 2 LPN~~		

~~II~~	~~6 ≤ P3b ≤ 7~~	~~6 to 7 days of AROM rehab~~	~~12~~	~~2 RN 2 LPN~~		

~~Splint/Brace Assistance~~

~~The program shall meet the specifications of this restorative as defined in the RAI Manual.~~

~~A splint or brace is defined as an appliance for the fixation, union, or protection of an injured part of the body.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~3 ≤ P3c ≤ 5~~	~~3 to 5 days of assistance~~	~~8~~	~~2 RN 2 LPN~~		
~~II~~	~~6 ≤ P3c ≤ 7~~	~~6 to 7 days of assistance~~	~~12~~	~~2 RN 2 LPN~~		

~~Bed Mobility Restorative~~

~~The program shall meet the specifications of this restorative as defined in the RAI Manual.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
	~~0 < G1aA < 8 AND~~ ~~G7 = 1~~	~~Need assistance in bed mobility~~ ~~Some or all ADL tasks broken into subtasks~~				
	~~AND~~					
~~I~~	~~3 ≤ P3d ≤ 5~~	~~3 to 5 days of rehab or restorative techniques~~	~~10~~	~~3 RN~~		

				~~3 LPN~~		
~~II~~	~~6 ≤ P3d ≤ 7~~	~~6 to 7 days of rehab or restorative techniques~~	~~15~~	~~3 RN 3 LPN~~		

~~Mobility (Transfer) Restorative~~

~~The program shall meet the specifications of this restorative as defined in the RAI Manual.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
	~~0 < G1bA < 8 AND~~ ~~G7 = 1~~	~~Need assistance in transfer~~ ~~Some or all ADL tasks broken into subtasks~~				
	~~AND~~					
~~I~~	~~3 ≤ P3e ≤ 5~~	~~3 to 5 days of rehab or restorative techniques~~	~~10~~	~~3 RN 3 LPN~~		
~~II~~	~~6 ≤ P3e ≤ 7~~	~~6 to 7 days of rehab or restorative techniques~~	~~15~~	~~3 RN 3 LPN~~		

~~Walking Restorative~~

~~The program shall meet the specifications of this restorative as defined in the RAI Manual.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~S W~~	~~Act~~
	~~0 < G1cA < 8 or~~	~~Need assistance in walking in room~~				

	~~0 < G1dA < 8 or~~ ~~0 < G1eA < 8 or~~ ~~0 < G1fA < 8 AND~~ ~~G7 = 1~~	~~Need assistance in walking in corridor~~ ~~Need assistance in locomotion on unit~~ ~~Need assistance in locomotion off unit~~ ~~Some or all ADL tasks broken into subtasks~~				
	~~AND~~					
~~I~~	~~3 ≤ P3f ≤ 5~~	~~3 to 5 days of rehab or restorative techniques~~	~~10~~	~~3 RN 3 LPN~~		
~~II~~	~~6 ≤ P3f ≤ 7~~	~~6 to 7 days of rehab or restorative techniques~~	~~15~~	~~3 RN 3 LPN~~		

~~Dressing or Grooming Restorative~~

~~The program shall meet the specifications of this restorative as defined in the RAI Manual.~~

~~Grooming programs, including programs to help the resident learn to apply make-up, may be considered restorative nursing programs when conducted by a member of the activity staff.~~

~~These programs shall have goals, objectives, and documentation of progress and be related to the identified deficit.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
	~~0 < G1gA < 8 or~~ ~~0<G1jA<8 AND~~	~~Need assistance in dressing~~ ~~Need assistance in personal hygiene~~				

	~~G7 = 1~~ ~~AND~~	~~Some or all ADL tasks broken into subtasks~~				
	~~B4 ≤ 2~~	~~Cognitive skills for decision making~~				
	~~AND~~					
	~~S1 = 0~~ ~~AND~~	~~Does not meet Illinois Department of Public Health (IDPH) Subpart S Criteria~~				
~~I~~	~~3 ≤ P3g ≤ 5~~	~~3 to 5 days of rehab or restorative techniques~~	~~10~~	~~3 RN 3 LPN~~		
~~II~~	~~6 ≤ P3g ≤ 7~~	~~6 to 7 days of rehab or restorative techniques~~	~~15~~	~~3 RN 3 LPN~~		

~~**Eating Restorative**~~

~~The program shall meet the specifications of this restorative as defined in the RAI Manual.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
	~~0 < G1hA < 8 or~~ ~~K1b = 1~~ ~~AND~~ ~~G7 = 1~~	~~Need assistance in eating~~ ~~Has swallowing problem~~ ~~Some or all ADL tasks broken into subtasks~~				
	~~AND~~					
~~I~~	~~3 ≤ P3h ≤ 5~~	~~3 to 5 days of rehab or restorative techniques~~	~~15~~	~~3 RN 3 LPN~~		

~~II~~	~~6 ≤ P3h ≤ 7~~	~~6 to 7 days of rehab or restorative techniques~~	~~20~~	~~3 RN 3 LPN~~		

~~**Amputation/Prosthetic Care**~~

~~The program shall meet the specifications of this restorative as defined in the RAI Manual.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~3 ≤ P3i ≤ 5~~	~~3 to 5 days of assistance~~	~~10~~	~~3 RN 3 LPN~~		
~~II~~	~~6 ≤ P3i ≤ 7~~	~~6 to 7 days of assistance~~	~~15~~	~~3 RN 3 LPN~~		

~~**Communication Restorative**~~

~~The program shall meet the specifications of this restorative as defined in the RAI Manual.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
	~~C4 > 0~~	~~Deficit in making self understood~~				
	~~AND~~					
~~I~~	~~3 ≤ P3j ≤ 5~~	~~3 to 5 days of rehab or restorative techniques~~	~~10~~	~~3 RN 3 LPN~~		

~~II~~	~~6 ≤ P3j ≤ 7~~	~~6 to 7 days of rehab or restorative techniques~~	~~15~~	~~3 RN 3 LPN~~		

~~**Other Restorative**~~

~~The program shall meet the specifications of this restorative as defined in the RAI Manual.~~

~~Other Restorative shall only be reimbursed for a total of two quarters regardless of the level.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~P3k=3 or greater AND~~	~~Other Restorative~~	~~6~~	~~5 RN 5 LPN~~		
	~~Q2 < 2 AND~~	~~Improved or no change in care needs~~				
	~~B2a = 0 AND~~	~~Short term memory okay~~				
	~~B4 = 0 or 1 AND~~	~~Cognitive skills for decision making~~				
	~~C6 = 0 or 1 AND~~	~~Ability to understand others~~				
	~~S1 = 0~~	~~Does not meet IDPH Subpart S criteria~~				
~~II~~	~~P3k = 3 or greater AND~~	~~Other restorative~~	~~6~~	~~7.5 RN 7.5 LPN~~		
	~~Q1c = 1 or 2 AND~~	~~Stay projected to be of a short duration – discharge expected to be within 90 days~~				

	~~Q2 < 2 AND~~ ~~P1ar = 1 AND~~ ~~B2a = 0 AND~~ ~~B4 = 0 or 1 AND~~ ~~C6 = 0 or 1 AND~~ ~~S1 = 0~~	~~Improved or no change in care needs~~ ~~Provide training to return to the community~~ ~~Short-term memory~~ ~~Cognitive skills for decision making~~ ~~Ability to understand others~~ ~~Does not meet IDPH Subpart S criteria~~				

~~**Scheduled Toileting**~~

~~Documentation shall support the following for scoring scheduled toileting.~~

~~1) The program shall have documentation to support that all the requirements identified in the RAI Manual are met.~~

~~2) The description of the plan, including: frequency, reason, and response to the program.~~

~~3) The plan shall be periodically evaluated and revised, as necessary, including documentation of the resident's response to the plan.~~

~~4) This does not include a "check and change" program or routine changing of the resident's incontinent briefs, pads or linens when wet, where there is no participation in the plan by the resident.~~

~~5) There shall be documentation to support the deficit in toileting and/or the episodes of incontinence.~~

~~6) A resident scoring S1 = 1 (meets Subpart S criteria) shall have corresponding diagnosis of CVA or multiple sclerosis to qualify for reimbursement in scheduled toileting.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~H3a = 1~~ ~~AND~~ ~~S1= 0~~ ~~H3b = 0~~ ~~AND~~ ~~H3d = 0~~ ~~AND~~ ~~H1b > 1 or~~ ~~GliA> 1 and <8~~	~~Any scheduled toileting plan~~ ~~Does not meet criteria for Subpart S~~ ~~No bladder retraining program~~ ~~No indwelling catheter~~ ~~Incontinent at least 2 or more times a week~~ ~~Self-performance = limited to total assistance~~	~~22~~	~~1.5 RN~~ ~~1.5 LPN~~		

~~**4) Medical Services**~~

~~**Continence Care**~~

~~Documentation shall support the following for scoring continence care.~~

~~1) That catheter care was administered during the look-back period.~~

~~2) The type and frequency of the care.~~

~~3) RAI requirements for bladder retraining program were administered during the look-back period.~~

~~4) The resident's level of incontinence shall be documented during the look-back period to support the bladder retraining program.~~

~~5) Bladder scanners cannot be the sole content of the bladder retraining program.~~

~~Continence Care = Level II (Bladder Retraining) shall only be reimbursed for two quarters.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~Catheter Care~~		~~12~~	~~.5 RN .5 LPN~~		
	~~H3d = 1 AND~~	~~Indwelling catheter present~~				
	~~H3a = 0~~	~~No scheduled toileting plan~~				
~~II~~	~~Bladder Retraining~~					
	~~H3b = 1 AND~~	~~Bladder retraining program~~	~~32~~	~~5 RN 5 LPN~~		
	~~H3a = 0 AND~~	~~No scheduled toileting plan~~				
	~~H1b > 1 AND~~	~~Incontinent at least 2 or more times a week~~				
	~~B4 = 0 or 1 OR~~	~~Cognitive skills for decision making~~				
	~~H3b = 1 AND~~	~~Bladder retraining program~~				
	~~H3a = 0 AND~~	~~No scheduled toileting plan~~				
	~~H1b ≤ 1 AND~~	~~Bladder continence~~				
	~~H4 = 1 AND~~	~~Change in continence~~				
	~~B4 = 0 or 1~~	~~Cognitive skills in decision making~~				

~~**Pressure Ulcer Prevention**~~

~~Documentation shall support the following for scoring pressure ulcer prevention.~~

~~1) History of resolved ulcer in the identified timeframe and/or the use of the identified interventions during the identified timeframe.~~

~~2) Interventions and treatments shall meet the RAI definitions for coding.~~

~~3) A specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.~~

~~4) Resident was assessed related to his or her risk for developing ulcers. A resident assessed to be at high risk shall have interventions identified in the plan of care.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~M3 = 1 or~~	~~History of resolved ulcers in last 90 days~~	~~15~~	~~4 RN 4 LPN~~		
	~~Any two of:~~					
	~~M5a~~	~~Pressure relieving devices for chair~~				
	~~M5b~~	~~Pressure relieving devices for bed~~				
	~~M5c~~	~~Turning or repositioning program~~				
	~~M5d~~	~~Nutrition or hydration intervention for skin~~				
	~~M5i~~	~~Other prevention for skin (other than feet)~~				

~~**Moderate Skin Care/Intensive Skin Care**~~

~~Documentation shall support the following for scoring moderate skin care/intensive skin care.~~

~~1) Interventions and treatments shall meet the RAI definitions for coding.~~

~~2) Documentation of ulcers shall include staging as the ulcers appear during the look-back period.~~

~~3) Documentation of ulcers shall include a detailed description that includes, but is not limited to, the stage of the ulcer, the size, the location, any interventions and treatments used during the look-back period.~~

~~4) Documentation of burns shall include, but is not limited to, the location, degree, extent, interventions and treatments during the look-back period.~~

~~5) Documentation of open lesions shall include, but is not limited to, location, size, depth, any drainage, interventions and treatments during the look-back period.~~

~~6) Documentation of surgical wounds shall include, but is not limited to, type, location, size, depth, interventions and treatment during the look-back period.~~

~~7) All treatments involving M5e, M5f, M5g and M5h shall have a physician's order, with the intervention and frequency.~~

~~8) Documentation to support that the intervention was delivered during the look-back period shall be included.~~

~~9) Documentation of infection of the foot shall contain a description of the area and the location.~~

~~10) Documentation shall support a specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.~~

~~11) Documentation for items coded in M4 shall include documentation of an intervention, treatment and/or monitoring of the problem or condition identified.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~		~~Moderate Skin Care Services~~	~~5~~	~~5 RN~~		
	~~M1a > 0 or~~	~~Stage 1 ulcers~~		~~5 LPN~~		

	~~M1b > 0 or~~	~~Stage 2 ulcers~~				
	~~Any of:~~	~~Other Skin Problems (below):~~				
	~~M4b = 1~~	~~Burns~~				
	~~M4c = 1~~	~~Open lesions other than ulcers~~				
	~~M4d = 1~~	~~Rashes~~				
	~~M4e = 1~~	~~Skin desensitized to pain or pressure~~				
	~~M4f = 1~~	~~Skin tears or cuts (other than surgery)~~				
	~~M4g = 1 AND~~	~~Surgical wounds~~				
	~~4 of the following:~~	~~Skin Treatments (below):~~				
	~~M5a = 1~~	~~Pressure relieving devices for chair~~				
	~~M5b = 1~~	~~Pressure relieving devices for bed~~				
	~~M5c = 1~~	~~Turning or repositioning program~~				
	~~M5d = 1~~	~~Nutrition or hydration intervention for skin~~				
	~~M5e = 1~~	~~Ulcer care~~				
	~~M5f = 1~~	~~Surgical wound care~~				
	~~M5g = 1~~	~~Application of dressings (other than feet)~~				
	~~M5h = 1~~	~~Application of ointments (other than feet)~~				
	~~M5i = 1 OR~~	~~Other prevention for skin (other than feet)~~				
	~~(M6b = 1 or~~	~~Infection of the foot~~				

	~~M6c = 1)~~ ~~AND~~ ~~M6f = 1~~	~~Open lesion of the foot~~ ~~And application of a dressing~~				
~~II~~	~~M1c > 0 or~~ ~~M1d > 0~~ ~~AND~~ ~~4 of the following:~~ ~~M5a = 1~~ ~~M5b = 1~~ ~~M5c = 1~~ ~~M5d = 1~~ ~~M5e = 1~~ ~~M5f = 1~~ ~~M5g = 1~~ ~~M5h = 1~~ ~~M5i = 1~~	~~Intensive Skin Care Services~~ ~~Stage 3 ulcers~~ ~~Stage 4 ulcers~~ ~~Skin Treatments (below):~~ ~~Pressure relieving devices for chair~~ ~~Pressure relieving devices for bed~~ ~~Turning or repositioning program~~ ~~Nutrition or hydration intervention for skin~~ ~~Ulcer care~~ ~~Surgical wound care~~ ~~Application of dressings (other than feet)~~ ~~Application of ointments (other than feet)~~ ~~Other prevention for skin (other than feet)~~	~~5~~	~~15 RN~~ ~~15 LPN~~		

~~**Ostomy Services**~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~

~~I~~	~~P1af = 1~~	~~Ostomy care performed~~	~~5~~	~~2.5 RN 2.5 LPN~~		

~~**IV Therapy**~~

~~Documentation shall support the following for scoring IV Therapy.~~

~~1) Date delivered, type of medication and method of administration.~~

~~2) Monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse as required under acute medical conditions.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~Plac = 1~~ ~~or~~ ~~K5a = 1~~ ~~AND~~ ~~P1ae = 1~~	~~IV medication~~ ~~Parenteral/IV nutrition~~ ~~Monitoring acute medical condition~~	~~1~~	~~15 RN 15 LPN~~		

~~**Injections**~~

~~Documentation shall include the drug, route given and dates given.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~O3 = 7~~	~~Number of injections in last 7 days~~		~~3 RN 3 LPN~~		

~~**Oxygen Therapy**~~

~~Documentation shall include a physician's order and the method of administration and date given.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~P1ag = 1~~	~~Oxygen therapy administered in last 14 days~~	~~9~~	~~7.5 RN 7.5 LPN~~		

~~**Chemotherapy**~~

~~Documentation shall support that the resident was monitored for response to the chemotherapy.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~P1aa = 1~~	~~Chemotherapy given~~	~~1~~	~~5 RN 5 LPN~~		

~~**Dialysis**~~

~~Documentation shall support that the resident was monitored for response to the dialysis.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~P1ab = 1~~	~~Dialysis given~~	~~1~~	~~5 RN 5 LPN~~	~~2~~	

~~**Blood Glucose Monitoring**~~

~~Documentation shall support the following for scoring blood glucose monitoring.~~

~~1) RAI criteria for coding that a diagnosis was met, including a physician documented diagnosis.~~

~~2) Coding of a therapeutic diet being ordered and given to the resident.~~

~~3) Coding of a dietary supplement being ordered and given to the resident during the look-back period. There shall be evidence to support it was not part of a unit's daily routine for all residents.~~

~~4) Coding that injections were given the entire seven days of the look-back period.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~I1a = 1~~ ~~AND~~ ~~K5e = 1 or~~ ~~K5f = 1 or~~ ~~O3 = 7~~	~~Diabetes mellitus~~ ~~Therapeutic diet~~ ~~Dietary supplement~~ ~~Injections daily~~		~~1 RN~~ ~~1 LPN~~		

~~**End Stage Care**~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~J5c = 1~~	~~End stage disease, 6 or fewer months to live~~ ~~Restoratives including scheduled toileting and bladder retraining sets to level '0' except AROM, PROM, splint/brace. Limit of 4 quarters~~	~~10~~	~~6 RN~~ ~~6 LPN~~	~~8~~	

~~If End Stage Care has been scored, Discharge Planning shall be set to zero.~~

~~**Infectious Disease**~~

~~Documentation shall support the following for scoring infectious disease.~~

~~1) Criteria defined in the RAI Manual for coding this section was met.~~

~~2) Active diagnosis by the physician, including signs and symptoms of the illness.~~

~~3) Interventions and treatments shall be documented.~~

~~4) All RAI requirements for coding a urinary tract infection (UTI) are met.~~

~~5) Administration of maintenance medication to prevent further acute episodes of UTI is not sufficient to code I2j.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~I2a = 1 or~~	~~Antibiotic resistant infection~~	~~18~~	~~8.5 RN 8.5 LPN~~	~~1~~	
	~~I2b = 1 or~~	~~Clostridium Difficile~~				
	~~12e = 1 or~~	~~Pneumonia~~				
	~~12g = 1 or~~	~~Septicemia~~				
	~~I2i = 1 or~~	~~TB~~				
	~~12 j = 1 or~~	~~Urinary Tract infection present~~				
	~~I2k = 1 or~~	~~Viral hepatitis~~				
	~~12l = 1 or~~	~~Wound infection~~				
	~~I3 = ICD9 code 041.01,133.0~~	~~Streptococcus Group A, scabies~~				

~~**Acute Medical Conditions**~~

~~Documentation shall support the following for scoring acute medical conditions.~~

~~1) RAI requirements for coding these areas are met.~~

~~2) Monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse.~~

~~3) Evidence that the physician has evaluated and identified the medically unstable or acute condition for which clinical monitoring is needed.~~

~~4) Evidence of significant increase in licensed nursing monitoring.~~

~~5) Evidence that the episode meets the definition of acute, which is usually of sudden onset and time-limited course.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~J5b = 1 AND~~	~~Acute episode or flare-up of chronic condition~~	~~1~~	~~11.5 RN 11.5 LPN~~	~~1~~	
	~~P1ae = 1 AND~~	~~Monitoring acute medical condition~~				
	~~P1ao = 0 OR~~	~~Not hospice care~~				
	~~(J5a = 1 AND~~	~~Condition makes resident's cognitive, ADL, mood or behavior patterns unstable~~				
	~~P1ao = 0 AND~~	~~Not hospice care~~				
	~~P1ae = 1) OR~~	~~Monitoring acute medical condition~~				
	~~(B5a = 2 or~~	~~Easily distracted over last 7 days~~				
	~~B5b = 2 or~~	~~Periods of altered perceptions or awareness of surroundings over last 7 days~~				
	~~B5c = 2 or~~	~~Episodes of disorganized speech over last 7 days~~				
	~~B5d = 2 or~~	~~Periods of restlessness over last 7 days~~				

	~~B5e = 2 or~~ ~~B5f = 2)~~ ~~AND~~ ~~P1ae = 1~~ ~~AND~~ ~~P1ao = 0~~	~~Periods of lethargy over last 7 days~~ ~~Mental function varies over course of day in last 7 days~~ ~~Monitoring acute medical condition~~ ~~Not hospice care~~				

~~**Pain Management**~~

~~There shall be documentation to support the resident's pain experience during the look-back period and that interventions for pain were offered and/or given.~~

~~Residents shall be assessed in a consistent, uniform and standardized process to measure and assess pain.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~J2a > 0~~ ~~AND~~ ~~J2b > 0~~	~~Demonstrate or complain of pain~~ ~~Mild to excruciating intensity~~	~~4~~	~~4~~ ~~RN~~ ~~4~~ ~~LPN~~	~~1~~	~~1~~

~~**Discharge Planning**~~

~~Discharge planning shall only be reimbursed for two quarters.~~

~~If end stage care has been scored, discharge planning shall be set to zero.~~

~~Documentation shall support the following for scoring discharge planning.~~

~~1) Social services shall document monthly the resident's potential for discharge, specific steps being taken toward discharge, and the progress being made.~~

~~2) Social service documentation shall demonstrate realistic evaluation, planning, and follow-through.~~

~~3) Discharge plans shall address the current functional status of the resident, medical nursing needs, and the availability of family and/or community resources to meet the needs of the resident.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~Q1c = 1 or 2~~ ~~AND~~ ~~Q2 < 2~~ ~~AND~~ ~~P1ar = 1~~ ~~AND~~ ~~Sl=0~~	~~Stay projected to be of short duration – discharge expected to be within 90 days~~ ~~Improved or no change in care needs~~ ~~Provide training to return to community~~ ~~Does not meet IDPH Subpart S criteria~~		~~8~~ ~~RN~~ ~~8~~ ~~LPN~~	~~16~~	

~~**Nutrition**~~

~~Documentation shall support the following for scoring nutrition.~~

~~1) Coding of tube feeding during the look-back period.~~

~~2) Intake and output records and caloric count shall be documented to support the coding of K6.~~

~~3) Planned weight change, including a diet order and a documented purpose or goal, that is to facilitate weight gain or loss.~~

~~4) Dietary supplement, including evidence the resident received the supplement and that it was ordered and given between meals.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~

~~I~~	~~K5h = 1~~ ~~OR~~ ~~K5f = 1~~	~~On a planned weight change program~~ ~~Dietary supplement given between meals~~	~~2~~	~~.5 RN~~ ~~.5~~ ~~LPN~~		
~~II~~	~~K5b =1 and~~ ~~Intake = 1~~ ~~Intake = 1 if~~ ~~K6a = 3 or~~ ~~K6a = 4~~ ~~Or Intake = 1 if~~ ~~K6a = 2 and~~ ~~K6b = 2 or~~ ~~K6b = 3 or~~ ~~K6b = 4 or~~ ~~K6b = 5~~	~~Tube feeding in last 7 days~~ ~~See below~~ ~~Parenteral/ enteral intake 51-75% of total calories~~ ~~Parenteral/enteral intake 76-100% of total calories~~ ~~Parenteral/enteral intake 26-50% of total calories~~ ~~Average fluid intake by IV or tube is 501-1000 cc/day~~ ~~Average fluid intake by IV or tube is 1001-1500 cc/day~~ ~~Average fluid intake by IV or tube is 1501-2000 cc/day~~ ~~Average fluid intake by IV or tube is 2001 or more cc/day~~	~~2~~	~~12~~ ~~RN~~ ~~12~~ ~~LPN~~	~~2~~	

~~**Hydration**~~

~~Documentation shall support the following for scoring hydration.~~

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

~~1) The resident passes two or fewer bowel movements per week, or strains more than one of four times when having a bowel movement during the look-back period to support the coding of H2b.~~

~~2) Resident received a diuretic medication during the look-back period to support the coding of O4c.~~

~~3) Frequency of episodes and accompanying symptoms to support the coding of vomiting.~~

~~4) Signs and symptoms, interventions and treatments used to support the coding of volume depletion, dehydration or hypovolemia.~~

~~5) Documentation of temperature shall be present to support the coding of fever.~~

~~6) Coding of internal bleeding shall include the source, characteristics and description of the bleeding.~~

~~7) Interventions were implemented related to the problem identified.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~H2b = 1~~ ~~AND~~ ~~K5a = 0~~ ~~AND~~ ~~K5b = 0~~ ~~OR~~ ~~Any two of the following separate conditions:~~	~~Constipation~~ ~~No parenteral/IV~~ ~~No feeding tube~~	~~10~~	~~2 RN~~ ~~2~~ ~~LPN~~		~~1~~

	~~1 ≤ O4e ≤ 7 or~~	~~Received a diuretic medication in last 7 days~~				
	~~J1o = 1 or~~	~~Vomiting~~				
	~~I3 a,b,c,d,e = 276.5 or~~	~~Volume depletion~~				
	~~276.52 or~~	~~Hypovolemia~~				
	~~J1c = 1 or~~	~~Dehydrated~~				
	~~J1d = 1 or~~	~~Did not consume most fluids provided (3 days)~~				
	~~J1h = 1 or~~	~~Fever~~				
	~~J1j = 1 AND~~	~~Internal bleeding~~				
	~~K5a = 0 AND~~	~~Not have parenteral/IV~~				
	~~K5b = 0~~	~~No feeding tube~~				

~~5)~~ ~~**Mental Health Services**~~

~~**Psychosocial Adaptation**~~

~~Psychosocial adaptation is intended for residents who require a behavioral symptom evaluation program or group therapy to assist them in dealing with a variety of mood or behavioral issues. The criteria for reimbursement in this area require both an intervention program and the identification of mood or behavioral issues. Residents shall be assessed for mood and behavioral issues and interventions shall be implemented to assist the resident in dealing with the identified issues. To qualify for reimbursement in this area, the facility must meet the following criteria:~~

~~1)~~ ~~Criteria for special behavioral symptom evaluation program.~~

~~A) There must be documentation to support that the program is an ongoing and comprehensive evaluation of behavioral symptoms.~~

~~B) Documentation must support the resident's need for the program.~~

~~C) The documentation must show that the purpose of the program is to attempt to understand the "meaning" behind the resident's identified mood or behavioral issues.~~

~~D) Interventions related to the identified issues must be documented in the care plan.~~

~~E) The care plan shall have interventions aimed at reducing the distressing symptoms.~~

~~2) Criteria for group therapy.~~

~~A) There is documentation that the resident regularly attends sessions at least weekly.~~

~~B) Documentation supports that the therapy is aimed at helping reduce loneliness, isolation, and the sense that one's problems are unique and difficult to solve.~~

~~C) This area does not include group recreational or leisure activities.~~

~~D) The therapy and interventions are addressed in the care plan.~~

~~E) This must be a separate session and can not be conducted as part of skills training.~~

~~3) Criteria for indicators of depression.~~

~~A) There must be documentation to support identified indicators occurred during the look-back period.~~

~~B) The documentation shall support the frequency of the indicators as coded during the look-back period.~~

~~C) There shall be documentation to support that interventions were implemented to assist the resident in dealing with these issues.~~

~~4) Criteria for sense of initiative/involvement.~~

~~A) There is documentation to support that the resident was not involved or did not appear at ease with others or activities during the look-back period.~~

~~B) There shall be evidence that interventions were implemented to assist the resident in dealing with these issues.~~

~~5) Criteria for unsettled relationships/past roles.~~

~~A) There is documentation to support the issues coded in this area during the look-back period.~~

~~B) There shall be evidence that interventions were implemented to assist the resident in dealing with the issues identified.~~

~~6) Criteria for behavioral symptoms.~~

~~A) There is documentation to support that the behaviors occurred during the look-back period and the interventions used.~~

~~B) Documentation should reflect the resident's status and response to interventions.~~

~~C) Documentation should include a description of the behavior exhibited and the dates it occurred, as well as staff response to the behaviors.~~

~~D) Documentation supports that the behaviors coded meet the RAI definitions for the identified behavior.~~

~~E) The care plan identifies the behaviors and the interventions to the behaviors.~~

~~7) Criteria for delusions/hallucinations.~~

~~A)~~ ~~There is documentation to support that the delusions or hallucinations occurred during the look back period.~~

~~B)~~ ~~Documentation contains a description of the delusions or hallucinations the resident was experiencing.~~

~~C)~~ ~~There is documentation to support the interventions used.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~(P2a = 1 or~~	~~Behavior symptom evaluation~~	~~12~~	~~3 RN~~ ~~3~~ ~~LPN~~	~~8~~	~~2~~
	~~P2c = 1) AND~~	~~Group therapy~~				
	~~Any E1a-p > 0~~ ~~or~~	~~Indicators of depression~~				
	~~F1g = 1 or~~	~~No indicators of psychosocial well-being~~				
	~~Any F2a-g = 1 or~~	~~Any unsettled relationships~~				
	~~Any F3a-c = 1 or~~	~~Issues with past roles~~				
	~~E4aA > 0 or~~	~~Wandering in last 7 days~~				
	~~E4bA > 0 or~~	~~Verbally abusive in last 7 days~~				
	~~E4cA > 0 or~~	~~Physically abusive in last 7 days~~				
	~~E4dA > 0 or~~	~~Inappropriate or disruptive behavior in last 7 days~~				
	~~E4eA > 0 or~~	~~Resisted care in last 7 days~~				
	~~J1e= 1 or~~	~~Delusions~~				
	~~J1i = 1~~	~~Hallucinations~~				

~~**Psychotropic Medication Monitoring**~~

~~Documentation shall support that the facility followed the documentation guidelines as directed by 42 CFR 483.25(l), Unnecessary drugs (State Operations Manual F-tag F329).~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~O4a = 7 or~~ ~~O4b = 7 or~~ ~~O4c = 7 or~~	~~Antipsychotic meds~~ ~~Antianxiety meds~~ ~~Antidepressant meds~~	~~5~~	~~2.5 RN~~ ~~2.5 LPN~~		

~~**Psychiatric Services (Section S)**~~

~~Documentation shall support the following for scoring psychiatric services (Section S).~~

~~1) There shall be evidence the resident met IDPH Subpart S criteria during the look-back period.~~

~~2) There shall be evidence a pre-admission screening completed by a Department of Human Services-Division of Mental Health screening entity was completed on the resident that identifies the resident as having a serious mental illness (SMI).~~

~~The following shall be used in coding ancillary provider services.~~

~~1) Ancillary provider services are services that are provided by direct non-facility psychiatric service providers in order to meet 77 Ill. Adm. Code 300, Subpart S requirements.~~

~~2) Psychiatric rehabilitation services that are provided by non-facility providers or an outside entity shall meet the needs of the SMI resident as determined by the resident's individual treatment plan.~~

~~3) Facilities shall ensure compliance with 77 Ill. Adm. Code 300.4050 when utilizing non-facility or outside ancillary providers.~~

~~4) Adjustments in the rate for utilization of ancillary providers shall be calculated based upon Department claims data for ancillary provider billing.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~S1 = 1~~ ~~AND~~ ~~ADL Index = 4~~ ~~AND~~ ~~One or more of the following are coded M1c or Mld >0 or~~ ~~K5b = 1~~ ~~or~~ ~~K5a = 1~~ ~~or~~ ~~Plab = 1~~ ~~or~~ ~~J5c = 1~~ ~~or~~ ~~Plaa = 1~~ ~~or~~ ~~Plaj = 1~~ ~~or~~ ~~Plal = 1~~ ~~AND~~ ~~Psychiatric Services Level II, Level III, Level IV skills training, close and constant observation, dressing/grooming~~	~~Meets IDPH Subpart S criteria~~ ~~Activities of Daily Living Composite Score = 15-29~~ ~~Stage 3 or stage 4 ulcers~~ ~~Feeding tube~~ ~~Parenteral/IV~~ ~~Dialysis~~ ~~End Stage Disease~~ ~~Chemotherapy~~ ~~Tracheostomy Care provided~~ ~~Ventilator~~	~~6~~	~~1.5 RN~~ ~~1.5 LPN~~	~~10~~	

	~~and other restorative, cognitive performance, dementia care unit and discharge planning reset to zero~~					
~~II~~	~~Sl = 1~~ ~~AND~~	~~Meets IDPH Subpart S criteria~~	~~13~~	~~2.5 RN~~ ~~2.5 LPN~~	~~20~~	
	~~S8 = 1~~ ~~AND~~ ~~Dressing/grooming and other restorative, cognitive performance, and dementia care unit and discharge planning reset to zero~~	~~Ancillary provider services delivered by non-facility providers~~				
~~III~~	~~Sl = 1~~ ~~AND~~ ~~ADL Index=3 or 4~~ ~~AND~~ ~~(AA3-A3a)/365.25 ≥ 65~~ ~~AND~~	~~Meets IDPH Subpart S criteria~~ ~~ADL composite score between 12-29~~ ~~Resident is 65 years of age or older at time of the assessment reference date~~	~~13~~	~~4.5 RN~~ ~~4.5 LPN~~	~~20~~	
	~~Dressing/grooming and other restorative, cognitive performance, and dementia care unit~~					

	~~and discharge planning reset to zero~~					
~~IV~~	~~Sl = 1~~ ~~AND~~ ~~S8 = 0~~ ~~AND~~ ~~Dressing/grooming and other restorative, cognitive performance, and dementia care unit and discharge planning reset to zero~~	~~Meets IDPH Subpart S criteria~~ ~~Ancillary provider services delivered by facility providers~~	~~16~~	~~5 RN~~ ~~5~~ ~~LPN~~	~~25~~	

~~**Skills Training – Section S**~~

~~Skills training is specific methods for assisting residents who need, and can benefit from, this training to address identified deficits and reach personal and clinical goals. To qualify for reimbursement, the provision of skills training shall meet all of the following criteria.~~

~~1) Skills and capabilities shall be assessed with the use of a standardized skills assessment, a cognitive assessment and an assessment of motivational potential. The assessment of motivational potential will assist in determining the type and size of the group in which a resident is capable of learning.~~

~~2) Addresses identified skill deficits related to goals noted in the treatment plan.~~

~~3) Skills training shall be provided by staff who are paid by the facility and have been trained in leading skills group by a Department approved trainer.~~

~~4) Training shall be provided in a private room with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise and other distractions.~~

~~5) Training shall be provided in groups no larger than ten, with reduced group size for a resident requiring special attention due to cognitive, motivational or clinical issues, as determined by the skills assessment, cognition and motivational potential. Individual sessions can be provided as appropriate and shall be identified in the care plan.~~

~~6) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions. (Published skills modules developed for the SMI and Mental Illness/Substance Abuse (MISA) populations are available for use and as models.)~~

~~7) The curriculum shall address discrete sets of skills competencies, breaking skills down into smaller components or steps in relation to residents' learning needs.~~

~~8) The specific written content shall provide the rationale for learning, connecting skill acquisition to resident goals.~~

~~9) Training shall employ skill demonstration/modeling, auditory and visual presentation methods, role-playing and skill practice, immediate positive and corrective feedback, frequent repetition of new material, practice assignments between training sessions (homework), and brief review of material from each previous session.~~

~~10) There shall be opportunities for cued skill practice and generalization outside session as identified in the care plan and at least weekly documentation relative to skill acquisition.~~

~~11) Each training session shall be provided and attended in increments of a minimum of 30 minutes each (not counting time to assemble and settle) at least three times per week. Occasional absences are allowable, with individual coverage of missed material as necessary. However, on-going 1:1 training shall not qualify under this area.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~S7 = 1~~ ~~AND~~ ~~S1 = 1~~	~~Skills training provided~~ ~~Meets IDPH Subpart S criteria~~	~~6~~	~~6 RN~~ ~~6~~ ~~LPN~~	~~8~~	~~6~~

~~Close or Constant Observation = Section S~~

~~The following criteria shall be met for coding close or constant observation.~~

~~1)~~ ~~Coding of this item is intended only for interventions applied in response to the specific current significant need of an individual resident. This item shall not be coded for observation conducted as standard facility policy for all residents, such as for all new admissions, or as part of routine facility procedures, such as for all returns from the hospital, or as a part of periodic resident headcounts.~~

~~2)~~ ~~There shall be documentation for the reason for use, confirmation that the procedure was performed as coded, with staff initials at appropriate intervals, brief explanation of the resident's condition and reason for terminating the observation.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~S5a-e ≥ 1~~ ~~AND~~ ~~S1 = 1~~	~~Close or constant observation~~ ~~Meets IDPH Subpart S criteria~~	~~6~~	~~2 RN~~ ~~2~~ ~~LPN~~	~~5~~	

~~If close or constant observation is scored, acute medical conditions is reset to zero.~~

~~6)~~ **~~Dementia Services~~**

~~Cognitive Impairment/Memory Assistance Services~~

~~Documentation shall support the following for scoring cognitive impairment/memory assistance services.~~

~~1)~~ ~~Description of the resident's short-term memory problems.~~

~~2)~~ ~~Method of assessing and determining the short-term memory problem shall be documented.~~

~~3)~~ ~~Description of the resident's ability to make everyday decisions about tasks or activities of daily living.~~

~~4) Description of the resident's ability to make himself or herself understood.~~

~~Lev~~	~~CPS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~CPS = 2~~ ~~AND~~ ~~S1 = 0~~	~~Cognitive performance scale of 2~~ ~~Does not meet IDPH Subpart S criteria~~	~~6~~			~~4~~
~~II~~	~~CPS = 3 or 4~~ ~~AND~~ ~~S1 = 0~~	~~Cognitive performance scale is 3 or 4~~ ~~Does not meet IDPH Subpart S criteria~~	~~16~~	~~3 RN~~ ~~3~~ ~~LPN~~	~~11~~	~~10~~
~~III~~	~~CPS = 5 or 6~~ ~~AND~~ ~~S1 = 0~~	~~Cognitive performance scale is 5 or 6~~ ~~Does not meet IDPH Subpart S criteria~~	~~21~~	~~5.5~~ ~~RN~~ ~~5.5~~ ~~LPN~~	~~16~~	~~15~~

~~Cognitive Performance Scale Codes~~

~~Scale~~	~~Description~~
~~0~~	~~Intact~~
~~1~~	~~Borderline Intact~~
~~2~~	~~Mild Impairment~~
~~3~~	~~Moderate Impairment~~
~~4~~	~~Moderate Severe Impairment~~
~~5~~	~~Severe Impairment~~
~~6~~	~~Very Severe Impairment~~

~~Impairment Count for the Cognitive Performance Scale~~

~~I code~~	~~MDS items~~	~~Description~~
		~~Note: None of B2a, B4, or C4 can be missing~~
~~IC 1~~	~~B2a = 1~~	~~Memory problem~~
~~IC 2~~	~~B4 = 1 or 2~~	~~Some dependence in cognitive skills~~
~~IC 3~~	~~1 ≤ C4 ≤ 3~~	~~Usually understood to rarely or never understood~~

~~Severe Impairment Count for the Cognitive Performance Scale~~

~~I code~~	~~MDS items~~	~~Description~~
		~~Note: None of B2a, B4, or C4 can be missing~~
~~SIC 0~~	~~Below not met~~	
~~SIC 1~~	~~B4 = 2~~	~~Moderately impaired in cognitive skills~~
~~SIC 2~~	~~C4 = 2 or 3~~	~~Sometimes understood to rarely or never understood~~

~~Cognitive Performance Scale~~

~~Scale~~	~~MDS items~~	~~Description~~
~~Coma~~	~~N1a = 0 and~~ ~~N1b = 0 and~~ ~~N1c = 0 and~~ ~~B1 = 1 and~~ ~~G1aA = 4 or 8 And~~ ~~G1bA = 4 or 8 And~~ ~~G1hA = 4 or 8 And~~ ~~G1iA = 4 or 8 And~~ ~~Not (B4 = 0,1, 2)~~	~~Awake all or most of the time in the morning~~ ~~Awake all or most of the time in the afternoon~~ ~~Awake all or most of the time in the evening~~ ~~Is comatose~~ ~~Bed Mobility Self-Performance = total dependence or did not occur~~ ~~Transfer Self-Performance = total dependence or did not occur~~ ~~Eating Self-Performance = total dependence or did not occur~~ ~~Toilet Use Self-Performance = total dependence or did not occur~~ ~~Not have cognitive skills independent to moderately impaired~~
~~6~~	~~B4 = 3 And~~ ~~G1hA = 4 or 8~~	~~Cognitive skills severely impaired~~ ~~Eating Self-Performance = total dependence or did not occur~~
~~5~~	~~B4 = 3 And~~	~~Cognitive skills severely impaired~~
~~6~~	~~Not (B4 = 0,1, 2)~~	~~Not have cognitive skills independent to moderately impaired~~

	~~G1hA = - or ≤ 3~~	~~Eating Self-Performance = missing to extensive assistance~~
~~4~~	~~If IC code = 2 or 3~~ ~~And SIC code = 2~~	~~Some dependence in cognitive skills~~ ~~Usually understood to rarely or never understood~~ ~~Sometimes understood to rarely or never understood~~
~~3~~	~~If IC code = 2 or 3~~ ~~And SIC code = 1~~ ~~If IC code = 2 or 3~~	~~Some dependence in cognitive skills~~ ~~Usually understood to rarely or never understood~~ ~~Moderately impaired in cognitive skills~~ ~~Some dependence in cognitive skills~~ ~~Usually understood to rarely or never understood~~
~~2~~	~~And SIC code = 0~~	~~Better than moderate cognition skills and usually can be understood~~
~~1~~	~~If IC code = 1~~	~~Memory problem~~

~~**Dementia Care Unit**~~

~~Documentation shall support the following for scoring dementia care unit.~~

~~1) Unit was IDPH certified during the look-back period.~~

~~2) Resident resided in the unit during the look-back period.~~

~~3) Activity programming is planned and provided seven days a week for an average of eight hours per day.~~

~~4) If the resident has a CPS score of five, care planning shall address the resident's participation in the unit's activities.~~

~~5) If a particular resident does not participate in a least an average of four activities per day over a one-week period, the unit director shall evaluate the resident's participation and have the available activities modified and/or consult with the interdisciplinary team.~~

~~6) Staff's efforts to involve the resident.~~

~~7) Required assessments were completed on the resident.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~P1an = 1~~ ~~AND~~ ~~I1q = 1 or~~ ~~I1u = 1~~ ~~AND~~ ~~S1 = 0~~ ~~AND~~ ~~CPS 2,3,4,5~~ ~~AND~~ ~~Dementia care unit is IDPH certified~~	~~Alzheimer's/Dementia special care unit~~ ~~Alzheimer's Disease~~ ~~Dementia other than Alzheimer's~~ ~~Does not meet IDPH Subpart S criteria~~ ~~CPS score~~	~~15~~	~~4 RN~~ ~~4~~ ~~LPN~~	~~10~~	~~10~~

~~7)~~ ~~**Exceptional Care Services**~~

~~**Respiratory Services**~~

~~Documentation shall support the following for scoring respiratory services.~~

~~1)~~ ~~A respiratory therapist shall evaluate the status of the resident at least monthly if the resident has a tracheostomy.~~

~~2)~~ ~~Respiratory therapy being provided 15 minutes a day shall be present in the clinical record for the look-back period.~~

~~3)~~ ~~Physician's order for the treatments.~~

~~4)~~ ~~Respiratory therapy in the record of the treatment and the times given by a qualified professional (respiratory therapist or trained nurse) as defined in the RAI Manual.~~

~~5)~~ ~~Suctioning, including type, frequency and results of suctioning.~~

~~6)~~ ~~Trach care, including type, frequency and description of the care provided.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~P1ai = 1 or~~ ~~P1aj = 1 or~~ ~~P1bdA = 7~~	~~Perform suctioning~~ ~~Administered trach care~~ ~~Respiratory therapy~~	~~5~~	~~15 RN 15 LPN~~		
~~II~~	~~P1ai = 1 AND~~ ~~P1aj = 1 AND~~ ~~P1bdA > 0~~	~~Performed suctioning~~ ~~Administered trach care~~ ~~Respiratory therapy~~	~~10~~	~~24 RN 24 LPN~~		

~~A $50.00 add-on cost will be applied to all residents receiving trach care.~~

~~Weaning From Ventilator~~

~~Documentation shall be in place to support weaning from ventilator.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~P1a1 = 0 on current MDS AND~~	~~Resident no longer on ventilator~~	~~5~~	~~15 RN 15 LPN~~		

	~~P1a1 = 1 on previous MDS~~	~~Resident previously on ventilator~~				

~~**Morbid Obesity**~~

~~Documentation shall support the following for scoring morbid obesity.~~

~~1) A dietician's evaluation was completed with evidence of on-going consultation.~~

~~2) On-going monitoring of weight shall be evident.~~

~~3) The psychosocial needs related to weight issues shall be identified and addressed.~~

~~Lev~~	~~MDS items~~	~~Description~~	~~Unl~~	~~Lic~~	~~SW~~	~~Act~~
~~I~~	~~I3 = 278.01 AND~~	~~ICD9 for morbid obesity is marked~~	~~10~~	~~5 RN 5 LPN~~	~~5~~	
	~~K5e = 1 AND~~	~~On a therapeutic diet~~				
	~~K5h = 1 AND~~	~~On planned weight change program~~				
	~~G1aA = 3 and~~	~~Extensive assist~~				
	~~G1aB=3 or~~	~~Requires 2+ assist with bed mobility~~				
	~~G1bA=3 and~~	~~Extensive assist~~				
	~~G1bB=3 or~~	~~Requires 2+ assist with transfers~~				
	~~G1cA=3 and~~	~~Extensive assist~~				
	~~G1cB=3 AND~~	~~Requires 2+ assist with walk in room~~				

	~~P3d=7~~ ~~or~~ ~~P3e=7~~ ~~or~~ ~~P3f = 7~~	~~On bed mobility restorative~~ ~~On transfer restorative~~ ~~On walking restorative~~				

~~A $40.00 add-on shall be applied to all residents meeting the Morbid Obesity category.~~

~~**Complex Wounds**~~

~~Facilities shall follow documentation guidelines as directed by 42 CFR 483.25(c) (State Operations Manual F-tag F314). All documentation requirements listed in F314 shall be met.~~
~~There are no minutes assigned to this area. It is strictly a $15.00 add-on applied to residents meeting the following criteria.~~

~~MDS item~~	~~Description~~
~~M1c or M1d > 0~~ ~~AND~~	~~Presence of stage 3 or 4 PU~~
~~M2a > 0 or~~	~~Type of ulcer, pressure~~
~~M2b > 0~~ ~~AND~~	~~Type of ulcer, stasis~~
~~B1 = 1 or~~	~~Comatose~~
~~G1Aa = 3 or 4 or~~	~~Bed mobility (extensive)~~
~~G1Ab = 3 or 4~~	~~Transfer (extensive)~~
~~AND any 3 of the follow:~~	
~~ICD 9 codes of (260, 261, 262, 263.0, 263.1, 263.2, 263.8, 263.9)~~	~~ICD 9 Malnutrition~~
~~ICD 9 585~~	~~ESRD~~
~~I1a = 1~~	~~Diabetes Mellitus~~
~~I1qq = 1~~	~~Renal Failure~~
~~I1j = 1~~	~~Peripheral vascular disease~~
~~I1x = 1~~	~~Paraplegia~~
~~I1z = 1~~	~~Quadriplegia~~

~~I1w = 1~~	~~Multiple Sclerosis~~
~~J5c = 1~~	~~End stage disease~~
~~H1a = 4~~	~~Incontinence of bowel~~
~~H1b = 4~~	~~Incontinence of bladder~~
~~J1c = 1~~	~~Dehydration~~
~~G6a = 1~~	~~Bedfast~~
~~J2a = 2~~	~~Pain daily~~
~~M3 = 1~~	~~History of resolved ulcers~~
~~AND all of the following:~~	
~~M5a = 1 and/or~~	~~Pressure relieving device/chair~~
~~M5b = 1~~ ~~AND~~	~~Pressure relieving device/bed~~
~~M5c = 1~~ ~~AND~~	~~Turn and position~~
~~M5d = 1~~ ~~AND~~	~~Nutrition or hydration~~
~~M5e = 1~~	~~Ulcer care~~

~~**Traumatic Brain Injury**~~

~~Documentation shall support the following for scoring traumatic brain injury.~~

~~1) Psychological therapy shall be delivered by licensed mental health professionals as described in the RAI Manual.~~

~~2) A special symptom evaluation program shall be an on-going, comprehensive, interdisciplinary evaluation of behavioral symptoms as described in the RAI Manual.~~

~~3) Evaluation by a licensed mental health specialist in the last 90 days. This shall include an assessment of a mood, behavioral disorder or other mental health problems by a qualified clinical professional as described in the RAI Manual.~~

~~4) Care plan shall address the behaviors of the resident and the interventions used.~~

~~There are no minutes assigned to this area. It is strictly a $50.00 add-on applied to residents meeting the following criteria.~~

~~MDS item~~	~~Description~~
~~I1cc = 1~~ ~~AND~~	~~Traumatic brain injury~~
~~B1 = 0~~ ~~AND~~	~~Not comatose~~
~~S1 = 0~~ ~~AND~~	~~Does not meet Subpart S criteria~~
~~E4aA = 3 and E4 a B = 1~~ ~~or~~	~~Wandering daily and alterability~~
~~E4bA = 3 and E4bB = 1~~ ~~or~~	~~Verbally abusive behavioral symptoms daily and alterability~~
~~E4cA = 3 and E4cB = 1~~ ~~or~~	~~Physically abusive behavioral symptoms daily and alterability~~
~~E4dA = 3 and E4dB = 1~~ ~~or~~	~~Socially inappropriate/disruptive behavioral symptoms daily and alterability~~
~~E4eA = 3 and E4eB = 1~~ ~~AND~~	~~Resists care daily and alterability~~
~~P1beA ≥ 1~~ ~~AND~~	~~Psychological therapy~~
~~P2a = 1~~ ~~AND~~	~~Special behavior symptom evaluation~~
~~P2b = 1~~	~~Evaluation by a mental health specialist in last 90 days~~

~~**8) Special Patient Need Factors**~~

~~There shall be documentation to support the deficits identified on the MDS in communication and vision problems.~~

~~**Communication**~~

~~Count~~	~~MDS items~~	~~Description~~	~~Staff Minutes~~

~~I~~	~~C4 > 0 or~~ ~~C6 > 0~~	~~Deficit in making self understood~~ ~~Deficit in understanding others~~	~~1% of all staff time accrued in all categories from ADLs through Exceptional Care~~

~~**Vision Problems**~~

~~Count~~	~~MDS items~~	~~Description~~	~~Staff Minutes~~
~~I~~	~~D1 > 0 or~~ ~~D2a = 1 or~~ ~~D2b = 1~~	~~Vision impaired to Severely impaired~~ ~~Decreased peripheral vision~~ ~~Experience halos around lights, light flashes~~	~~2% of all staff time accrued in all categories from ADLs through Exceptional Care~~

~~**Accident/Fall Prevention**~~

~~Documentation shall support the following for scoring accident/fall prevention.~~

~~1) The resident has the risk factor identified on the MDS.~~

~~2) The resident has been assessed for fall risks.~~

~~3) If the resident is identified as high risk for falls, interventions have been identified and implemented.~~

~~Count~~	~~MDS items~~	~~Description~~	~~Staff Minutes~~
~~I~~	~~I1aa = 1 or~~ ~~O4a-d = 7 or~~ ~~H1b > 0 or~~ ~~J1f = 1 or~~	~~Seizure disorder~~ ~~Medications~~ ~~Incontinent urine~~ ~~Dizziness~~	~~3% of all staff time accrued in all categories from ADLs through Exceptional Care~~

	~~J4a = 1 or~~ ~~J4b = 1 or~~ ~~J1n = 1 or~~ ~~E4aA > 0~~	~~Fell in past 30 days~~ ~~Fell in past 31-180 days~~ ~~Has unsteady gait~~ ~~Wandered in last 7 days~~	

~~**Restraint Free**~~

~~There shall be documentation to support the previous use of a restraint and the resident response to the restraint. There shall be evidence that the restraint was discontinued.~~

~~Count~~	~~MDS items~~	~~Description~~	~~Staff Minutes~~
~~I~~		~~In last assessment:~~	
	~~P4c > 1 or~~	~~Used trunk restraint daily in last 7 days~~	~~2% of all staff time accrued in all categories from ADLs through Exceptional Care~~
	~~P4d > 1 or~~	~~Used limb restraint daily in last 7 days~~	
	~~P4e > 1~~	~~Used chair that prevents rising daily in last 7 days~~	
	~~And~~	~~And in current assessment:~~	
	~~P4c = 0 and~~	~~Not used trunk restraint in last 7 days~~	
	~~P4d = 0 and~~	~~Not used limb restraint in last 7 days~~	
	~~P4e = 0~~	~~Not used chair that prevents rising in last 7 days~~	

~~**Activities**~~

~~There shall be documentation to support the average time involved in activities.~~

~~Count~~	~~MDS items~~	~~Description~~	~~Staff Minutes~~
~~I~~	~~N2 = 0 or 1 AND Any of the following checked:~~	~~Average time involved in activities~~	~~2% of all staff time accrued in all categories from ADLs through Exceptional Care~~
	~~G6a = 1 or~~	~~Bedfast all or most of the time~~	
	~~C4 > 1 or~~	~~Sometimes too rarely understood~~	
	~~C6 > 1 or~~	~~Sometimes too rarely understands others~~	
	~~E1o > 0 or~~	~~Withdrawal from activity~~	
	~~AA3 ≤ 50 or~~	~~Age is 50 or younger at assessment reference date~~	
	~~E1p > 0 or~~	~~Reduced social interactions~~	
	~~E4a-eA > 0 or~~	~~Any behavioral symptoms~~	
	~~G4b-dB > 0 OR~~	~~Any limited ROM~~	
	~~N2 = 0 or 1 AND~~	~~Average time involved in activities~~	

	~~E2 > 0~~ ~~AND~~	~~Mood persistence~~	
	~~E1a > 0 or~~	~~Negative statements~~	
	~~E1n > 0 or~~	~~Repetitive physical movements~~	
	~~E4eA > 0 or~~	~~Resists care~~	
	~~E1o > 0 or~~	~~Withdraws from activity~~	
	~~E1p > 0 or~~	~~Reduced social interaction~~	
	~~E1j > 0 or~~	~~Unpleasant mood in morning~~	
	~~N1d =1 or~~	~~Not awake all or most of the time~~	
	~~E1g > 0 or~~	~~Statements that something terrible will happen~~	
	~~K3a = 1 or~~	~~Weight loss~~	
	~~(N1a,b,c ≤ 1~~ ~~AND~~	~~Not awake all or most of the time~~	
	~~B1 =0)~~	~~Not comatose~~	

(Source: Repealed at 38 Ill. Reg. 1205, effective January 1, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 147.TABLE B MDS-MH Staff Time (in Minutes) and Allocation by Need Level (Repealed)
EMERGENCY

~~As part of the transition to a new reimbursement system for Class I IMDs, Table B sets forth the initial criteria that may likely be used to incentivize provision of clinically appropriate services to individual residents of these facilities. The Department intends to secure data and begin analyzing this data, including a sample time study, prior to implementation of this payment model.~~

~~Each MDS-MH item in Table B includes a description of the item from the MDS-MH, and the variable time assigned to each level represents the type of staff that should be delivering the service (aide, licensed, RN, LPN and social services) and the number of minutes allotted to that service item.~~

~~MDS Item~~	~~Description of Medical Services~~	~~Aide~~	~~Licensed~~	~~RN~~	~~LPN~~	~~Social Service~~
	~~Program Base~~	~~25~~	~~11~~	~~1~~	~~1~~	~~25~~
~~G1a=2~~ ~~G1=3~~	~~Hygiene 1~~ ~~Hygiene 2~~	~~8~~ ~~12~~	~~1~~ ~~1~~		~~1~~ ~~1~~	~~3~~ ~~3~~
~~G1b=3 or G1c=3~~ ~~G1b=4 or G1b=5 or G1c=4 or G1c=5~~	~~Mobility 1~~ ~~Mobility 2~~	~~12~~ ~~17~~		~~1~~ ~~1~~	~~1~~ ~~1~~	~~1~~ ~~1~~
~~G1d=2~~ ~~G1d=3~~	~~Toilet 1~~ ~~Toilet 2~~	~~10~~ ~~14~~	~~1~~ ~~1~~	 ~~1~~	~~1.5~~ ~~1~~	~~1~~ ~~1~~
~~G1e=2~~ ~~Gle=3~~	~~Eating 1~~ ~~Eating 2~~	~~10~~ ~~16~~	~~1~~ ~~1~~	 ~~1~~	 ~~1~~	~~2~~ ~~1~~
~~G1f=2~~ ~~G1f=3~~	~~Bathing 1~~ ~~Bathing 2~~	~~10~~ ~~14~~	~~2~~ ~~1~~	 ~~1~~	 ~~1~~	~~3~~ ~~2~~
~~H1=2 or H1=3~~	~~Hearing 1~~	~~3~~			~~1~~	~~3~~
~~H2=2~~	~~Vision 1~~	~~3~~			~~1~~	~~3~~

~~H2=3 or H2=4~~	~~Vision 2~~	~~3~~	~~1~~		~~1~~	~~3~~
~~H3=2 or H3=3~~ ~~H3=4~~	~~Expression 1~~ ~~Expression 2~~	~~6~~ ~~8~~	~~2~~ ~~2~~			~~4~~ ~~7~~
~~H4=2 or H4=3~~ ~~H4=4~~	~~Understanding 1~~ ~~Understanding 2~~	~~6~~ ~~8~~	~~2~~ ~~2~~			~~4~~ ~~7~~
~~ICD-9=250 to 250.9~~	~~Diabetes 1~~	~~8~~		~~2~~	~~4~~	~~2~~
~~N2a=1 or N2b=1 or N2c=1 or N2d=1 or Hyperlipidemia (ICD-9=272.0 to 272.9)~~	~~Nutrition 1~~	~~5~~	~~1~~	~~1~~	~~2~~	~~2~~
~~N3a=1 or N3b=1 or N3c=1 or N4=1~~	~~Eating Disorders 1~~	~~5~~	~~3~~	~~1~~	~~2~~	~~3~~
~~L2a=1 or L2b=1 or L2c=1~~	~~Nursing Interventions 1~~	~~2~~		~~0.5~~	~~0.5~~	
~~L2a=2 or L2b=2 or L2c=2~~	~~Nursing Interventions 2~~	~~2.5~~	~~1~~	~~0.5~~	~~0.5~~	~~1~~
~~L2a=3 or L2b=3 or L2c=3~~	~~Nursing Interventions 3~~	~~3.5~~	~~1~~	~~1.5~~	~~1.5~~	~~1~~
~~L2a=4 or L2b=4 or L2c=4~~	~~Nursing Interventions 4~~	~~4.5~~	~~1~~	~~1.5~~	~~1.5~~	~~2~~
~~L2a=5 or L2b=5 or L2c=5~~	~~Nursing Interventions 5~~	~~5.5~~	~~1~~	~~2~~	~~2~~	~~2~~
~~L2a=6 or L2b=6 or L2c=6~~	~~Nursing Interventions 6~~	~~6~~	~~2~~	~~2~~	~~2~~	~~2~~
~~L2a=7 or L2b=7 or L2c=7~~	~~Nursing Interventions 7~~	~~7~~	~~2~~	~~3~~	~~2~~	~~2~~
~~CPS=3 or 4~~ ~~CPS=5 or 6~~	~~Cognitive Problems 1~~ ~~Cognitive Problems 2~~	~~4~~ ~~6~~	~~2~~ ~~3~~			~~5~~ ~~7~~

~~Number of E1a to E1g scoring >1=1 or 2~~ ~~Number of E1a to E1g scoring >1=3 or 4~~ ~~Number of E1a to E1g scoring >1=5 or more~~	~~Behavior Disturbance 1~~ ~~Behavior Disturbance 2~~ ~~Behavior Disturbance 3~~	~~5~~ ~~10~~ ~~15~~	~~2~~ ~~2~~ ~~3~~			~~5~~ ~~8~~ ~~10~~
~~D1a=1~~ ~~D1a=2~~ ~~D1a=3 or D1a=4~~	~~Self Injury 1~~ ~~Self Injury 2~~ ~~Self Injury 3~~	~~2~~ ~~3~~ ~~10~~	 ~~2~~ ~~5~~	 ~~1~~	 ~~2~~	~~2~~ ~~5~~ ~~10~~
~~D1b=1~~	~~Intent to Kill Self 1~~		~~2~~			~~5~~
~~D1a=0 and D1c=1~~	~~Considered Self Injurious Act 1~~	~~5~~	~~2~~			~~1~~
~~D1a=0 and D1d=1~~	~~At Risk for Self Injury 1~~	~~2~~	~~2~~			~~5~~
~~D2a=1~~ ~~D2a=2~~ ~~D2a=3 or D2a=4~~	~~Violence 1~~ ~~Violence 2~~ ~~Violence 3~~	~~2~~ ~~3~~ ~~10~~	 ~~2~~ ~~5~~	 ~~1~~	 ~~2~~	~~2~~ ~~5~~ ~~10~~
~~D2b=1~~ ~~D2b=2~~ ~~D2b=3 or D2b=4~~	~~Intimidation Threats to Others 1~~ ~~Intimidation Threats to Others 2~~ ~~Intimidation Threats to Others 3~~	~~2~~ ~~3~~ ~~10~~	 ~~2~~ ~~5~~			~~2~~ ~~5~~ ~~10~~
~~D2c=2~~ ~~D2c=3 or D2c=4~~	~~Violent Ideation 1~~ ~~Violent Ideation 2~~	~~2~~ ~~4~~	 ~~2~~			~~1~~ ~~7~~
~~K2b=1~~	~~Medication Support 1~~	~~6~~	~~1~~	~~1~~	~~1~~	~~5~~

~~K5>0~~	~~Acute Control Medications 1~~	~~2~~	~~1~~	~~2~~	~~2~~	~~5~~
~~M3a>0~~	~~Required Staff Accompaniment~~	~~5~~				~~2~~
~~A5a=1 or 2~~ ~~A5a=3 or 4~~ ~~A5b=1 or 2~~ ~~A5b=3 or 4~~	~~Hx Crim Justice Viol 1~~ ~~Hx Crim Justice Viol 2~~ ~~Hx Crim Justice Nonviol 1~~ ~~Hx Crim Justice Nonviol 2~~		~~2~~ ~~4~~ ~~1~~ ~~2~~			~~3~~ ~~5~~ ~~2~~ ~~4~~
~~M2a>0 or M2b>0~~ ~~M2c>0 or M2d>0 or M2e>0~~	~~Close or Constant Observation 1~~ ~~Close or Constant Observation 2~~	~~15~~ ~~30~~	~~5~~ ~~10~~			~~5~~ ~~10~~
~~P3≤ 5 and L4a>1~~	~~Discharge Planning 1~~		~~10~~			~~25~~
~~L1i≥ 3~~	~~PRS Director or Coordinator Counseling~~					~~5~~
~~L3a or L3b=2 or 3 and L4aA=2 or 3 and P3<5~~	~~Community Reintegration~~	~~3~~	~~3~~			~~5~~
~~L3b=2 or 3 and L4bA=2 or 3~~	~~Social/Family Functioning~~	~~3~~	~~3~~			~~12~~
~~L3b or L3d + 2 or 3 and L4cA=2 or 3~~	~~Psych Rehab/ Recover Readiness and Support~~	~~3~~	~~4~~			~~15~~

~~L3b=2 or 3 and L4dA=2 or 3~~	~~Skills Training and Generalization~~	~~5~~	~~5~~			~~20~~
~~L3a, L3b or L3d=2 or 3 and L4eA=2 or 3 and C1>1 or C2=2~~	~~Substance Use/Abuse Management~~	~~6~~	~~5~~			~~15~~
~~L3a or L3b=2 or 3 and L4fA=2 or 3~~	~~Vocational/ Academic Development~~	~~2~~	~~3~~			~~12~~
~~L3a or L3b + 2 or 3 and L4gA=2 or 3 and D2a=2 or D2b=3 or D2c=3 or Elc>1~~	~~Aggression/Anger Management~~		~~5~~			~~15~~
~~L3a or L3b=2 or 3 and L4hA=2 and E1b or E1d or E1e>0~~	~~Behavior Management~~	~~2~~	~~3~~			~~13~~
~~L3b=2 and L4iA=2~~	~~Enhanced Activity Program~~	~~5~~	~~3~~			~~12~~
~~L3a or L3b=2 and L4jA=2~~	~~Work Program (Department of Labor Compliant)~~		~~5~~			~~25~~
~~L3b=2 or 3 and L4kA=2 or 3~~	~~Illness Self-Management (SAMHSA Toolkit)~~	~~5~~	~~5~~			~~20~~
~~L3a and L3b=2 or 3 and L41A=2 or 3~~	~~Specialized Therapies (DBT)~~		~~5~~			~~25~~
~~L5=1~~	~~Adherence with Programs 1~~	~~10~~	~~4~~			~~10~~
~~L6≥1~~	~~Required staff accompaniment to~~	~~10~~				

	~~medical appointment mandated by the outside medical provider~~					
~~Psychotropic Medications as Listed in Section R~~	~~Psychotropic Medication Monitoring~~	~~7~~		~~8~~	~~8~~	

~~**Compute Cognition Category Using Cognitive Performance Scale (CPS)**~~	
~~**Compute Intermediate Cognition Variables**~~	
~~Count of Non-Independence Items for CPS (Cog1)~~	~~If (F1a=1) add 1 to Cog 1~~ ~~If (F2=1 or 2 or 3) add 1 to Cog 1~~ ~~If (H3=1 or 2 or 3 or 4) add 1 to Cog 1~~
~~Count of Moderate to Severe Impairments for CPS (Cog 2)~~	~~If (F2=2 or 3) add 1 to Cog 2~~ ~~If (H3=3 or 4) add 1 to Cog 2~~
~~**Compute CPS**~~	
~~Compute CPS Level 1~~	~~If (Cog 1=1) CPS=1~~
~~Compute CPS Level 2~~	~~If (Cog 1=2 or 3 and Cog 2=0) CPS=2~~
~~Compute CPS Level 3~~	~~If (Cog 1=2 or 3 and Cog 2=1) CPS=3~~
~~Compute CPS Level 4~~	~~If (Cog 1=2 or 3 and Cog 2=2) CPS=4~~
~~Compute CPS Level 5~~	~~If (F2=4 or 5 and G1e <6) CPS=5~~
~~Compute CPS Level 6~~	~~If (F2=4 or 5 and G1e=6 or 8) CPS=6~~
~~**Convert CPS to Cognition Reimbursement Categories**~~	

(Source: Repealed at 38 Ill. Reg. 1205, effective January 1, 2014)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the Illinois Register: 5 ILCS 100/5-70(c)

2. Summary of information: P.A. 98-0104 requires the Illinois Department of Healthcare and Family Services to implement a reimbursement system for facilities uniquely licensed as pediatric skilled nursing facilities that serve severely and chronically ill pediatric patients. The reimbursement system is to be specifically designed to recognize the characteristics and needs of the patients the facilities serve. An exceptional care reimbursement methodology is being proposed to provide additional funding to qualifying facilities that serve ventilator-dependent residents. It is anticipated that this methodology will become effective as of January 4, 2014, and will increase payments to qualifying facilities by an estimated total of $900,000 on an annual basis.

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

Bureau of Program and Reimbursement Analysis
Division of Medical Programs
Healthcare and Family Services
201 South Grand Avenue East
Springfield, IL 62763-0001
E-mail address: HFS.bpra@illinois.gov

Interested persons may review these proposed changes on the HFS Public Involvement Web page <http://www2.illinois.gov/hfs/PublicInvolvement/>. Local access to the Internet is available through any local public library. In addition, this material may be viewed at the DHS local offices (except in Cook County). In Cook County, the changes may be reviewed at the Office of the Director, Illinois Department of Healthcare and Family Services, 401 South Clinton Street, Chicago, Illinois. The changes may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements found at 42 *CFR* 447.205.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

SCHEDULED MEETING:

MICHAEL A. BILANDIC BUILDING
ROOM 600C
CHICAGO, ILLINOIS
JANUARY 14, 2014
11:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

RULEMAKINGS CURRENTLY BEFORE JCAR

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254

PROPOSED RULEMAKINGS

Central Management Services

1. Pay Plan (80 Ill. Adm. Code 310)
   -First Notice Published: 37 Ill. Reg. 16048 – 10/18/13
   -Expiration of Second Notice: 1/25/14

Commerce and Economic Opportunity

2. International Tourism Program (14 Ill. Adm. Code 555)
   -First Notice Published: 37 Ill. Reg. 642 – 1/25/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

-Expiration of Second Notice: 2/23/14

Commerce Commission

3. Standard Information Requirements for Public Utilities and Telecommunications Carriers in Filing for an Increase in Rates (83 Ill. Adm. Code 285)
-First Notice Published: 37 Ill. Reg. 10903 – 7/19/13
-Expiration of Second Notice: 2/6/14

4. Collateral Recovery (92 Ill. Adm. Code 1480)
-First Notice Published: 37 Ill. Reg. 12953 – 8/16/13
-Expiration of Second Notice: 1/22/14

Environmental Protection Agency

5. Water Supply Operator Certification (Repealer) (35 Ill. Adm. Code 680)
-First Notice Published: 37 Ill. Reg. 15771 – 10/11/13
-Expiration of Second Notice: 1/29/14

6. Water Supply Operator Certification (35 Ill. Adm. Code 681)
-First Notice Published: 37 Ill. Reg. 15799 – 10/11/13
-Expiration of Second Notice: 1/29/14

Healthcare and Family Services

7. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 37 Ill. Reg. 3362 – 3/22/13
-Expiration of Second Notice: 1/18/14

8. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 37 Ill. Reg. 7078 – 5/24/13
-Expiration of Second Notice: 2/2/14

9. Hospital Services (89 Ill. Adm. Code 148)
-First Notice Published: 37 Ill. Reg. 9875 – 7/12/13
-Expiration of Second Notice: 1/16/14

10. Child Support Services (89 Ill. Adm. Code 160)
-First Notice Published: 37 Ill. Reg. 12342 – 8/2/13
-Expiration of Second Notice: 1/17/14

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

Housing Development Authority

11. Abandoned Residential Property Municipality Relief Program (47 Ill. Adm. Code 381)
-First Notice Published: 37 Ill. Reg. 12670 – 8/9/13
-Expiration of Second Notice: 2/4/14

Human Services

12. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
-First Notice Published: 37 Ill. Reg. 15185 – 9/20/13
-Expiration of Second Notice: 1/26/14

13. Refugee/Repatriate Program (89 Ill. Adm. Code 115)
-First Notice Published: 37 Ill. Reg. 15187 – 9/20/13
-Expiration of Second Notice: 1/26/14

14. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)
-First Notice Published: 37 Ill. Reg. 15189 – 9/20/13
-Expiration of Second Notice: 1/26/14

15. Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121)
-First Notice Published: 37 Ill. Reg. 16302 – 10/18/13
-Expiration of Second Notice: 1/26/14

16. General Administrative Provisions (89 Ill. Adm. Code 10)
-First Notice Published: 37 Ill. Reg. 16300 – 10/18/13
-Expiration of Second Notice: 1/26/14

Pollution Control Board

17. Water Use Designations and Site-Specific Water Quality Standards (35 Ill. Adm. Code 303)
-First Notice Published: 37 Ill. Reg. 2851 – 3/15/13
-Expiration of Second Notice: 1/22/14

Public Health

18. Physical Fitness Facility Medical Emergency Preparedness Code (77 Ill. Adm. Code 527)
-First Notice Published: 37 Ill. Reg. 16304 – 10/18/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

-Expiration of Second Notice: 2/1/14

Revenue

19. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 37 Ill. Reg. 15464 – 9/27/13
-Expiration of Second Notice: 1/22/14

State Board of Investment

20. Rules and Regulations of the Board (74 Ill. Adm. Code 800)
-First Notice Published: 37 Ill. Reg. 16310 – 10/18/13
-Expiration of Second Notice: 1/25/14

State Employees' Retirement System

21. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)
-First Notice Published: 37 Ill. Reg. 16901 – 10/25/13
-Expiration of Second Notice: 1/23/14

State Toll Highway Authority

22. State Toll Highway Rules (92 Ill. Adm. Code 2520)
-First Notice Published: 37 Ill. Reg. 16915 – 10/25/13
-Expiration of Second Notice: 2/12/14

State Universities Retirement System

23. Universities Retirement (80 Ill. Adm. Code 1600)
-First Notice Published: 37 Ill. Reg. 15728 – 10/4/13
-Expiration of Second Notice: 1/15/14

EMERGENCY RULEMAKINGS

Gaming Board

24. Video Gaming (General) (11 Ill. Adm. Code 1800)
-Notice Published: 37 Ill. Reg. 19882 – 12/13/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

Natural Resources

25. Commercial Fishing and Musseling in Certain Waters of the State (17 Ill. Adm. Code 830)
-Notice Published: 37 Ill. Reg. 19912 – 12/13/13

Secretary of State

26. Lobbyist Registration and Reports (2 Ill. Adm. Code 560)
-Notice Published: 37 Ill. Reg. 20784 – 12/27/13

PEREMPTORY RULEMAKING

Central Management Services

27. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 37 Ill. Reg. 20411 – 12/20/13

EXEMPT RULEMAKINGS

Pollution Control Board

28. Definitions and General Provisions (35 Ill. Adm. Code 211)
-Notice Published: 37 Ill. Reg. 15789 – 9/20/13
-Adopted Date: 12/13/13

29. Air Quality Standards (35 Ill. Adm. Code 243)
-Notice Published: 37 Ill. Reg. 15314 – 9/20/13
-Adopted Date: 12/13/13

EXPEDITED CORRECTIONS

Healthcare and Family Services

30. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
-Notice Published: 37 Ill. Reg. 19748 – 12/6/13

State Police

31. Electronic Transmission of Fingerprints (20 Ill. Adm. Code 1265)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

-Notice Published: 37 Ill. Reg. 19754 – 12/6/13

AGENCY RESPONSE

Emergency Management Agency

32. School and Campus Safety Grants (29 Ill. Adm. Code 310)
-Notice Published: 37 Ill. Reg. 13963 – 9/6/13
-Recommendation Date: 11/19/13
-Agency Response: Agreement

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 24, 2013 through December 30, 2013. These rulemakings are scheduled for review at the Committee's January 14, 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
2/6/14	Illinois Commerce Commission, Standard Information Requirements for Public Utilities and Telecommunications Carriers in Filing for an Increase in Rates (83 Ill. Adm. Code 285)	7/19/13 37 Ill. Reg. 10903	1/14/14
2/12/14	Illinois State Toll Highway Authority, State Toll Highway Rules (92 Ill. Adm. Code 2520)	10/25/13 37 Ill. Reg. 16915	1/14/14

PROCLAMATIONS

2013-435
Lynch Syndrome Hereditary Cancer Awareness Day

WHEREAS, Lynch Syndrome is a hereditary disorder caused by a mutation in a mismatched repair gene in which affected individuals have a significantly higher than normal chance of developing colorectal, endometrial, ovarian, stomach, urinary tract, brain, skin and various other types of cancers, often at a young age; and,

WHEREAS, approximately 600,000 people in the United States, including 25,000 in the State of Illinois, are currently estimated to have Lynch Syndrome even though only 5% have been diagnosed ; and,

WHEREAS, a family history of these cancers can suggest the possibility of Lynch Syndrome and genetic testing can positively confirm whether this condition exists and whether it has been passed down to individual family members; and,

WHEREAS, a positive genetic test result can be acted upon with more frequent screening so that the cancers can be detected early, and often removed or treated before becoming life threatening; and,

WHEREAS, the number of cancer deaths can be reduced as a result of the identification of Lynch Syndrome patients through increased public awareness and subsequent genetic testing and regular screening; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim March 20, 2014 as **LYNCH SYNDROME HEREDITARY CANCER AWARENESS DAY** in Illinois.

Issued by the Governor December 3, 2013
Filed by the Secretary of State December 26, 2013

2013-436
Mayor John Rednour Day

WHEREAS, Americans are served every single day by public servants at the federal, state, county, and city levels of government. These unsung heroes do the work that keeps our nation running; and,

WHEREAS, one such individual is Mayor John Rednour, who served as the Mayor of Du Quoin from 1989 until 2013; and,

WHEREAS, during his tenure in office, Mayor John Rednour had many successes including convincing Amtrak to set up a stop in Du Quoin and orchestrating the construction of a railroad overpass at the Du Quoin Industrial Park; and,

WHEREAS, in addition to his achievements in government, Mayor John Rednour was also a successful businessman who would go on to own his own businesses, including Rednour Steel in Cutler, CaterVend of Du Quoin, Air Illinois airlines, R & H Steel Erectors and ultimately the Du Quoin State Bank; and,

WHEREAS, throughout his time as a public servant, Mayor John Rednour positively impacted many people, enabling them to achieve their fullest potential; and,

WHEREAS, Mayor John Rednour passed away on Sunday, December 1st, at the age of 78; and,

WHEREAS, Mayor John Rednour's efforts have undoubtedly created a lasting impact and his professionalism has earned him the respect of his colleagues. The mark that he leaves behind will serve as a foundation for the future of Du Quoin; and,

WHEREAS, Mayor John Rednour's commitment to public service has helped to make our state stronger and has served as an inspiration to the people of the Land of Lincoln; and,

WHEREAS, Mayor John Rednour's work ethic has exemplified the dedication to service the people of the State of Illinois have come to expect and deserve; and,

WHEREAS, perhaps most importantly, Mayor John Rednour was a dedicated husband to wife Wanda, and loving father to their children and grandchildren; and,

WHEREAS, a funeral service will be held for Mayor John Rednour on Wednesday, December 4th, at 11 a.m. at the First Baptist Church of Du Quoin Family Life Center; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 4, 2013, as **MAYOR JOHN REDNOUR DAY** in Illinois, in recognition of his commitment to public service and the people of the State of Illinois.

Issued by the Governor December 3, 2013
Filed by the Secretary of State December 26, 2013

2013-437
Children's Vaccination Awareness Week

WHEREAS, the flu is a contagious respiratory illness caused by influenza viruses. The best way to prevent the flu is by getting a flu vaccination each year; and,

WHEREAS, every year in the United States, on average, more than 200,000 people are hospitalized from flu related complications; and about 36,000 people die from flu related causes; and,

WHEREAS, the Center for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices recommends routine influenza vaccinations for all persons 6 months of age and older; and,

WHEREAS, children and young adults 5 years to 19 years of age are 3 to 4 times more likely to be infected with influenza than adults; and,

WHEREAS, school-aged children are the population group most responsible for transmission of contagious respiratory viruses, including influenza; and,

WHEREAS, school-based vaccination programs are effective ways to vaccinate children while reducing transmission and infection rates to the larger community and at the same time reducing rates of school absenteeism due to influenza; and,

WHEREAS, increased focus on providing influenza vaccines to children targeted for immunization will also help efforts to build a sound foundation for future vaccination efforts; and,

WHEREAS, schools can be an effective mechanism to improve pandemic planning by identifying known and effective pandemic vaccination centers; and,

WHEREAS, in preparing for an influenza pandemic, a critical component in protecting people against a pandemic is to increase its participation in seasonal influenza programs; and,

WHEREAS, school-based programs will demonstrate the feasibility of conducting mass immunization clinics and build partnerships with local public health teams in the event of a public health emergency; and,

THEREFORE**,** I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 8-14, 2013, as **CHILDREN'S VACCINATION AWARENESS WEEK**, in conjunction with National Influenza Vaccination Week, and applaud the efforts of state and local public health departments.

Issued by the Governor December 4, 2013
Filed by the Secretary of State December 26, 2013

2013-438
DCFS Latino Advisory Committee Family Institute Day

WHEREAS, the Department of Children and Family Services is holding its 25th Annual DCFS Latino Advisory Committee Family Institute Day on Thursday, December 5, 2013; and,

WHEREAS, this year's theme is "Twenty-Five Years: The Resiliency of the Latino Community in Child Welfare," and over 275 people will be in attendance representing both DCFS and private agency staff who provide services to Latino families and children in Illinois; and,

WHEREAS, everyone attending the 25th Annual DCFS Latino Advisory Committee Family Institute Day will have an opportunity to listen to guest speakers and participate in workshop sessions that will provide them with training on working with Latino and Spanish speaking families who are in the child welfare system; and,

WHEREAS, the 25th Annual DCFS Latino Advisory Committee Family Institute Day is sponsored by the Illinois Department of Children and Family Services, DCFS Latino Advisory Committee, LAC Family Institute Planning Committee, DCFS Office of Affirmative Action's Latino Services Office, Northeastern Illinois University, and the Northeastern Social Work Program; and,

WHEREAS, the Department of Children and Family Services and all of the organizations that have made DCFS Latino Advisory Committee Family Institute Day possible for the past 25 years deserve to be commended; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 5, 2013, as **DCFS LATINO ADVISORY COMMITTEE FAMILY INSTITUTE DAY** in Illinois, in recognition of today's 25th annual event and in support of DCFS Latino Advisory Committee Family Institute Day as a means of improving our state's child welfare system.

Issued by the Governor December 4, 2013
Filed by the Secretary of State December 26, 2013

2013-439
Don McLean Day

PROCLAMATIONS

WHEREAS, Don McLean was born on October 2nd 1945, in New Rochelle, New York, to parents Elizabeth and Donald McLean; and,

WHEREAS, at an early age, Don McLean developed an interest in music and would spend hours listening to the radio and his father's records; and,

WHEREAS, during the 1960's Don McLean began performing at several venues across the country and appeared alongside stars such as Herbie Mann, Brownie McGee, Janis Ian, Sonny Terry, and many others; and,

WHEREAS, Don McLean graduated in 1968 with a Bachelors Degree in Business Administration from Iona College; and,

WHEREAS, in 1969, Don McLean recorded his first album, "Tapestry," which received good reviews. However, his rise to fame began in 1971, with the release of the hit song, "American Pie,"; and,

WHEREAS, thirty years later "American Pie" was voted number 5 in a poll of 365 "Songs of the Century," a list that was compiled by the Recording Industry Association of America and the National Endowment for the Arts; and,

WHEREAS, some of Don McLean's other popular songs include "Vincent," "Crying," and "Castles in the Air"; and,

WHEREAS, Don McLean has been inaugurated into the National Academy of Popular Music Songwriters' Hall of Fame and was awarded the BBC Folk Music Lifetime Achievement Award in 2012; and,

WHEREAS, in 2009, Don McLean's latest studio album, "Addicted to Black," was released and in 2010 he was in Europe for a seven nation tour; and,

WHEREAS, Don McLean and Judy Collins will perform together at Arcada Theater in St. Charles, Illinois, on December 6, 2013; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 6, 2013, as **DON MCLEAN DAY** in Illinois, in recognition of his tremendous musical success and contributions to the musical and entertainment industries.

Issued by the Governor December 4, 2013
Filed by the Secretary of State December 26, 2013

2013-440
Judy Collins Day

WHEREAS, Judy Collins grew up in Denver, Colorado, where she began studying classical piano at an early age; and,

WHEREAS, in 1961, Judy Collins released her first album, A Maid of Constant Sorrow, and at the age of 22 she began a 35 year association with Jac Holzman and Elektra Records; and,

WHEREAS, though Judy Collins was a popular performer for years, "Both Sides Now," which broke into the top ten of the pop charts, was her first big commercial hit; and,

WHEREAS, Judy Collins rendition of the gospel song "Amazing Grace" was another hit in the 1970's; and,

WHEREAS, throughout her musical career of more than 50 years, Judy Collins has thrilled audiences with her unique blend of interpretative folksongs and contemporary themes; and,

WHEREAS, Judy Collins won the Song of the Year at the 1975 Grammy Awards for her version of "Send in the Clowns"; and,

WHEREAS, Judy Collins has authored several books and co-directed an Academy Award-nominated film about Antonia Brico; and,

WHEREAS, in 1999, Judy Collins founded her own record label, Wildflower Records, which is a grass roots artist driven label committed to nurturing fresh talent; and,

WHEREAS, as someone committed to making the world a better place, Judy Collins has been involved with UNICEF and campaigns to abolish landmines as well as other social causes; and,

WHEREAS, Judy Collins and Don McLean will perform together at Arcada Theater in St. Charles, Illinois, on December 6, 2013; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 6, 2013, as **JUDY COLLINS DAY** in Illinois, in recognition of her tremendous musical success and contributions to the musical and entertainment industries.

Issued by the Governor December 4, 2013
Filed by the Secretary of State December 26, 2013

2013-441
Reverend Willie T. Barrow Day

WHEREAS, Reverend Willie T. Barrow serves as co-chair of the Rainbow/PUSH Coalition and associate minister of the Vernon Park Church of God in Chicago; and,

WHEREAS, as a field organizer for Dr. Martin Luther King, Reverend Barrow played a key role during the Civil Rights Movement; and,

WHEREAS, Reverend Barrow is the recipient of a Doctorate of Divinity degree from Monrovia, Liberia. In addition, she has received a Leadership certificate from Harvard University; and,

WHEREAS, Reverend Barrow is a woman of strong faith, fortitude, and vision who has positively impacted many lives through her service in ministry and dedication to the community; and,

WHEREAS, friends and family will gather to honor and celebrate the 89th birthday of their beloved Reverend, Reverend Barrow, on December 7, 2013; and,

WHEREAS, birthdays are an excellent time to recount the many achievements and memories you have accumulated during your lifetime; and,

WHEREAS, as a long-time loving family member, friend, neighbor and minister, Reverend Barrow has touched many lives, inspiring people and empowering them to achieve to the very best of their abilities; and,

WHEREAS, the citizens of the Land of Lincoln are pleased to extend their best wishes to Reverend Barrow for a very happy 89th birthday celebration; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 7, 2013 **REVEREND WILLIE T. BARROW DAY** in Illinois, in recognition of her commitment and dedication to making the world a better place, and in celebration of her 89th birthday.

Issued by the Governor December 4, 2013
Filed by the Secretary of State December 26, 2013

2013-442
Pearl Harbor Remembrance Day

WHEREAS, on December 7, 1941 Japanese bombers attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and,

WHEREAS, during that fateful day in history, more than 2,000 Americans were killed, including 50 servicemen from Illinois, and another 1,000 were wounded during the bombardment, which outraged Americans as few other events in our nation's history had; and,

WHEREAS, in response, President Franklin Roosevelt and Congress promptly declared war against Japan and its allies, thereby entering World War II; and,

WHEREAS, United States' sailors, soldiers and airmen performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations within the Pacific, African, and European theaters; and,

WHEREAS, on May 7, 1945 Germany surrendered, which was soon followed by Japan's surrender on August 14 of that same year; and,

WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history. By war's end, more than eight million Americans were serving in the Army alone; and,

WHEREAS, thanks to the Grand Coalition, our servicemen, and all those at home who contributed to the war effort, liberty, freedom and the rights of all peoples everywhere were protected from the aggressions of Germany and Japan; and,

WHEREAS, this year marks the 72st anniversary of the attack on Pearl Harbor and the 68th anniversary of the end of the Second World War. Although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 7, 2013 as **PEARL HARBOR REMEMBRANCE DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff on such day from sunrise until sunset in memory of all the heroes who died in the attack on Pearl Harbor, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor December 5, 2013
Filed by the Secretary of State December 26, 2013

2013-443

Pedro Medina Day

WHEREAS, military service is an honorable deed that should always be recognized and rewarded; and,

WHEREAS, Pedro Medina is an accomplished solider who has received 1 Bronze Star, 4 Army Commendations Medals, and 5 Army Achievement Medals; and,

WHEREAS, after suffering injuries in Afghanistan, Pedro Medina was told that he would never be able to walk again. Yet, through determination and hard work, after about 9 months of surgeries and rehabilitation, he was able to take his first steps; and,

WHEREAS, Pedro Medina, a dedicated service member, is also a member of the Chicago Police Department, where he now serves as a firearms instructor; and,

WHEREAS, Pedro Medina graduated from UIC with a bachelor degree in Exercise Physiology and is currently enrolled at Calumet College of St. Joseph in the Masters of Science program in Public Safety Administration; and,

WHEREAS, as a result of his commitment to duty and heroism in the face of overwhelming adversity, Pedro Medina is being presented with the 2013 Puerto Rican Police Association Award of Valor; and,

WHEREAS, Pedro Medina serves as an inspiration to the citizens of Illinois; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 8, 2013, as **PEDRO MEDINA DAY** in Illinois, in recognition of his fortitude and service to the Land of Lincoln and our nation.

Issued by the Governor December 5, 2013
Filed by the Secretary of State December 26, 2013

2013-444
Chicago Force Women's Tackle Football Team Day

WHEREAS, the Chicago Force Women's Tackle Football Team is honored today for their 2013 perfect season, their first National Championship and World Championship titles; and,

WHEREAS, Linda Bache, former player, inspirational leader and owner of the Chicago Force Women's Tackle Football Team, was named as Owner of the Year by the Women's Football

Alliance. It is Bache's game skills, management and leadership that have guided the Chicago Force to achieve ten playoff berths in the last eleven seasons; and,

WHEREAS, during the 2013 perfect season, the Women's Football Alliance named Chicago Force quarterback, Sami Grisafe, Offensive Player of the Year, and Chicago Force line backer, Darcy Leslie, as Defensive Player of the Year; and,

WHEREAS, in 2013 ten Chicago Force players were selected to the All-American Team, to represent the National Conference of the Women's Football Alliance in the All-American game: Sami Grisafe, Brandy Hatcher, Dawn Pederson, Tami Engelman, Liz Okey, Ashley Berggren, Jeanette Gray, Kim Marks, Darcy Leslie and Angel Smith; and,

WHEREAS, the USA Women's Tackle Football Team won the gold in Finland on July 6, 2013. Three Chicago Force coaches were selected to coach Team USA: John Konecki, Adam Lewandowski, and Nick Djurdjevic. Team USA won the Women's World Championship with decisive victories over Sweden (84-0), Germany (107-7), and Canada (64-0) in the gold medal games. The forty-five women on Team USA represent the top players in the sport of women's tackle football, and are recognized and respected as international sports ambassadors; and,

WHEREAS, of the Chicago Force players who were on the championship team, nine were members of the record setting 2013 U.S. Women's National Team that won the Women's World Championship: Sami Grisafe, Jamie Menzyk, Dawn Pederson, Tami Engelman, Liz Okey, Kim Marks, Brandy Hatcher, Jeanette Gray and Ashley Berggren; and,

WHEREAS, the Chicago Force Women's Tackle Football franchise and players have exemplified the discipline, talent, sportsmanship and spirit of the City of Chicago and the Land of Lincoln in their conduct on both the national and international stages; and,

WHEREAS, the Chicago Force Women's Tackle Football Team is celebrated for its pioneering indomitable spirit, and serves as an example for establishing a sports legacy for women and girls who are too often unheralded and overlooked in the sports arena; and,

WHEREAS, the Chicago Force's championship athletic talent goes "beyond the game" by upholding the principles of self-discipline and good sportsmanship. The Chicago Force Women's Tackle Football players are first-class champions who excel both on and off the field, and provide a shining example to girls and women about what they can achieve in sports and in life; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 5, 2014, as the **CHICAGO FORCE WOMEN'S TACKLE FOOTBALL TEAM DAY** in

Illinois, in honor of the Force's 2013 perfect season, National and International Championship titles, and urge all citizens to celebrate the Chicago Force Team's contributions and commitment to sportsmanship that breaks all barriers.

Issued by the Governor December 9, 2013
Filed by the Secretary of State December 26, 2013

2013-445
Illinois Road & Transportation Builders Association Day

WHEREAS, the mission of the Illinois Road and Transportation Builders Association (IRTBA) is to advance and promote the transportation design and construction industry in Illinois; and,

WHEREAS, IRTBA's over 300 member firms, large and small, design, build, and maintain our state's highways, transit systems, railways, and aviation systems; and,

WHEREAS, IRTBA's member firms employ tens of thousands of workers who create and maintain safe and efficient transportation systems in Illinois; and,

WHEREAS, in order to further the common good, transportation agencies in Illinois and IRTBA have collaborated on numerous projects over the years; and,

WHEREAS, IRTBA is a leader in promoting sustainable, sensible, and innovative environmental objectives and practices; and,

WHEREAS, IRTBA is celebrating 75 years as the leading transportation industry trade association in Illinois; and,

WHEREAS, this is an excellent opportunity to reflect on everything that IRTBA has accomplished over the past 75 years, and to make plans for the future of this association that will build on its past successes; and,

WHEREAS, the longevity of IRTBA is a testament to the quality of its services, and there is no doubt that this association will continue to be an important component of Illinois' transportation design and construction industry in the years ahead; and,

THEREFORE, I, Pat Quinn, Governor of Illinois, do hereby proclaim December 12, 2013, as **ILLINOIS ROAD & TRANSPORTATION BUILDERS ASSOCIATION DAY** in Illinois, in recognition of this association's 75th anniversary and commitment to the transportation industry in the Land of Lincoln.

Issued by the Governor December 9, 2013
Filed by the Secretary of State December 26, 2013

2013-446
Mike Ditka Day

WHEREAS, Mike Ditka, born on October 18, 1939, in Carnegie, Pennsylvania, is one of the most revered athletes and coaches in Chicago sports history; and,

WHEREAS, Mike Ditka was a football standout at the University of Pittsburgh before being drafted by the Chicago Bears in 1961, where he won Rookie of the Year; and,

WHEREAS, Mike Ditka played tight end for the Chicago Bears through 1966, was selected for the Pro Bowl each year, and was part of the championship 1963 team in the years before the advent of the Super Bowl; and,

WHEREAS, during his playing career with the Chicago Bears, Mike Ditka amassed 4,503 yards receiving, first among Bears' tight ends; and 316 receptions and 34 touchdowns; and,

WHEREAS, in 1988, Mike Ditka became the first tight end to be enshrined in the Pro Football Hall of Fame; and,

WHEREAS, after his playing career ended, Mike Ditka joined the Dallas Cowboys' coaching staff from 1973-1981. In 1982, he became the Head Coach of the Chicago Bears, a team he would lead to 6 NFC Central titles, 3 NFC Championship game appearances, and the Super Bowl XX title in 1985; and,

WHEREAS, Mike Ditka is only the second person to win the Super Bowl as a player (Dallas, 1972), assistant coach (Dallas, 1977), and head coach (Chicago, 1985); and,

WHEREAS, in addition to currently working as a broadcaster, Mike Ditka owns and operates Ditka's restaurants in Chicago, Pittsburgh, and Phoenix; and,

WHEREAS, in 1989, Mike Ditka founded the Ditka Foundation in order to raise funds for Misericordia, a residential facility for developmentally disabled children, and also, for pediatric AIDS research programs; and,

WHEREAS, Mike Ditka, despite his enormous success on and off the field, has always remained loyal to the City of Chicago and committed to improving the lives of others through his charitable work; and,

WHEREAS, on December 9, 2013, the Chicago Bears will retire Mike Ditka's jersey number 89 during halftime of the Bears-Cowboys game in Chicago; and,

THEREFORE, I, Pat Quinn, Governor of Illinois, do hereby proclaim December 9, 2013, as **MIKE DITKA DAY** in Illinois, in recognition of his accomplishments as a football player and coach as well as his commitment to the people of the Land of Lincoln.

Issued by the Governor December 9, 2013
Filed by the Secretary of State December 26, 2013

2013-447
Crime Stoppers of Lake County Month

WHEREAS, Crime Stoppers of Lake County was formed in 1983 and is a community program comprised of concerned citizens who work closely with police authorities, the news media, and the public in the fight against crime in Lake County and surrounding communities; and,

WHEREAS, Crime Stoppers combats local crime by offering cash rewards to anyone who provides information that leads to the arrest of felony crime offenders or the capture of felony fugitives. Informants always remain anonymous, and cash rewards are funded primarily by private contributions; and,

WHEREAS, thanks to Crime Stoppers, there have been more than 6,373 criminal arrests throughout Lake County, Northern Illinois, and Wisconsin since the program's inception in 1983. Altogether, more than $28 million worth of contraband and stolen property has been seized; and,

WHEREAS, the success of Crime Stoppers would not be possible without the support of everyone in the community. Consequently, Crime Stoppers also promotes the importance of reporting suspicious behavior and criminal activity; and,

WHEREAS, to support their mission, Crime Stoppers of Lake County will raise money and sponsor events designed to raise awareness during the month of January:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2014 as **CRIME STOPPERS OF LAKE COUNTY MONTH** in Illinois, in recognition of their

successful program, and encourage all citizens to help keep their communities safe and free of crime.

Issued by the Governor December 10, 2013
Filed by the Secretary of State December 26, 2013

2013-448
Sadd Shines Day

WHEREAS, SADD, known as Students Against Destructive Decisions and founded as Students Against Driving Drunk in 1981, celebrates national SADD Shines Day in 2014; a day to highlight all the ways SADD teens make a difference in our lives; and,

WHEREAS, SADD is an important youth-based peer-to-peer education, prevention and activism organization with thousands of chapters across the United States, more than 350,000 students actively participating, and 7 million+ students in schools with SADD chapters; and,

WHEREAS, for 32 years SADD has been a symbol of youth lighting the way to promote positive decision-making around critical everyday issues such as underage drinking, tobacco and other drug use, impaired and reckless driving, and teen violence and suicide; and,

WHEREAS, SADD's goal is to keep youth safe and alive, and has made a difference in the lives of thousands of young people; and,

WHEREAS, SADD is celebrating its successes with a special event on February 5th called "SADD Shines Day," which will involve students, teachers, parents, and other community members; and,

THEREFORE, I, Pat Quinn, Governor of Illinois, do hereby proclaim February 5, 2014, as **SADD SHINES DAY** in Illinois, in recognition of this organization's efforts to positively impact youth across the Land of Lincoln.

Issued by the Governor December 11, 2013
Filed by the Secretary of State December 26, 2013

2013-449
Financial Fitness Fridays

WHEREAS, it is essential that the people of Illinois have access to financial education and information in order to make informed and responsible decisions regarding finance, credit, and debt; and,

WHEREAS, acquisition of financial literacy skills by citizens will improve the quality of their lives, provide them with the skills necessary for success, contribute to positive changes in the communities in which they live and work, and benefit the economy of this state; and,

WHEREAS, during the month of January, through Financial Fitness Fridays, Regions Financial Corporation will encourage everyone in the communities it conducts business to focus on financial health and fitness as well as their general well-being; and,

WHEREAS, in 2013, Financial Fitness Fridays included over 350 activities and financial workshops; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 3, 10, 17, 24, and 31, 2014, as **FINANCIAL FITNESS FRIDAYS** in Illinois, in support of increasing financial education across the Land of Lincoln.

Issued by the Governor December 12, 2013
Filed by the Secretary of State December 26, 2013

2013-450
Brett Eldredge Day

WHEREAS, Illinois is a leader in supporting the arts, and music has always been an important component of the artistic fabric of our state; and,

WHEREAS, there are few forms of music more purely American than the country music genre; and,

WHEREAS, country music, with its themes of rural life, family, hard work, and love for country speaks to Midwestern ideals and Illinois residents can relate to its message; and,

WHEREAS, a country musician with ties to the Land of Lincoln who has experienced great success is Brett Eldredge; and,

WHEREAS, Brett Eldredge grew up in Paris, Illinois, with parents Chris and Robin and brother, Brice; and,

PROCLAMATIONS

WHEREAS, Brett Eldredge began singing at a young age at community churches, school activities, senior living centers, nursing homes, charity events, the county fair, and numerous other community events; and,

WHEREAS, after transferring to Middle Tennessee State University near Nashville to begin his pursuit of becoming a country music artist, Brett Eldredge started recording demos for other songwriters in Nashville and signed a music publishing deal with BMI; and,

WHEREAS, in 2009, Brett Eldredge signed a record deal with Atlantic Records. His first single, "Raymond," was released to radio in August of 2010 and climbed to No. 22 on the country charts; and,

WHEREAS, Brett Eldredge co-wrote 11 of the 12 songs on his debut cd, Bring You Back, which was released on August 6, 2013; and,

WHEREAS, Brett Eldredge has opened for major country artists including Blake Shelton, Tim McGraw, Brad Paisley, Trace Adkins, Miranda Lambert, Taylor Swift, Dierks Bentley, and Ronnie Dunn; and,

WHEREAS, Brett Eldredge has had the opportunity to play at the historic Ryman Auditorium and Grand Ole Opry; and,

WHEREAS, in August 2013, Brett Eldredge's gold record, "Don't Ya," climbed to the top of the charts, giving him his first ever No. 1 single; and,

WHEREAS, Brett Eldredge was nominated for the Country Music Association's New Artist of the Year Award and was given the opportunity to present the award for Duo of the Year during the live national broadcast of the CMA Awards. To date, Brett Eldredge has also received three nominations for American Country Awards; and,

WHEREAS, despite his accomplishments, Brett Eldredge has always remained loyal to the people of Paris, Illinois; and,

WHEREAS, On December 22, 2013, the residents of Paris, Illinois, will welcome home and recognize their own recording artist, Brett Eldredge, at Paris High School; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 22, 2013, as **BRETT ELDREDGE DAY** in Illinois, in recognition of his tremendous musical success and contributions to the country music genre and entertainment industry.

Issued by the Governor December 13, 2013
Filed by the Secretary of State December 26, 2013

2013-451
Tobacco Free Kids Day

WHEREAS, nationwide, twenty percent of all high school students (grades 9-12) and nearly ten percent of all eighth graders are current smokers; and,

WHEREAS, more than a third of all kids who ever try smoking a cigarette become new regular, daily smokers before leaving high school; and,

WHEREAS, one out of three youth smokers will ultimately die prematurely from smoking-related diseases, unless current trends are reversed; and,

WHEREAS, smoking kills more than 400,000 Americans each year, representing more deaths than from AIDS, alcohol, car accidents, homicides, suicides, drugs and fires combined; and,

WHEREAS, most deaths attributed to smoking can be prevented; and,

WHEREAS, the Campaign for Tobacco-Free Kids sponsors an annual national initiative urging elementary, middle and high school students to lead the fight against youth tobacco use and exposure to secondhand smoke; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim, March 19, 2014, as **TOBACCO FREE KIDS DAY** in Illinois all citizens of the Land of Lincoln to live healthy lifestyles.

Issued by the Governor December 16, 2013
Filed by the Secretary of State December 26, 2013

2013-452
Illinois Society of Association Executives Day

WHEREAS, associations provide a vital communication and education link for individuals, organizations, government and the general population on topics unique to associations; and,

WHEREAS, the mission of the Illinois Society of Association Executives (ISAE) is to advocate for the association community and be the primary statewide professional development resource for association staff members; and,

WHEREAS, the Illinois Society of Association Executives represents CEOs and executives from associations located in Illinois; and,

WHEREAS, ISAE represents more than 200 associations throughout Illinois; and,

WHEREAS, the associations the ISAE serves generate more than $100 million dollars annually for the state's economy; and,

WHEREAS, the ISAE's member associations employ more than 2,300 people in various capacities; and,

WHEREAS, the ISAE provides educational, experiential and advocacy resources to its members; and,

WHEREAS, the Illinois Society of Association Executives Annual Convention brings together association executives and industry partners/suppliers with the goal to network and educate in one location; and,

WHEREAS, ISAE will hold its 52nd Annual Convention in Springfield, IL on January 21, 2014, and will celebrate and recognize contributions of associations and their employees; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 21, 2014, as **ILLINOIS SOCIETY OF ASSOCIATION EXECUTIVES DAY** in Illinois, in support of our associations and the contributions their employees give to Illinois' communities.

Issued by the Governor December 17, 2013
Filed by the Secretary of State December 26, 2013

2013-453
The Universal Hour of Peace

WHEREAS, Illinois has historically been a melting pot where people of all nationalities, religious faiths and cultures come together as one; and,

WHEREAS, the strength of our great state of Illinois rests in the cooperative community of its citizens; and,

WHEREAS, our hope of establishing peace among diverse peoples is through recognizing our connectedness, our capacity for peacemaking and peacekeeping at home and abroad; and,

WHEREAS, the first day of a new year typically denotes hopeful expectation and positive resolve in the hearts and minds of our citizens; and,

WHEREAS, the School of Metaphysics, a worldwide organization founded to promote peace, understanding, and goodwill through teaching that living peaceably begins by thinking peacefully, has called for a Universal Hour of Peace over the midnight hour December 31st, 2013 – January 1st, 2014; and,

WHEREAS, the Universal Hour of Peace is used as a means to spread the message of world peace and its vital importance to the future of the human race; and,

WHEREAS, the goal of the observance of the Universal Hour of Peace is to contribute to the peace-making process by encouraging all individuals to harness their abilities and actively participate in creating a more peaceful world; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim December 31, 2013, at 11:30 p.m. to January 1, 2014 at 12:30 a.m. as **THE UNIVERSAL HOUR OF PEACE** in Illinois, and encourage all citizens to do their part to build a more peaceful state, a more peaceful country, and a more peaceful world.

Issued by the Governor December 17, 2013
Filed by the Secretary of State December 26, 2013

2013-454
Cervical Cancer Awareness Month

WHEREAS, January is recognized nationally as Cervical Cancer Awareness Month, an observance that promotes education about cervical cancer causes, screenings and treatments; and,

WHEREAS, in 2014, a projected 550 women in Illinois will be diagnosed with cervical cancer; and,

WHEREAS, in 2013, 190 women in Illinois were projected to have lost their life to cervical cancer; and,

WHEREAS, with routine screening and follow-up, cervical cancer is highly preventable; and,

WHEREAS, early detection through routine screening can significantly increase chances of survival; and,

WHEREAS, the Illinois Breast and Cervical Cancer Program (IBCCP) provides free mammograms, breast exams, pelvic exams, and Pap tests to uninsured women. The IBCCP has provided 15,883 cervical cancer screenings in the past fiscal year alone; and,

WHEREAS, throughout January, public and private organizations as well as state and local governments around the country will promote education about cervical cancer causes, screenings and treatments; and,

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim January 2014 as **CERVICAL CANCER AWARENESS MONTH** in Illinois, and encourage all women to receive regular screenings, and invite each citizen to join the continued fight against cervical cancer.

Issued by the Governor December 18, 2013
Filed by the Secretary of State December 26, 2013

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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