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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 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015
12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015

19	April 27, 2015	May 8, 2015
20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
26	June 15, 2015	June 26, 2015
27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
42	October 5, 2015	October 16, 2015
43	October 13, 2015	October 23, 2015
44	October 19, 2015	October 30, 2015
45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015
51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 406
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
406.2	Amendment
406.4	Amendment
406.5	Amendment
406.7	Amendment
406.8	Amendment
406.9	Amendment
406.10	Amendment
406.APPENDIX D	Amendment
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], Children's Product Safety Act [430 ILCS 125], Abused and Neglected Child Reporting Act [325 ILCS 5/3], Carbon Monoxide Alarm Detector Act [430 ILCS 135/10], and Section 5 of the Missing Children Records Act [325 ILCS 50/5]
- 5) A Complete Description of the Subjects and Issues Involved:

SIDS, SUID, Safe Sleep and Shaken Baby Syndrome Training – Language is being proposed to clarify that these training requirements for new applicants are also required at renewal time (every 3rd year) for those licensed to care for infants.

Emergency Preparedness Plan – The need for an emergency preparedness plan will be clarified. In addition, the plan requires procedures for providers to notify parents if evacuation becomes necessary and how these parents will be reunited with their children; and procedures for evacuating children 30 months of age or less and special needs children.

Swimming Pools – The use of swimming pools will be prohibited during hours of child care unless the provider has a license issued by DPH to operate the swimming pool.

"No Firearms" Signage – A sign prohibiting bringing firearms into the home must be posted.

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High School Diploma – Language is being proposed to comport with PA 98-817, which allows a college or vocational school diploma in lieu of the high school diploma requirement.

Other Employment – Caregivers are not to work outside the home during hours for which the day care home is licensed.

Operable Telephone – The current operable telephone provision will be moved to an earlier place in its Section.

- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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)].
- 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 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
e-mail: CFPolicy@idcfs.state.il.us

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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:
 - A) Types of small businesses affected: This rulemaking affects home-operated child care businesses that are subject to licensure by the Department.
 - B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records of compliance or non-compliance.
 - C) Types of professional skills necessary for compliance: The ability to understand and comply with licensing regulations affecting children's health and safety.
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the two most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 406

LICENSING STANDARDS FOR DAY CARE HOMES

Section

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

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- 406.APPENDIX D Licensure or Employment in a Day Care Home
Pre-Service and In-Service Training
- 406.APPENDIX E List of Items for Fire Safety Inspection

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

SOURCE: Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days; emergency expired on January 26, 2003; amended at 27 Ill. Reg. 19180, effective December 15, 2003; amended at 30 Ill. Reg. 18280, effective November 13, 2006; amended at 32 Ill. Reg. 9137, effective June 20, 2008; amended at 34 Ill. Reg. 18358, effective December 15, 2010; amended at 36 Ill. Reg. 4103, effective March 5, 2012; amended at 36 Ill. Reg. 13057, effective August 15, 2012; amended at 36 Ill. Reg. 13388, effective August 15, 2012; amended at 37 Ill. Reg. 19127, effective November 30, 2013; amended at 39 Ill. Reg. _____, effective _____.

Section 406.2 Definitions

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

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

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

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

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

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

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

"Background check" means:

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

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

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

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

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

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

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

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

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"Corporal punishment" means hitting, spanking, swatting, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain.

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

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

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

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

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

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

"Firearm" means any weapon from which a shot is discharged by an explosive such as gunpowder or projectiles by the action of an explosion, expansion of gas,

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or escape of gas.

"Gateways to Opportunity Registry" means a program administered by the Department of Human Services to track and maintain education and training credentials of primary caregivers and assistants that allows them to establish a profile in the registry of their educational and training development.

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

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

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

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

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

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

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

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

"Licensing representative" means a person authorized by the Department under

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Section 5 of the Child Care Act of 1969 to examine facilities for licensure.

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

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

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority in Illinois or another state or municipal authority that is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

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

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

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

"Persons subject to background checks" means:

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

If the child care facility operates in a family home, the license applicants and all members of the household age 13 and over are subject to background

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checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

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

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

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

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

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

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

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

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

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

"Story" means that level of a building included between the upper surface of a

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floor and the upper surface of the floor or roof next above.

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

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

"Supervising agency", as used in this Part, means a licensed child welfare agency, a licensed day care agency, or the Department.

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

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

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 406.4 Application for License

- a) A complete application shall be filed with the Department of Children and Family Services by the supervising agency on forms prescribed and provided by the Department.
- b) Contents of Application
 - 1) A complete application shall include:
 - A) a completed, signed and dated Application for Home License;

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- B) a list of persons who will be working in the day care home, including any substitutes and assistants, and members of the household age 13 and over;
- C) completed, signed and dated authorizations to conduct the background check for the applicants, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
- D) a completed, signed and dated Child Support Certification form;
- E) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care;
- F) a written hazard protection plan identifying potential hazards within the home and outdoor area accessible to the children in care. The written plan shall address the specific hazards and the adult supervision and physical means required to minimize the risks to children. Conditions to be addressed include, but are not limited to, traffic construction, bodies of water accessible to the children, open stairwells, and neighborhood dogs;
- G) a copy of high school diploma, ~~or~~ equivalent certificate, or degree from a regionally accredited institution of higher education or vocational institution;
- H) ~~for applications submitted on or after September 1, 2012,~~ proof of membership in the Gateways to Opportunity Registry by the primary caregiver and assistants in the home with all educational credentials and pre-service training entered into the Registry~~registry~~; and
- I) *for an initial application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

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- 2) ~~The applicants~~For initial applications submitted after January 1, 2011, the applicant, who shall be the primary caretaker, shall have completed, not more than one year prior to the application date, at least 15 hours of pre-service training listed in Appendix D, which shall include the following topics for applicants and assistants who will care for infants:
- A) Sudden Infant Death Syndrome (SIDS);
 - B) Sudden Unexpected Infant Death (SUID);
 - C) Safe sleep recommendations from the American Academy of Pediatrics;
 - D) Shaken Baby Syndrome; and
 - E) Department approved Mandated Reporter Training for all licensees and assistants, regardless of the age of children in care~~training.~~
- c) The supervising agency shall study each day care home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a licensing representative and shall be reviewed and approved by his/her supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards prescribed by this Part. The study shall be in writing and shall be signed by the licensing representative performing the study and by his/her supervisor. A license may not be recommended without the receipt of at least 3 positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.
- d) Fire Safety Inspection
- 1) The Department shall request the Office of the State Fire Marshal (OSFM) to perform a fire safety inspection of homes when an initial application is being considered for licensure and when care will be provided on other than ground level and for homes in multi-housing units and submit a written recommendation of the inspection to the supervising agency of the day care home and to the applicant;

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- 2) The fire safety inspection on single floor homes, at ground level with no unusual or complex code considerations, shall be completed following the list of items for fire safety inspection in Appendix E by a licensing representative trained by OSFM to conduct that fire prevention inspection;
 - 3) Prior to the Department issuance of a permit or a license, the day care home shall have written approval by OSFM or staff trained by OSFM, indicating the home meets fire safety requirements.
- e) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- f) New Applications
- 1) A new application shall be filed when any of the following occurs:
 - A) When an application for a license has been withdrawn, surrendered or denied and the applicant or licensee seeks to reapply;
 - B) When there is a failure to submit a completed application within 14 days after a change of the location of the day care home;
 - C) Not sooner than 12 months after the Department has revoked or refused to renew a license, after the previous license has been surrendered with cause, or refused to issue a full license to a permit holder, and a new license is sought.
 - 2) For the application to be considered timely and sufficient, a new application shall be completed, signed by the licensee and submitted to the supervising agency within 30 days after the following changes:
 - A) When there is a change in the name of the licensee, the supervising agency or the legal status from a social security number to Federal Employer Identification Number (FEIN); or
 - B) When there is a change in the status of joint licensees, such as separation, divorce or death.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 406.5 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to day care home licensees by the supervising agency 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the supervising agency at least 3 months prior to expiration of the current license, in order to be considered timely and sufficient.
- c) When a licensed day care home seeks to change its name, location, or supervising agency, a new application reflecting the changes must be completed, signed by the licensees and submitted to the supervising agency 30 days prior to the effective date of the changes for the application to be considered timely and sufficient.
- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [225 ILCS 10/5(d)]*
- e) Prior to renewal, the licensee shall be current with the annual 15 hours of required training in accordance with Appendix D that, for applicants and assistants licensed to care for newborns and infants, shall include the following topics:
 - 1) Sudden Infant Death Syndrome (SIDS), Sudden Unexpected Infant Death (SUID) and safe sleep recommendations from the American Academy of Pediatrics; and
 - 2) Shaken Baby Syndrome.
- f) At the time of license renewal, the supervising agency shall review the fire emergency, tornado/severe weather emergency, and hazard protection written plans. Any revision or enhancement shall be part of the licensing renewal process. Licensed homes that do not have a written hazard plan (see Section

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406.4(b)(~~1~~)(F)(~~6~~) shall develop a plan and submit it to the supervising agency prior to renewal.

- g) Fire Safety Inspection
- 1) Fire safety inspections of homes licensed for multi-housing unit or single family dwelling in which care will be provided on other than grade level shall be completed by OSFM or its designee;
 - 2) Fire safety inspection of homes licensed for a single floor with no unusual or complex code considerations shall be completed by a licensing representative trained by OSFM;
 - 3) The fire safety inspection shall be conducted in accordance with the requirements of Appendix E.
- h) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.
- i) *For a renewal application effective January 1, 2014 or later, proof the home that has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 406.7 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
- 1) The application for ~~licensure~~license has been completed and signed by the applicants and all parts of the initial application requirements have been submitted to the Department;
 - 2) The background checks required by Section 406.9 have been completed

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and the results of the background check have been received for the operator of the day care home;

- 3) Medical reports as required in Section 406.24(i) have been received by the Department for all caregivers and assistants;
- 4) The applicant who is the primary caregiver has been certified in first-aid, the Heimlich maneuver, and infant/child cardiopulmonary resuscitation (CPR) in accordance with Section 406.9(n);
- ~~5) For initial applications submitted after January 1, 2011, the applicant for license shall have completed, not more than one year prior to application, at least 15 hours of pre-service training listed in Appendix D, which shall include the following topics:
 - ~~A) Sudden Infant Death Syndrome (SIDS);~~
 - ~~B) Shaken Baby Syndrome; and~~
 - ~~C) Department approved Mandated Reporter training;~~~~
- 56) Character references have been requested, and at least two favorable references have been received and the results of the background check have been received for the operator of the day care home;
- 67) A personal visit to the home by a licensing representative has been completed. The purpose of this visit is to determine compliance with all the licensing requirements except the requirements for remaining character references, medical examination reports, and well water tests compliance that may be complied with within the 2 month period covered by the permit. However, when well water tests are required, applicants must agree to boil all drinking and cooking water and to provide only bottled water for children under 15 months of age until the test results are received;
- 78) A written plan has been submitted to the licensing representative that indicates that requirements for a license shall be met within the 2 month permit period; and

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- 89) A written fire safety inspection and approval of the home has been completed in accordance with Section 406.4(d)~~of this Part~~.
- b) A permit shall not be issued retroactively.
 - c) Permits shall not be transferred to another person or other legal entity.
 - d) Permits shall not be valid for a name or location different from the name and location shown on the issued permit.
 - e) Permits shall not be renewable.
 - f) A current permit shall be prominently displayed in the day care home at all times while the home is operating under a permit.
 - g) A license shall be issued at any time within the 2 month period covered by the permit provided that the day care home achieves and maintains compliance with the Department's licensing standards.
 - h) The day care home shall adhere to the provisions or restrictions specified on the permit.
 - i) There shall be no fee or charge for the permit.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 406.8 General Requirements for Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
 - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), sterile gauze pads, adhesive tape, tweezers and mild soap.
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.

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- 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.
- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
 - A) A smoke detector in operating condition shall be within each room where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
 - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home. For homes that did not have wired installation of smoke detectors in each room prior to December 15, 2011, the Department may allow the installation of a battery-operated smoke detector in each room where children nap or sleep and deem the home to be in compliance.
 - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

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- D) For homes constructed after December 15, 2011, or that underwent substantial remodeling of structure or wiring systems after December 15, 2011, the smoke detectors shall be permanently wired into the structure's AC power line and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.
- 5) Carbon Monoxide Detector
- A) A home that has an attached garage and/or relies *on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.*
- B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]*
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.
- 9) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.

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- 10) When the basement area may be used for child care, 2 exits shall be provided.
- A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
- B) A second exit may be a window.
- i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
- ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
- iii) When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
- C) If the basement area does not meet the requirements in subsections (a)(10)(A) and (B), the basement may be used for child care only with the prior written approval of OSFM.
- 11) All walls and surfaces shall be maintained free from lead paint and from chipped or peeling paint, ~~carpeting, fabric or plastic products. Flammable or combustible artwork attached to the walls shall not exceed 20% of the wall area.~~
- 12) Walls of rooms that children use shall be maintained free of ~~carpeting, fabric or plastic products. Inflammable or combustible artwork attached to the walls shall not exceed 20% of any wall area.~~ ~~lead paint.~~

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- 13) Furniture and equipment shall be kept in safe repair.
- 14) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
- 15) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 16) An operable telephone shall be available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 17~~6~~) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home. The licensee shall post a "No Firearms" sign, as described in the Firearm Concealed Carry Act [430 ILCS 66/65(a)(10)] at a visible location where parents pick up children.*
- 18~~17~~) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(~~17~~~~13~~), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
- A) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- B) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in*

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storage inaccessible to children. (Section 7 of the Act) ~~The~~Such notification need not disclose the location where the firearms and ammunition are stored.

- 1918) Written emergency preparedness~~There shall be written~~ plans shall be developed and shall specify the actions to be taken in the event of a~~for~~ fire, ~~and~~ tornado or other emergency~~emergencies~~. Caregivers and assistants in the home shall be familiar with these plans. The emergency preparedness plans shall include, but are not limited to:
- A) ~~A~~The fire evacuation plan identifying~~shall identify~~ the exits from each area used for child care and specifying~~shall specify~~ the evacuation route;:-
 - B) ~~A~~The fire evacuation plan identifying~~shall identify~~ a safe assembly area outside of the home. It shall also identify a nearby indoor location for post-evacuation holding if needed;:-
 - C) ~~A~~The fire evacuation plan requiring~~shall require~~ that the home be evacuated immediately and the children's safety insured before calling the local emergency number 911 or attempting to combat the fire;:-
 - D) ~~A~~The ~~written~~ tornado plan specifying~~shall specify~~ ~~what~~ that actions that will be taken in the event of tornado or other severe weather warning, including designation of those areas of the home to be used as ~~the~~ safe spots;:-
 - E) Specific procedures for notifying parents if evacuation is necessary and how they will be reunited with their children;
 - F) Specific procedures for evacuating children who are less than 30 months of age and/or for evacuating special needs children when applicable;
 - G) Monthly fire drills to be conducted for the purpose of removing children from the home as quickly as possible; and

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- H) Monthly tornado drills to be conducted for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado.
- 2019) The licensee shall hold monthly fire safety inspections of the day care home and maintain documentation on file for a period of 1 year. Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible.
- ~~20)~~ ~~Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado.~~
- 21) Fire and tornado drills shall be ~~documented~~recorded on forms prescribed by the Department and that documentation shall be maintained on file for a period of 3 years.
- 22) Escape routes from the home shall be designed and maintained for swift and safe exiting in the event of an emergency.
- A) All corridors and escape routes from the home shall be kept clear of obstructions.
- B) Dead-end paths or corridors within the home shall be a maximum of 20 feet in length.
- C) All escape routes from the home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
- D) Bathroom doors in areas accessible to day care children shall allow a caregiver to open the door from outside of the bathroom if necessary.
- E) All closet doors accessible to children shall be able to be opened from inside of the closet without the use of a key.

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- F) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc.) on any exit door or exit window.
- G) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open for exit to the outside.
- H) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
- 23) The licensee shall inspect the home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable. A log of these daily inspections shall be maintained for at least one year, and shall be available for review. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.
- 24) The use of in-ground and/or above-ground pools is prohibited during day care hours unless the home has a current license to operate the swimming pool from the Illinois Department of Public Health (see 210 ILCS 125).~~The licensee shall hold monthly fire inspections of the day care home.~~
- 25) ~~In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.~~
- 26) ~~There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.~~
- 2527) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 2628) All above-ground pools shall have non-climbable sidewalls that are at

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least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

- 2729) Portable wading pools shall be emptied daily and disinfected before being air-dried.
- 2830) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
- 2934) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- 3032) ~~Radon Test~~
Effective January 1, 2013, the home shall be tested for radon at least once every 3 years. The most current radon measurements shall be posted next to the license in the home, on a form provided by the Department, containing the required informative statement from Section 5.8(d) of the Child Care Act of 1969 [225 ILCS 10].
- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- e) Hot and cold running water shall be provided. When children under age 10 or

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who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.

- f) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
- g) Healthy household pets that present no danger to children are permitted.
 - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.

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- h) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet or linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the licensed capacity of the home exceeds 8 children, there shall be:
- 1) A minimum of 35 square feet of floor space per each child in care; and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- j) *No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are*

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receiving child care services. *Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided.* [225 ILCS 10/5.5]

- k) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision.
 - 3) Play areas shall be well drained and safely maintained.
 - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
 - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
 - E) No openings shall be between ⅜ inch and one inch in size (to

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prevent finger entrapment).

- 5) The use of a trampoline by children in care is prohibited.
 - 6) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
 - 7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9.
- l) Operation of other business on the premises must not interfere with the care of children.
 - m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.
 - n) ~~By December 28, 2012, the~~ day care home shall ~~have~~obtain certification that all cribs used by the home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 406.9 Characteristics and Qualifications of the Day Care Family

- a) No individual may receive a license from the Department when the applicant, a member of the household age 13 and over, or any individual who has access to the children cared for in a day care home, or any employee of the day care home, has not authorized the background check required by 89 Ill. Adm. Code 385 (Background Checks) and been cleared in accordance with the requirements of Part 385.
- b) Employees subject to background checks may begin employment on a conditional

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basis while awaiting the results of the background check. Such employees may not be alone with children until the results of the initial background check have been received.

- c) Persons who have been the perpetrator of certain types of child abuse or neglect or who have committed or attempted to commit certain crimes may not be licensed to operate a day care home, be a member of the household of a family home in which a day care home operates, or be an employee or volunteer in a day care home. These allegations/criminal convictions are listed in Appendix C of this Part.
- d) Day care homes shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representatives. Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:
 - 1) death in the family of the person;
 - 2) serious illness of the person or illness in the person's immediate family; or
 - 3) weather or transportation emergencies.
- e) As a condition of licensure, each licensee or license applicant must *certify under penalty of perjury that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])
- f) If the licensees or license applicants acknowledge that they are more than 30 days delinquent in complying with an order for child support or, upon completion of the background check, the licensees or license applicants are found to be delinquent despite their certification, the Department shall deny the application for license, refuse to renew the license, or revoke the license unless the licensees or license applicants arrange for payment of past due and current child support

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and pay child support in accordance with that agreement.

- g) Members of the household who have contact with the children in care shall treat them with respect, courtesy, and patience.
- h) The caregiver is responsible for the day-to-day operation of the day care home in accordance with the standards prescribed in this Part.
- i) The licensee shall be present in the home when day care children are in attendance unless a qualified substitute caregiver per Section 406.11 is present.
- j) The licensee and other adult members of the household in contact with day care children shall be stable, law abiding, responsible, mature individuals.
- k) The caregivers in a day care home shall be at least 18 years of age.
- l) Caregivers licensed after January 1, 2011 shall have proof of a high school diploma, ~~or~~ equivalent certificate, or degree from a regionally accredited institution of higher education or vocational institution.
- m) The caregivers and all members of the household shall provide medical evidence as required by Section 406.24(i) that they are free of reportable communicable disease, and, in the case of caregivers, free of physical or mental conditions that could interfere with the child care responsibilities.
- n) The licensee who is the primary caregiver shall be certified in first aid, the Heimlich maneuver and infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross, the American Heart Association or other entity approved by the Illinois Department of Public Health.
- o) During the hours of operation of the day care home, there shall be at least one person on the premises certified in first aid, the Heimlich maneuver and infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross or the American Heart Association, or other entity approved by the Illinois Department of Public Health. The caregivers shall have on file current certificates attesting to the training.
- p) The caregiver shall successfully complete a Department approved basic training course of 6 or more clock hours in providing care to children with disabilities.

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Refer to Appendix D for basic course requirements. The licensee shall have on file a certificate attesting to the successful completion of the training.

- 1) New licensee shall complete this training within 36 months from the issue date of the initial license.
 - 2) A licensee who has completed training prior to November 15, 2003 may have that training approved as meeting the provisions of this Section. A certificate of training completion and a description of the course content must be submitted to the Department for approval.
- q) Through interaction with the licensing representative, children, parents or guardian of children in care and operation of the day care home in accordance with standards prescribed by this Part, caregivers shall exhibit competence in the following specific areas:
- 1) Knowledge of basic hygiene, safety, and nutrition.
 - 2) The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals.
 - 3) The ability to communicate with children.
 - 4) The ability to set realistic controls for children and to enforce these without harshness or physical abuse.
 - 5) Knowledge of the child's need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.
 - 6) Using developmentally appropriate behavior management techniques that do not constitute corporal punishment of children.
- r) The caregivers may not work or be employed outside the home during the hours the day care home is licensed~~that child care is being provided~~. Outside employment during hours that child care is not being provided shall not interfere with child care.
- s) The caregiver shall be awake, alert, and able to supervise the children when

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providing care, except as allowed by Section 406.23(h), night care.

- t) The caregivers shall complete 15 clock hours of in-service training per licensing year in accordance with the requirements in Appendix D.
 - 1) Such training may be derived from programs offered by any of the entities identified in Appendix D.
 - 2) Courses or workshops to meet this requirement include, but are not limited to, those listed in Appendix D.
 - 3) The records of the day care home shall document the training in which the caregiver has participated, and these records shall be available for review by the Department.
 - 4) Caregivers obtaining clock hours in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year's training requirements.
- u) Licensees or applicants shall not provide false or misleading information regarding their compliance with the applicable regulations.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 406.10 Qualifications for Assistants

- a) Assistants shall have passed the background check in Section 406.9(a).
- b) Assistants shall be at least 14 years of age and at least 5 years older than the oldest child they supervise. Minor assistants shall be employed in accordance with 56 Ill. Adm. Code 250 (Illinois Child Labor Law).
- c) Assistants under age 18 shall work under the direct personal supervision of the caregiver at all times. Direct personal supervision means the caregiver maintains audible or visual contact with the assistant and children on the premises at all times.
- d) An assistant 18 years of age or older may accompany children playing outdoors, and may transport children, if the assistant possesses a valid driver's license for

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the vehicle classification that is being used to transport children and insurance.

- e) Assistants shall provide medical evidence as required by Section [406.24\(i\)](#)~~406.24(h)~~ that they are free of reportable communicable disease and physical or mental conditions that could interfere with child care responsibilities.
- f) The assistant shall be compatible with the caregiver, capable of following directions, and responsive to supervision.
- g) The child care assistant shall be able to relate well with children.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 406.APPENDIX D Pre-Service and In-Service Training

- a) Entities that may provide pre-service and in-service training to meet the requirements of this Part include, but are not limited to:
- 1) colleges and universities
 - 2) child care resource and referral agencies
 - 3) Illinois Department of Public Health or local health departments
 - 4) Office of the State Fire Marshal or local fire department
 - 5) Illinois Department of Children and Family Services
 - 6) Illinois Department of Human Services
 - 7) state or national child care or child advocacy organizations
 - 8) national, state or local family day care home associations
 - 9) Child and Adult Care Food Program sponsors
 - 10) Healthy Child Care Illinois nurses
 - 11) American Red Cross, American Heart Association and other providers of first aid and CPR training that have been approved by the Illinois Department of Public Health
- b) Topics or courses to meet the in-service training requirements include, but are not limited to:
- 1) child care and child development
 - 2) guidance and discipline
 - 3) first aid and CPR
 - 4) symptoms of common childhood illness

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- 5) food preparation and nutrition
 - 6) health and sanitation
 - 7) small business management
 - 8) child abuse and neglect
 - 9) working with parents and families
 - 10) caring for children with disabilities
 - 11) information about asthma and its management
 - 12) [Sudden Infant Death Syndrome \(SIDS\) education training is required for new applicants and assistants to care for newborns and infants, and every three years thereafter for the life of the license](#)
 - 13) service obligations under the federal Americans With Disabilities Act (ADA)
 - 14) [Shaken Baby Syndrome \(training is required for new applicants and assistants licensed to care for newborns and infants, and every three years thereafter for the life of the license\)](#)
 - 15) [Department-approved Mandated Reporter Training \(available on the Department's website; training is required for new applicants and assistants\)](#)
 - 16) [Sudden Unexpected Infant Death \(SUID\) \(training is required for new applicants and assistants licensed to care for newborns and infants, and every three years thereafter for the life of the license\)](#)
- c) [Training](#)
- 1) Pre-service and in-service training may be acquired through the following:
 - [A4](#)) attending college or university or vocational school classes

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~~(clock~~~~Clock~~ hours spent in the classroom are counted.)

- ~~B2)~~ attending conferences or workshops (~~certificate~~~~Certificate~~ or other proof of attendance, clock hours and subject matter is required.)
 - ~~C3)~~ attending state or local child care association meetings when a specific training program is provided by a guest speaker or group member (~~documentation~~~~Documentation~~ of attendance, subject matter and clock hours is required.)
 - ~~D4)~~ in-home training by a Child and Adult Care Food Program sponsor representative, nurse or other trainer (~~documentation~~~~Documentation~~ must include the topic and the clock hours.)
 - ~~E5)~~ self-study materials provided by a child care resource and referral (CCR&R) agency (~~certificate~~~~Certification~~ of clock hours must be secured from the CCR&R.)
 - ~~F6)~~ internet home study programs if the internet site provides documentation of use and number of clock hours
 - ~~G7)~~ ~~Mandated Reporter Training~~~~mandated-reporter-training~~ may be acquired through the Department's website at <https://www.dcfstraining.org/manrep/index.jsp>
 - ~~H8)~~ viewing of the approved video offered by the National Institutes of Health Back to Sleep Campaign for SIDS and sleeping position of infants
- ~~2)~~ The training instructor, speaker or president of the child care organization sponsoring the training may sign the documentation of completion. The child care resource and referral (CCR&R) agency must sign and provide documentation of completion for self-study materials, and the internet site must provide documentation for home study programs.
- d) Licensed providers shall complete 15 clock hours of in-service training per period of the licensing year. Caregivers obtaining clock hours in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year's training requirements.

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- e) Courses/training approved by the Department in caring for children with disabilities must include the following components:
- Introduction to Inclusive Child Care
 - Understanding Child Development in Relation to Disabilities
 - Building Relationships with Families
 - Preparing for and Including Young Children in the Child Care Setting
 - Community Services for Young Children with Disabilities (including Early Intervention services)

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 408
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
408.5	Amendment
408.10	Amendment
408.15	Amendment
408.25	Amendment
408.30	Amendment
408.Appendix G	Amendment
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], Children's Product Safety Act [430 ILCS 125], Abused and Neglected Child Reporting Act [325 ILCS 5/3], Carbon Monoxide Alarm Detector Act [430 ILCS 135/10], and Section 5 of the Missing Children Records Act [325 ILCS 50/5]
- 5) A Complete Description of the Subjects and Issues Involved:

SIDS, SUID, Safe Sleep and Shaken Baby Syndrome Training – Proposed language will clarify that these training requirements for new applicants are also required at renewal time (every 3rd year) for homes licensed to care for infants.

Emergency Preparedness Plan – The need for an emergency preparedness plan will be clarified. In the event of an evacuation, providers will be required to notify parents; explain how parents will be reunited with their children; and provide procedures for evacuating children 30 months of age or less and special needs children.

Swimming Pools – The use of swimming pools will be prohibited during hours of child care unless the provider has a license issued by DPH to operate the swimming pool.

"No Firearms" Signage – A sign prohibiting bringing firearms into the home must be posted.

High School Diploma – Language is being proposed to comport with PA 98-817, which allows a college or vocational school diploma in lieu of the high school diploma requirement.

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- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this proposed rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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)].
- 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 E. Monroe, Station #65
Springfield IL 62701-1498

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:
 - A) Types of small businesses affected: This rulemaking affects home-operated child care businesses that are subject to licensure by the Department.

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- B) Reporting, bookkeeping or other procedures required for compliance: The ability to retain records of compliance or non-compliance.
- C) Types of professional skills necessary for compliance: The ability to understand and comply with licensing regulations affecting children's health and safety.
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the two most recent regulatory agendas because the need for the rulemaking was not anticipated.

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

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section

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

408.APPENDIX A Meal Pattern Chart for Children 0 to 12 Months of Age

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

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

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003; amended at 30 Ill. Reg. 18310, effective November 13, 2006; amended at 32 Ill. Reg. 9164, effective June 20, 2008; amended at 34 Ill. Reg. 18411, effective December 15, 2010; amended at 36 Ill. Reg. 4114, effective March 5, 2012; amended at 36 Ill. Reg. 13105, effective August 15, 2012; amended at 36 Ill. Reg. 13403, effective August 15, 2012; amended at 37 Ill. Reg. 19149, effective November 30, 2013; amended at 39 Ill. Reg. _____, effective _____.

Section 408.5 Definitions

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

"Accredited college or university" means a college or university that has been

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accredited by a regional or national institutional accrediting association recognized by the U.S. Department of Education or a non-governmental recognition counterpart.

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

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

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

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

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

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

"Background check" means:

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

"Basement" means the story below the street floor where occupants must traverse

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a full set of stairs, 8 or more risers, to access the street floor.

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

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

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

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

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

"Corporal punishment" means hitting, spanking, swatting, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain.

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

"Department" means the Illinois Department of Children and Family Services. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])

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

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

"Extended capacity" means an addition of 4 school age children who may be accepted in accordance with 408.65(c). This allows the maximum capacity in a group day care home to reach 16.

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

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"Firearm" means any weapon from which a shot is discharged by an explosive such as gunpowder or projectiles by the action of an explosion, expansion of gas, or escape of gas.

"Gateways to Opportunity Registry" means a program administered by the Department of Human Services to track and maintain education and training credentials of primary caregivers and assistants that allows them to establish a profile in the registry of their educational and training development.

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

"Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. (Section 2.20 of the Child Care Act of 1969 [225 ILCS 10/2.20])

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

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

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

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

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

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

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Part.

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

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

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

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

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority that is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

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

"Permit" means a one-time only document issued by the Department of Children and Family Services for a 6-month period to allow the individuals to become eligible for a license.

"Persons subject to background checks" means:

- the operators of the child care facility;
- all current and conditional employees of the child care facility;
- any person who is used to replace or supplement staff; and

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•any person who has access to children, as defined in this Section.

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

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

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

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

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

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

"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to children with special needs.

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

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

"Special use areas" means areas of the home that may not be included in the

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measurement of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

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

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

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

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

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

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 408.10 Application ~~for~~ License

- a) A complete application shall be filed with the Department of Children and Family Services on forms prescribed and provided by the Department.
- b) Contents of Application
 - 1) A complete application shall include:

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- A) a completed, signed and dated Application for Home License;
- B) a list of persons who will be working in the group day care home, including any substitutes and assistants, and members of the household age 13 and over;
- C) completed, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
- D) a completed, signed and dated Child Support Certification form;
- E) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e);
- F) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care;
- G) a written hazard protection plan identifying potential hazards within the home and outdoor area accessible to the children in care. The written plan shall address the specific hazards and the adult supervision and physical means required to minimize the risks to children. Conditions to be addressed include, but are not limited to, traffic, construction, bodies of water accessible to the children, open stairwells, and neighborhood dogs;
- H) a copy of high school diploma, ~~or~~ equivalent certificate, or degree from a regionally accredited institution of higher education or vocational institution;
- I) ~~for applications submitted on or after September 1, 2012,~~ proof of membership in the Gateways to Opportunity Registry by the primary caregiver and assistants in the group day care home with all educational credentials and pre-service training entered into the Registry~~registry~~; and
- J) *for an initial application effective January 1, 2014 or later, proof*

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that the home has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].

- 2) The applicants~~For initial applications submitted after January 1, 2011, the applicant~~ shall have completed, not more than one year prior to the application date, at least 15 hours of pre-service training listed in Appendix G, which shall include the following topics for applicants and assistants who will care for newborns and infants:
 - A) Sudden Infant Death Syndrome (SIDS);
 - B) Sudden Unexpected Infant Death (SUID);
 - C) Safe sleep recommendations from the American Academy of Pediatrics;
 - D) Shaken Baby Syndrome; and
 - E) Department approved Mandated Reporter Training~~training~~ for all licensees and assistants regardless of the age of children in care.
- c) Fire Safety Inspection
 - 1) For initial applications of group day care homes in multi-housing units, or single family dwellings in which care will be provided on other than ground level, the Department shall request a fire safety inspection from the Office of the State Fire Marshal (OSFM). OSFM shall submit its written recommendation to the supervising agency of the group day care home and to the applicant;
 - 2) The fire safety inspection on single floor homes at ground level with no unusual or complex code considerations shall be completed following the list of items for fire safety inspection in Appendix I by a licensing representative trained by OSFM to conduct that fire prevention inspection;
 - 3) Prior to Department issuance of a permit or a license, the group day care home shall have written approval by OSFM or staff trained by OSFM, indicating the home meets fire safety requirements.

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- d) Licensed group day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- e) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study to determine if the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. A license may not be recommended without the receipt of at least three positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.
- f) New Applications
 - 1) A new application shall be filed when any of the following occurs:
 - A) When an applicant or licensee seeks to reapply for a license after it has been withdrawn, surrendered or denied and the applicant or licensee seeks to reapply;
 - B) When there is a failure to submit a completed application within 14 days after a change of residence or location of the group day care home;
 - C) When 12 months have elapsed and the applicant seeks to reapply for a license after:
 - i) the Department has revoked or refused to renew a license;
 - ii) the previous license has been surrendered with cause; or
 - iii) The Department has refused to issue a full license to a permit holder.
 - 2) For the application to be considered timely and sufficient, a new application shall be completed, signed by the licensee and submitted to the supervising agency within 30 days after the following changes:

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- A) When there is a change in the name of the licensee, the supervising agency or the legal status from a social security number to Federal Employer Identification Number (FEIN); or
- B) When there is a change in the status of joint licensees, such as separation, divorce or death.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 408.15 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to group day care home licensees by the Department 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the Department at least 3 months prior to expiration of the current license, in order to be considered timely and sufficient.
- c) When a licensed group day care home seeks to change its name or location, a new application reflecting the changes must be completed, signed by the licensees and submitted to the Department at least 30 days prior to the effective date of the changes for the application to be considered timely and sufficient.
- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [225 ILCS 10/5(d)]*
- e) Prior to renewal, the licensee shall be current with the annual 15 hours of required training in accordance with Appendix G [that, for applicants and assistants licensed to care for newborns and infants, shall include the following topics:-](#)

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- 1) [Sudden Infant Death Syndrome \(SIDS\), Sudden Unexpected Infant Death \(SUID\) and safe sleep recommendations from the American Academy of Pediatrics; and](#)
 - 2) [Shaken Baby Syndrome.](#)
- f) At the time of license renewal, the supervising agency shall review the fire emergency, tornado/severe weather emergency, and hazard protection written plans. Any revision or enhancement shall be part of the licensing renewal process. Licensed homes that do not have a written hazard plan (see Section 408.10(b)(1)(G)(7)) shall develop a plan and submit it to the supervising agency prior to renewal.
- g) Fire Safety Inspection
- 1) Fire safety inspections of homes licensed for multi-housing units or single family dwelling in which care will be provided on other than grade level shall be completed by OSFM or its designee;
 - 2) Fire safety inspection of homes licensed for a single floor with no unusual or complex code considerations shall be completed by a licensing representative trained by OSFM;
 - 3) The fire safety inspection shall be conducted in accordance with the requirements of Appendix I.
- h) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the group day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.
- i) *For a renewal application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 408.25 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
- 1) The application for ~~licensure~~license has been completed and signed by the applicants and all parts of the initial application requirements have been submitted to the Department;
 - 2) The background checks required by Section 408.40 have been completed and the results of the background check have been received for the operator of the group day care home;
 - 3) Character references have been requested regarding the primary caregivers, and at least 2 favorable references have been received;
 - 4) Medical reports as required in Section 408.35(f) have been received by the Department for all caregivers and assistants;
 - ~~5) For initial applications submitted after January 1, 2011, the applicant shall have completed, not more than one year prior to the application date, at least 15 hours of pre-service training listed in Appendix G, which shall include:~~
 - ~~A) Sudden Infant Death Syndrome (SIDS);~~
 - ~~B) Shaken Baby Syndrome; and~~
 - ~~C) Department approved Mandated Reporter training;~~
 - 56) The applicant who is the primary caregiver has been certified in first-aid, the Heimlich maneuver, and infant/child cardiopulmonary resuscitation (CPR) in accordance with Section 408.35(i);
 - 67) A personal visit to the home by a licensing representative has been completed. The purpose of this visit is to determine compliance with all the licensing requirements except the requirements for remaining character references, medical examination reports, and well water tests compliance that may be complied with within the 6 month period covered by the

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permit. However, when well water tests are required, applicants must agree to boil all drinking and cooking water and to provide only bottled water for children under 15 months of age until the test results are received;

- ~~78~~) Proof of public liability insurance as required by Section 408.35(j) (such proof may consist of, but is not limited to, a copy of an insurance policy, binder or certificate; or a letter from the insurance carrier);
 - ~~89~~) Plan developed for emergency medical care as required by Section 408.70;
 - ~~910~~) Furnishings and equipment have been acquired for the number of children to be served during the 6 month permit period in accordance with ~~Appendices~~Appendix C and D;
 - ~~1011~~) Medical reports and character references are on file for employed staff at the home;
 - ~~1112~~) A written fire safety inspection and approval has been completed in accordance with Section 408.10(c); and
 - ~~1213~~) A written plan has been submitted to the licensing representative that indicates that requirements for a license shall be met within the 6 month permit period.
- b) A permit shall not be issued retroactively.
 - c) A permit shall not be transferred to another person or other legal entity.
 - d) A permit shall not be valid for a name or address different from the name and address shown on the issued permit.
 - e) A permit shall not be renewable.
 - f) A current permit shall be prominently displayed in the group day care home at all times while the home is operating under a permit.
 - g) A license shall be issued at any time within the 6 month period covered by the permit provided that the group day care home achieves and maintains compliance

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with the Department's licensing standards.

- h) The group day care home shall adhere to the provisions or restrictions specified on the permit.
- i) There shall be no fee or charge for the permit.

(Source: Amended at 39 Ill. Reg. _____, effective _____)

Section 408.30 General Requirements for Group Day Care Homes

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
 - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap.
 - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
 - 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.
 - 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
 - A) A smoke detector in operating condition shall be within each room where day care children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.

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- B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home. For homes that did not have wired installation of smoke detectors in each room prior to December 15, 2011, the Department may allow the installation of a battery-operated smoke detector in each room where children nap or sleep and deem the home to be in compliance.
- C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])
- D) For homes constructed after December 15, 2011, or that underwent substantial remodeling of structure or wiring systems after December 15, 2011, the smoke detectors shall be permanently wired into the structure's AC power line and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.
- 5) Carbon Monoxide Detector
- A) A home that has an attached garage and/or relies on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.

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- B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]*
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.
- 9) A facility in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 10) In one and 2 family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas in which OSFM states, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler systems render the residence safe for the care of infants and toddlers.
- 11) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
- 12) When the basement area may be used for child care, 2 exits shall be provided.
- A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a

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protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.

- B) A second exit may be a window.
- i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
 - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
 - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
- C) If the basement area does not meet these existing requirements, the basement may be used for child care only with the prior written approval of OSFM.
- 13) All walls and surfaces shall be maintained free from lead paint and chipped or peeling paint.
- 14) Walls of rooms that children use shall be maintained free of lead paint, carpeting, fabric or plastic products. Inflammable~~Flammable~~ or combustible artwork attached to the walls shall not exceed 20% of any~~the~~ wall area.
- 15) Furniture and equipment shall be kept in safe repair.
- 16) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that

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can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.

- 17) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
 - 18) ~~An~~ There shall be an operable telephone shall be available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
 - 19) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
 - 20) ~~Radon Test~~
Effective January 1, 2013, the home shall be tested for radon at least once every 3 years. The most current radon measurements shall be posted next to the license in the home, on a form provided by the Department containing the required informative statement from Section 5.8(d) of the Child Act of 1969 [225 ILCS 10].
- b) Escape routes from the group day care home shall be designed and maintained for swift and safe exiting in the event of an emergency.
- 1) All corridors and escape routes from the group day care home shall be kept clear of obstructions.
 - 2) Dead-end paths or corridors within the group day care home shall be a maximum of 20 feet in length.
 - 3) All escape routes from the group day care home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
 - 4) Bathroom doors in areas accessible to day care children shall allow staff to open the door from the outside of the bathroom if necessary.

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- 5) All closet doors shall be able to be opened from inside of the closet without the use of a key.
 - 6) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc.) on any exit door or exit window.
 - 7) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open the door from the inside and exit to the outside.
 - 8) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
 - 9) The licensee shall hold monthly fire safety inspections of the group day care home.
 - 10) The licensee or staff in the home shall inspect the group day care home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable.
 - 11) A log of these monthly and daily inspections shall be maintained for at least one year, and shall be available for review by the licensing representative. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.
- c) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:
- 1) A minimum of 35 square feet of floor space for each child in care; and
 - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after

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nap time.

- d) *No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- e) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
 - 2) The dwelling shall be kept clean, sanitary, and in good repair.
 - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
 - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet or linoleum. Paint or sealer alone is not acceptable as a protective covering.
 - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- f) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- g) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply

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written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.

- i) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- j) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- k) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.
- l) There shall be safe outdoor space for active play.
 - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
 - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.

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- 3) Play areas shall be well drained and safely maintained.
- 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
 - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
 - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
 - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
 - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
 - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) The use of in-ground and/or above-ground pools is prohibited during day care hours unless the home has a current certificate to operate a swimming pool from the Illinois Department of Public Health.
- 7) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 87) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate.

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When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

- 98) Portable wading pools shall be emptied daily and disinfected before being air-dried.
 - 109) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
 - 1140) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
 - 1244) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
- m) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
 - n) Insect and rodent control shall be maintained.
 - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
 - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
 - o) Healthy household pets that present no danger to children are permitted.

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- 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
 - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
 - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
 - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
 - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- p) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
- q) Written ~~There shall be written~~ emergency preparedness plans ~~response shall be developed and shall~~ plans specify the actions to be taken in the event of a fire, ~~and~~ tornado or other emergency. ~~All~~ These plans shall be familiar to all caregivers and assistants in the group day care home shall be familiar with these plans. The emergency preparedness plans shall include, but are not limited to:
- 1) A ~~The~~ fire evacuation plan identifying ~~shall identify the~~ exits from each area used for child care and specifying ~~shall specify~~ the evacuation route.
 - 2) A ~~The~~ fire evacuation plan identifying ~~shall identify~~ a safe assembly area outside of the home. It shall also identify a nearby indoor location for

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post-evacuation holding if needed.

- 3) ~~A~~The fire evacuation plan ~~requiring~~shall require that the home be evacuated immediately and the children's safety insured before calling the local emergency number 911 or attempting to combat the fire.
 - 4) ~~Monthly fire~~Fire drills ~~to shall~~ be conducted ~~monthly~~for the purpose of removing children from the group day care home as quickly as possible during an emergency.
 - 5) ~~Monthly tornado~~Tornado drills ~~to shall~~ be conducted ~~monthly~~for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. The alphabetic card file required by Section 408.120(a)(2) shall accompany the caregiver during the drills.
 - 6) ~~A~~The written tornado plan ~~specifying~~shall specify what actions that will be taken in the event of tornado or other severe weather warning, including designation of those areas of the group day care home to be used as safe spots.
 - 7) Specific procedures for notifying parents if evacuation is necessary and how they will be reunited with their children.~~Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained for a period of 3 years.~~
 - 8) Specific procedures for evacuating children who are less than 30 months of age and/or for evacuating special needs children, when applicable.
- r) Fire and tornado drills shall be documented and that documentation shall be maintained on file for a period of 3 years. The licensee shall hold monthly fire prevention inspections of the group day care home and maintain documentation on file for a period of 1 year.~~In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.~~
- s) *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.* The licensee shall post a "No Firearms" sign, as described in the Firearm Concealed

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Carry Act [430 ILCS 66/65(a-10)] at a visible location where parents pick up children.

- t) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (s), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*
- 1) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
 - 2) *The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored.*
- u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.
- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.
- x) By December 28, 2012, the group day care home shall ~~have obtain~~ certification that all cribs used by the group home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

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(Source: Amended at 39 Ill. Reg. _____, effective _____)

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Section 408.APPENDIX G Pre-Service and In-Service Training

- a) Entities that may provide pre-service and in-service training to meet the requirements of this Part include, but are not limited to:
 - 1) colleges and universities
 - 2) child care resource and referral agencies
 - 3) Illinois Department of Public Health or local health departments
 - 4) Office of the State Fire Marshal or local fire department
 - 5) Illinois Department of Children and Family Services
 - 6) Illinois Department of Human Services
 - 7) state or national child care or child advocacy organizations
 - 8) national, state or local family day care home associations
 - 9) Child and Adult Care Food Program sponsors
 - 10) Healthy Child Care Illinois nurses
 - 11) American Red Cross, American Heart Association and other providers of first aid and CPR training that have been approved by the Illinois Department of Public Health

- b) Topics or courses to meet the in-service training requirements include, but are not limited to:
 - 1) child care and child development
 - 2) guidance and discipline
 - 3) first aid and CPR
 - 4) symptoms of common childhood illness

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- 5) food preparation and nutrition
 - 6) health and sanitation
 - 7) small business management
 - 8) child abuse and neglect
 - 9) working with parents and families
 - 10) caring for children with disabilities
 - 11) information about asthma and its management
 - 12) [Sudden Infant Death Syndrome \(SIDS\) education \(training is required for new applicants to care for newborns and infants, and every three years thereafter for the life of the license\)](#)
 - 13) service obligations under the federal Americans With Disabilities Act (ADA)
 - 14) [Shaken Baby Syndrome \(training is required for new applicants and assistants licensed to care for newborns and infants, and every three years thereafter for the life of the license\)](#)
 - 15) [Department approved Mandated Reporter Training \(available on the Department's website; training is required for new applicants and assistants\)](#)
 - 16) [Sudden Unexpected Infant Death \(SUID\) \(training is required for new applicants and assistants licensed to care for newborns and infants, and every three years thereafter for the life of the license\)](#)
- c) [Training](#)
- 1) Pre-service and in-service training may be acquired through the following:
 - [A4](#) attending college or university or vocational school classes (clock

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hours spent in the classroom are counted)

- ~~B2)~~ attending conferences or workshops (~~certificate~~~~Certificate~~ or other proof of attendance, clock hours and subject matter is required.)
 - ~~C3)~~ attending state or local child care association meetings when a specific training program is provided by a guest speaker or group member (~~documentation~~~~Documentation~~ of attendance, subject matter and clock hours is required.)
 - ~~D4)~~ in-home training by a Child and Adult Care Food Program sponsor representative, nurse or other trainer (~~documentation~~~~Documentation~~ must include the topic and the clock hours.)
 - ~~E5)~~ self-study materials provided by a child care resource and referral (CCR&R) agency (~~certification~~~~Certification~~ of clock hours must be secured from the CCR&R.)
 - ~~F6)~~ internet home study programs if the internet site provides documentation of use and number of clock hours
 - ~~G7)~~ ~~Mandated Reporter Training~~~~mandated reporter training~~ may be acquired through the Department's website at:
<https://www.dcfstraining.org/manrep/index.jsp>
 - ~~H8)~~ viewing of the approved video offered by the National Institutes of Health Back to Sleep Campaign for SIDS and sleeping position of infants
- 2) The training instructor, speaker or president of the child care organization sponsoring the training, may sign the documentation of completion. The child care resource and referral (CCR&R) agency must sign and provide documentation of completion for self-study materials, and the internet site must provide documentation for home study programs.
- d) Licensed providers shall meet the 15 ~~Hrs.~~ clock hour requirements for in-service training per period of licensing year. Caregivers obtaining clock hours in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next

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year's training requirements.

- e) Courses/training approved by the Department in carrying for children with disabilities must include the following component:
- Introduction to Inclusive Child Care
 - Understanding Child Development in Relation to Disabilities
 - Building Relationships with Families
 - Preparing for and Including Young Children in the Child Care Setting
 - Community Services for Young Children with Disabilities (including Early Intervention services)

(Source: Amended at 39 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Specialized Mental Health Rehabilitation Facilities (SMHRFs)
- 2) Code Citation: 77 Ill. Adm. Code 1126
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1126.110	New Section
1126.120	New Section
1126.130	New Section
1126.140	New Section
1126.210	New Section
1126.310	New Section
1126.320	New Section
1126.410	New Section
1126.420	New Section
1126.430	New Section
1126.440	New Section
1126.510	New Section
1126.APPENDIX A	New Section
1126.APPENDIX B	New Section
- 4) Statutory Authority: 20 ILCS 3960/12
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rule establish review criteria for the relocation of existing SMHRFs to planning areas that do not have existing SMHRF services.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: HFSRB shall conduct public hearings on the proposed rules, if requested in writing within 14 business days following the publication of the proposed rules in the *Illinois Register*. Notice of public hearings will be posted on the HFSRB website (<http://hfsrb.illinois.gov>).

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Claire Burman
Rules Coordinator
Health Facilities and Services Review Board
69 W. Washington Street, Suite 3501
Chicago IL 60602
312/814-8814
Claire.Burman@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospitals; long-term care facilities; Ambulatory Surgical Treatment Centers; ESRD facilities; Institutions, places, buildings or rooms used for provisions of a health care category of service as defined by the Board, including, but not limited to cardiac catheterization and open heart surgery; and Institutions, places, buildings or rooms used for the provision of major medical equipment used in the direct clinical diagnosis or treatment of patients, and whose project cost is in excess of the capital expenditure minimum.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because the need for the rulemaking was not apparent when the Regulatory Agenda was prepared.

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

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TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1126
SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES (SMHRFs)

SUBPART A: AUTHORITY

- Section
1126.110 Statutory Authority
1126.120 Introduction
1126.130 Definitions
1126.140 HFSRB Procedural Rules

SUBPART B: PLANNING POLICIES

- Section
1126.210 Specialized Mental Health Rehabilitation Category of Service – Planning Policies

SUBPART C: GENERAL INFORMATION REQUIREMENTS

- Section
1126.310 Purpose of the Project – Information Requirements
1126.320 Alternatives to the Proposed Project – Information Requirements

SUBPART D: SPECIALIZED MENTAL HEALTH REHABILITATION
FACILITIES – REVIEW CRITERIA

- Section
1126.410 Introduction
1126.420 Discontinuation of a SMHRF
1126.430 Establishment of a SMHRF in an Underserved Planning Area
1126.440 Modernization

SUBPART E: FINANCIAL AND ECONOMIC FEASIBILITY – REVIEW CRITERIA

- Section
1126.510 Estimated Total Project Cost

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- 1126.APPENDIX A Project Size Standards – Square Footage
1126.APPENDIX B Financial and Economic Review Standards

AUTHORITY: Authorized by Section 12 of, and implementing, the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Adopted at 39 Ill. Reg. _____, effective _____.

SUBPART A: AUTHORITY

Section 1126.110 Statutory Authority

This Part is promulgated by authority granted to the Illinois Health Facilities and Services Review Board under the Illinois Health Facilities Planning Act [20 ILCS 3960].

Section 1126.120 Introduction

- a) After the effective date of this Part, all applications in the review process and all projects for which permits have been issued, but have not yet been completed, shall be subject to this Part.
- b) The HFSRB rules in effect on the date of alleged violation of the Act or rules shall be applicable concerning all considerations and issues of compliance with HFSRB requirements.
- c) *At no time shall the total number of licensed beds under the Specialized Mental Health Rehabilitation Act of 2013 (SMHRA) [210 ILCS 49] exceed the total number of licensed beds existing on July 22, 2013. [210 ILCS 49/10.5]*
- d) *No new facilities licensed under SMHRA shall be established after June 16, 2014 except in connection with the relocation of an existing facility to a new location. [20 ILCS 3960/12(16)]*

Section 1126.130 Definitions

"Act" means the Illinois Health Facilities Planning Act [20 ILCS 3960].

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"Adverse Action" means a disciplinary action taken by IDPH, federal Centers for Medicare and Medicaid Services (CMMS), or any other State or federal agency against a person or entity that owns and/or operates a licensed or Medicare or Medicaid certified SMHRF in the State of Illinois. These actions include, but are not limited to, a financial penalty, probation, revoked license, restricted license or the inability to be licensed or relicensed as set forth in SMHRA Section 4-109 and 77 Ill. Adm. Code 380.750.

"Agency" or "IDPH" means the Illinois Department of Public Health.

"Applicant" means one or more persons, as defined in the Act, who apply for a permit or exemption. (See 77 Ill. Adm. Code 1130.220 to determine what parties must jointly apply for an application.)

"Authorized Representative" means a person who has authority to act on behalf of the legal entity or person that is the applicant or permit holder. Authorized representatives are, in the case of a:

corporation, any of its officers or members of its board of directors;

limited liability company, any of its managers or members (or the sole manager or member when two or more managers or members do not exist);

partnership, any of its general partners (or the sole general partner when two or more general partners do not exist);

estate or trust, any of its beneficiaries (or the sole beneficiary when two or more beneficiaries do not exist); and

sole proprietor, the individual who is the proprietor.

"Capital Expenditure" *means an expenditure made by or on behalf of a SMHRF (as such a facility is defined in the Act) that, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part, and that exceeds the capital expenditure minimum. For purposes of this definition, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other*

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activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if the expenditure exceeds the capital expenditure minimum. Donations of equipment or facilities to a SMHRF that, if acquired directly by that facility would be subject to review under the Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review. [20 ILCS 3960/3]

"Capital Expenditure Minimum" means the dollar amount or value that would require a permit for capital projects and major medical equipment. Capital expenditure minimums are annually adjusted to reflect the increase in construction costs due to inflation under 77 Ill. Adm. Code 1130.310.

"CMMS" means the federal Centers for Medicare and Medicaid Services.

"Chairman" means the presiding officer of HFSRB.

"Change of Ownership" means a change in the person who has operational control of an existing SMHRF or *a change in the person who has ownership or control of a SMHRF's physical plant and capital assets. A change of ownership is indicated by, but not limited to, the following transactions: sale, transfer, acquisition, leases, change of sponsorship or other means of transferring control.* [20 ILCS 3960/3] Examples of change of ownership include:

a transfer of stock or assets resulting in a person obtaining majority interest (i.e., over 50%) in the person who is licensed or certified (if the facility is not subject to licensure), or in the person who owns or controls the SMHRF's physical plant and capital assets;

the issuance of a license by IDPH to a person different from the current licensee;

a change in the membership or sponsorship of a not-for-profit corporation;

a change of 50% or more of the voting members of a not-for-profit corporation's board of directors, during any consecutive 12 month period,

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that controls a SMHRF's operations, license, certification (when the facility is not subject to licensing), or physical plant and capital assets;

a change in the sponsorship or control of the person who is licensed or certified (when the facility is not subject to licensing) to operate, or who owns the physical plant and capital assets of a governmental SMHRF; or

any other transaction that results in a person obtaining control of a SMHRF's operations or physical plant and capital assets, including leases.

"Charity Care" means care provided by a SMHRF for which the provider does not expect to receive payment from the patient/resident or a third party payer. [20 ILCS 3960/3]

"Clinical Service Area" means a department and/or service that is directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the SMHRF. A clinical service area's physical space shall include those components required under the facility's licensure or Medicare and/or Medicaid certification, and/or as outlined by documentation from the facility as to the physical space required for appropriate clinical practice.

"Combined Service Area Project" means a project that consists of both clinical service areas and nonclinical service areas.

"Completion Date" or "Project Completion Date" means the date established by the applicant for the completion of the project, as stated in the CON permit application.

"Construction" or "Modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership of or by a SMHRF, or the purchase or acquisition by or through a SMHRF of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation or any capital expenditure made by or on behalf of a SMHRF that exceeds the capital expenditure minimum; however, any capital expenditure made by or on behalf of a SMHRF for the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act [210 ILCS 9] or a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act [320

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ILCS 42] *shall be excluded from any obligations under the Act.* [20 ILCS 3960/3]

"Contested Case" has the meaning ascribed in Section 1-30 of the Illinois Administrative Procedure Act [5 ILCS 100].

"Control" means a person possesses any of the following discretionary and nonministerial rights or powers:

In the case of an entity, the ability to direct the management and policies of the entity, whether through the voting of securities, corporate membership, contract or otherwise. Examples of control include, without limitation:

holding 50% or more of the outstanding voting securities of an issue;

in the case of an entity that has no outstanding voting securities, having the right to 50% or more of the profits or, in the event of dissolution, the right to 50% or more of the assets of the entity;

having the power to appoint or remove 50% or more of the governing board members of an entity;

having the power to require or approve the use of funds or assets of the entity; or

having the power to approve, amend or modify the entity's bylaws or other governance documents.

In the case of capital assets or real property, the power to direct or cause the direction of the personal property, real property or capital assets that are components of the project (i.e., fixed equipment, mobile equipment, buildings and portions of buildings). Examples of control include, without limitation:

ownership of 50% or more in the property or asset;

serving as lessee or sublessee.

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"Director" means the Director of the Department of Public Health.

"Due Diligence" means to take actions toward the completion of a project for which a permit has been issued with that diligence and foresight that persons of ordinary prudence and care commonly exercise under like circumstances. An accidental or unavoidable cause that cannot be avoided by the exercise of due diligence is a cause that reasonably prudent and careful persons, under like circumstances, do not and would not ordinarily anticipate, and whose effects under similar circumstances they do not and would not ordinarily avoid.

"Entity" means any corporation, company, partnership, joint venture, association, trust, foundation, fund or other legally recognized organization, public body or municipality.

"Establish" or "Establishment" *means the construction of a new SMHRF, the licensing of unlicensed buildings or structures as a SMHRF, the replacement of an existing SMHRF on another site, or the initiation of a category of service defined by the Board.* [20 ILCS 3960/3]

"Estimated Project Cost" or "Project Cost" means the sum of all costs, including the fair market value of any equipment or other real property (whether acquired by lease, donation or gift) necessary to complete a project, including:

preplanning costs;

site survey and soil investigation fees;

site preparation costs;

off-site work;

construction contracts and contingencies (including demolition);

capital equipment included in construction contracts;

architectural and engineering fees;

consultant and other professional fees that are related to the project;

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capital equipment not in construction contracts;

bond issuance expenses;

net interest expense during construction; and

all other costs that are to be capitalized.

"Ex Parte Communication" means a communication between a person who is not a State Board member or employee that reflects on the substance of a formally filed State Board proceeding and that takes place outside the record of the proceeding. Communications regarding matters of procedure and practice, such as the format of a pleading, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications. Technical assistance with respect to an application, not intended to influence any decision on the application, may be provided by State Board employees to the applicant. Once an application is filed and deemed complete, a written record of any communication between staff and an applicant shall be prepared by staff and made part of the public record, using a prescribed, standardized format, and shall be included in the application file. [20 ILCS 3960/4.2]

"Fair Market Value" means the dollar value of a project or any component of a project that is accomplished by lease, donation, gifts or any other means that would have been required for purchase, construction or acquisition.

"Final Decision" or "Final Administrative Decision" or "Final Determination" means:

the decision by HFSRB to approve or deny an application for permit.
Action taken by HFSRB to deny an application for permit is subsequent to an administrative hearing or to the waiver of an administrative hearing; or

the decision by HFSRB on all matters other than the issuance of a permit.

HFSRB NOTE: The decision is final at the close of business of the HFSRB meeting at which the action is taken.

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"Final Realized Costs" means all costs that are normally capitalized under generally accepted accounting principles that have been incurred to complete a project for which a permit or exemption was issued. These costs include all expenditures and the dollar or fair market value of any component of the project, whether acquired through lease, donation or gift.

"Financial Commitment" means the commitment of at least 33% of total funds assigned to cover total project cost, which occurs by:

The actual expenditure of 33% or more of the total project cost; or

The commitment to expend 33% or more of the total project cost by signed contracts or other legal means.

"Financial Commitment Date" means the date on which the permit holder expended or committed to expend by contract or other legal means at least 33% of the total project cost.

"Hearing Officer" means the person with authority to conduct public hearings and to take all necessary steps to assure the proper completion of public hearings and to assure compliance with requirements of the Act. Responsibilities include: determining the order and time allotment for public testimony; maintaining order; setting and announcing new hearing dates, times and places, as necessary; determining the conclusion of the hearing and assuring that all documents, exhibits and other written materials presented or requested at the hearing are in the hearing officer's custody; and preparing a report for submittal to HFSRB.

"HFSRB " or "State Board" means the Illinois Health Facilities and Services Review Board.

"HFSRB Inventory" or "Inventory" means the HFSRB Inventory of Health Care Facilities and Services and Need Determinations, located at HFSRB's website (www.hfsrb.illinois.gov).

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Intent to Deny" means the negative decision of HFSRB, following its initial consideration of an application for permit that failed to receive the number of affirmative votes required by the Act.

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"Major Construction Project" means:

Projects for the construction of new buildings;

Additions to existing facilities;

Modernization projects whose cost is in excess of \$1,000,000 or 10% of the facility's operating revenue, whichever is less; and

such projects as HFSRB shall define and prescribe pursuant to the Act.
[20 ILCS 3960/5]

"Medicaid Certified" or "Medicare Certified" or "Medicaid Certification" or "Medicare Certification" means approval for a facility to receive reimbursement under Title XVIII (Medicare) and/or XIX (Medicaid) of the Social Security Act (42 USC 1395).

"Modification of an Application" or "Modification" means any change to an application during the review period (i.e., prior to a final HFSRB action). These changes include, but are not limited to:

changing the proposed project's physical size or gross square feet;

the site within a planning area;

the operating entity when the operating entity is not the applicant;

the number of proposed beds;

the categories of service to be provided;

the cost;

the method of financing;

the proposed project completion date;

the configuration of space within the building; or

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any change in the person who is the applicant, including the addition or deletion of one or more persons as co-applicants.

HFSRB NOTE: A change of site to a site outside the planning area originally identified in the application is not considered a modification and invalidates the application.

"Newspaper of General Circulation" means newspapers other than those intended to serve a particular, defined population, such as the publications of professional and trade associations.

"Newspaper of Limited Circulation" means a newspaper intended to serve a particular or defined population of a specific geographic area within a Metropolitan Statistical Area such as a municipality, town, village, township or community area, but does not include publications of professional and trade associations. [20 ILCS 3960/8.5(a)]

"Non-Substantive Projects" means projects that have been classified as non-substantive under 77 Ill. Adm. Code 1110.40. HFSRB will review a non-substantive project within 60 days.

"Notification of HFSRB Action" means the transmittal of HFSRB decisions to the applicant or permit or exemption holder. Notification shall be given to the applicant's or permit holder's designated contact person, legal representative or chief executive officer.

"Operational" means that a permit holder is providing the services approved by HFSRB and, for a new SMHRF, licensure or Medicare and/or Medicaid certification has been obtained and residents/patients are utilizing the facility or equipment or are receiving service.

"Permit" means authorization to execute and complete a project related to a SMHRF, as reviewed and approved by HFSRB and as specified in the Act.

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof. [20 ILCS 3960/3]

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"Proposal" or "Project" means any proposed construction or modification of a long term care facility or any proposed acquisition of equipment to be undertaken by an applicant.

"Related Person" means *any person that:*

is at least 50% owned, directly or indirectly, by either the SMHRF or a person owning, directly or indirectly, at least 50% of the SMHRF;

owns, directly or indirectly, at least 50% of the SMHRF [20 ILCS 3960/3];

is otherwise controlled or managed by one or more SMHRFs;

controls or manages the SMHRF; or

is otherwise, directly or indirectly, under common management or control with one or more SMHRFs.

"Review Period" means the time from the date an application for permit or exemption is deemed complete until HFSRB renders its final decision.

"Site" means the physical location of a proposed project and is identified by address or legal property description.

"SMHRA" means the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49]

"SMHRF" means Specialized Mental Health Rehabilitation Facility.

"Square Feet" or "SF" or "Square Footage" means a unit of measure of physical service areas or buildings considered by HFSRB.

Departmental Gross Square Feet (DGSF) means the designation of physical areas for departments and services. It consists of the entirety of space dedicated to the use of that department or service, including walls, shafts and circulation.

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Building Gross Square Feet (BGSF) means the designation of physical area of an entire building. It includes all exterior walls and space within those walls.

"Substantially Changes the Scope or Changes the Functional Operation of the Facility" means:

the addition of a category of service;

a change of a material representation made by the applicant in an application for permit or exemption subsequent to receipt of a permit that is relied upon by HFSRB in making its decision. Material representations are those that provide a factual basis for issuance of a permit and include:

withdrawal or nonparticipation in the Medicare and/or Medicaid programs;

charge information;

other representations made to HFSRB as stipulated or agreed upon in the public record and specified in the application or the permit approval letter.

"Substantive Projects" means types of projects that are defined in the Act and classified as substantive. *Substantive projects shall include no more than the following:*

Projects to construct a new or replacement facility located on a new site or a replacement facility located on the same site as the original facility and the costs of the replacement facility exceed the capital expenditure minimum;

Projects proposing a new service or discontinuation of a service, which shall be reviewed by the Board within 60 days;

Projects proposing a change in the bed capacity of a SMHRF by an increase in the total number of beds or by a redistribution of beds among various categories of service or by a relocation of beds from one facility to another by more than 20 beds or more than 10% of total bed capacity, as

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defined by HFSRB, whichever is less, over a 2 year period. [20 ILCS 3960/12]

"Technical Assistance" means help provided by an employee of HFSRB to a person, SMHRF or the State Board, and is not considered ex parte communication as defined in Section 4.2 of the Act. Technical assistance may be provided to any person regarding pre-application conferences, the filing of an application, or other request to HFSRB provided that the communication is *not intended to influence any decision on the application*. Technical assistance may be provided for the benefit of HFSRB to clarify issues relevant to an application or other business of HFSRB. The assistance may be in the form of written correspondences, conversations, site visits, meetings, and/or consultations with independent experts. *Once an application or exemption is filed and deemed complete, a written record of any communication between staff and an applicant shall be prepared by staff and made part of the public record, using a prescribed, standardized format, and shall be included in the application file, within 10 business days after the assistance is provided. [20 ILCS 3960/4.2]*

"Temporary Suspension of Facility or Category of Service" means a facility that has ceased operation or that has ceased to provide a category of service (see 77 Ill. Adm. Code 1100.220 for category of service definition) for a period not to exceed one year, due to unanticipated or unforeseen circumstances (such as the loss of appropriate staff or a natural or unnatural disaster). The time period may be extended upon finding that the resumption of facility operation or category of service has proceeded with due diligence and HFSRB approval of the requested extension. The facility administrator shall file notice to HFSRB of a temporary suspension of service, in compliance with the requirements described in Section 1130.240(d).

"Underserved" means a planning area in Illinois that does not have another Specialized Mental Health Rehabilitation Facility.

Section 1126.140 HFSRB Procedural Rules

The Certificate of Need review process and all applicable procedures and requirements are contained in 77 Ill. Adm. Code 1130.

SUBPART B: PLANNING POLICIES

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Section 1126.210 Specialized Mental Health Rehabilitation Category of Service – Planning Policies

- a) Category of Service: Specialized Mental Health Rehabilitation
- b) Planning Areas: Health Service Areas are used for SMHRF services.
- c) Occupancy Targets:
 - 1) Modernization: 80%;
 - 2) Establishment: 90%.
- d) Bed Capacity: For facilities licensed pursuant to SMHRA, the bed capacity is the licensed bed capacity for the service.
- e) Bed Need Determination for the Specialized Categories of Service: No bed need formula for the SMHRF category of service has been developed. It is the responsibility of the applicant to document the need for the service by complying with all applicable review criteria contained in 77 Ill. Adm. Code 1127.

SUBPART C: GENERAL INFORMATION REQUIRMENTS

Section 1126.310 Purpose of the Project – Information Requirements

The applicant shall document that the project will provide health services that improve the well-being of the market area population to be served. The applicant shall identify the proposed planning area.

- a) The applicant shall address the purpose of the project, i.e., identify the issues or problems that the project is proposing to address or solve. Information to be provided shall include, but is not limited to, identification of existing problems or issues that need to be addressed, as applicable and appropriate for the project. Examples of this information include:
 - 1) The area's demographics or characteristics (e.g., rapid area growth rate, increased SMHRF population) that may affect the need for services in the future;

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- 2) The incidence of various diseases in the area;
 - 3) The population's financial ability to access SMHRF services (e.g., financial hardship, increased number of charity care patients/residents, changes in the area population's insurance or managed care status);
 - 4) The physical accessibility to necessary SMHRF services (e.g., new highways, other changes in roadways, changes in bus/train routes or changes in housing developments).
- b) The applicant shall cite the source of the information (e.g., local health department, Illinois Project for Local Assessment of Need (IPLAN) documents, Public Health Futures, local mental health plans, or other health assessment studies from governmental, academic and/or other independent sources).
 - c) The applicant shall detail how the project will address or improve the issues listed in subsection (a), as well as the population's health status and well-being. Further, the applicant shall provide goals with quantified and measurable objectives with specific time frames that relate to achieving the stated goals.

Section 1126.320 Alternatives to the Proposed Project – Information Requirements

The applicant shall document that the proposed project is the most effective or least costly alternative for meeting the SMHRF needs of the population to be served by the project.

- a) The applicant shall address alternatives to the proposed project. Examples of alternative options include:
 - 1) Proposing a project of greater or lesser scope and cost;
 - 2) Pursuing a joint venture or similar arrangement with one or more providers; and
 - 3) Developing alternative settings to meet all or a portion of the project's intended purposes.
- b) Documentation shall consist of a comparison of the project to alternative options. The comparison shall address issues of cost, resident/patient access,

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quality and financial benefits in both the short term (within one to three years after project completion) and long term. This may vary by project or situation.

- c) The applicant shall provide empirical evidence, including quantified outcome data that verifies improved quality of care, as available.

SUBPART D: SPECIALIZED MENTAL HEALTH REHABILITATION
FACILITIES – REVIEW CRITERIA

Section 1126.410 Introduction

- a) Facilities proposing to be licensed pursuant to SMHRA Section 10.5 are subject to the requirements of Section 12(16) of the Health Facilities Planning Act and HFSRB rules (77 Ill. Adm. Code 1126 and 1130).
- b) A Certificate of Need permit is required for:
 - 1) the relocation of an existing SMHRF to a planning area that does not have SMHRF services; or
 - 2) any action with a total estimated project cost that exceeds the capital expenditures minimum (for facilities that are licensed by statutory requirement other than the Hospital Licensing Act [210 ILCS 85] or the Nursing Home Care Act [210 ILCS 45]). The current threshold is determined under 77 Ill. Adm. Code 1130. Appendix A and is posted on HFSRB's website (www.hfsrb.illinois.gov).
- c) *No new facilities licensed under SMHRA shall be established after June 16, 2014 except in connection with the relocation of an existing facility to a new location.* [20 ILCS 3960/12(16)]
- d) The process for relocating an existing SMHRF to a new, underserved location involves two actions, as follows:
 - 1) Discontinuation of a licensed SMHRF at its current location; and
 - 2) Establishment of a new SMHRF in an underserved planning area (i.e., one that does not currently have a SMHRF).

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Section 1126.420 Discontinuation of a SMHRF

- a) Discontinuation – Information Requirements
 - 1) The applicant shall provide at least the following information:
 - A) Identification of the number of SMHRF beds that are to be discontinued;
 - B) Identification of all other clinical services that are to be discontinued;
 - C) The anticipated date of discontinuation for each identified service or for the entire facility;
 - D) The anticipated use of the physical plant and equipment after discontinuation occurs; and
 - E) The anticipated disposition and location of all medical records pertaining to the services being discontinued and the length of time the records will be retained. For applications involving discontinuation of an entire facility, certification by an authorized representative that all questionnaires and data required by HFSRB or IDPH (e.g., annual questionnaires, capital expenditures surveys, etc.) will be provided through the date of discontinuation and that the required information will be submitted no later than 60 days following the date of discontinuation.
 - 2) Reasons for Discontinuation
The applicant shall document that the discontinuation is justified by providing data that verifies that one or more of the following factors (and other factors, as applicable) exist with respect to each service being discontinued:
 - A) Insufficient volume or demand for the service;
 - B) Lack of sufficient staff to adequately provide the service;

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- C) The facility or the service is not economically feasible, and continuation impairs the facility's financial viability;
 - D) The facility or the service is not in compliance with licensing or certification standards.
- 3) Impact on Access
- The applicant shall document that the discontinuation of the entire facility will not have an adverse impact upon access to care for residents of the facility's market area. The applicant shall provide copies of impact statements received from other resources or health care facilities located within 45 minutes travel time that indicate the extent to which the applicant's workload will be absorbed without conditions, limitations or discrimination. Factors that indicate an adverse impact upon access to service for the population of the facility's market area include, but are not limited to, the following:
- A) The service will no longer exist within 45 minutes travel time of the applicant facility;
 - B) Discontinuation of the service will result in creating or increasing a shortage of beds or services, as calculated in the Inventory of Health Care Facilities, which is described in 77 Ill. Adm. Code 1100.70 and found on HFSRB's website.

Section 1126.430 Establishment of a SMHRF in an Underserved Planning Area

- a) Background of the Applicant – Review Criterion
All applicants shall comply with the requirements of this Section.
 - 1) An applicant shall demonstrate that it is fit, willing and able, and *has the qualifications, background and character, to adequately provide a proper standard of SMHRF services for the community.* [20 ILCS 3960/6] In evaluating the qualifications, background and character of the applicant, HFSRB will consider whether adverse action has been taken against the applicant, or against any SMHRF owned or operated by the applicant, directly or indirectly, within three years preceding the filing of the application. A SMHRF is considered "owned or operated" by every person or entity that owns, directly or indirectly, an ownership interest. If

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any person or entity owns any option to acquire stock, the stock shall be considered to be owned by that person or entity.

- 2) Examples of Facilities Owned or Operated by an Applicant
 - A) The applicant, Partnership ABC, owns 60% of the shares of Corporation XYZ that manages the Good Care SMHRF under a management agreement. The applicant, Partnership ABC, owns or operates Good Care SMHRF.
 - B) The applicant, Healthy SMHRF, a corporation, is a subsidiary of Universal Health, the parent corporation of Healthcenter Services, its wholly-owned subsidiary. The applicant, Healthy SMHRF, owns and operates Healthcenter Services.
 - C) Dr. Wellcare is the applicant. His wife is the director of a corporation that owns a SMHRF. The applicant, Dr. Wellcare, owns or operates the SMHRF.
 - D) Drs. Faith, Hope and Charity own 40%, 35% and 10%, respectively, of the shares of Healthfair, Inc., a corporation, that is the applicant. Dr. Charity owns 45% and Drs. Well and Care each own 25% of the shares of Sunny Day SMHRF. The applicant, Healthfair, Inc., owns and operates Sunny Day SMHRF.
- 3) The applicant shall submit the following information:
 - A) A listing of all SMHRFs currently owned or operated by the applicant, including licensing, certification and accreditation identification numbers, as applicable;
 - B) A certified listing from the applicant of any adverse action taken against any facility owned or operated by the applicant during the three years prior to the filing of the application; and
 - C) Authorization permitting HFSRB and IDPH access to any documents necessary to verify the information submitted, including, but not limited to, official records of IDPH or other State agencies, the licensing or certification records of other states,

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when applicable, and the records of nationally recognized accreditation organizations. Failure to provide the authorization shall constitute an abandonment or withdrawal of the application without any further action by HFSRB.

- 4) If, during a given calendar year, an applicant submits more than one application for permit, the documentation provided with the prior applications may be utilized to fulfill the information requirements of this Section. In these instances, the applicant shall attest that the information has been previously provided, cite the project number of the prior application, and certify that no changes have occurred regarding the information that has been previously provided. The applicant is able to submit amendments to previously submitted information, as needed to update and/or clarify data.
- b) Service Demand
- The applicant shall document that the number of beds to be relocated is necessary to serve the planning area population, based on the following:
- 1) Bed Need Determination
 - A) *At no time shall the total number of licensed beds under SMHRA exceed the total number of licensed beds existing on July 22, 2013. [210 ILCS 49/10.5]*
 - B) *No new facilities licensed under SMHRA shall be established after June 16, 2014 except in connection with the relocation of an existing facility to a new location. [20 ILCS 3960/12(16)]*
 - 2) Service to Planning Area Residents
 - A) The applicant shall document that the primary purpose of the project will be to provide necessary SMHRF services to the residents of the planning area in which the proposed project will be physically located. The applicant shall document that at least 50% of the projected resident volume will be from residents of the area.

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- B) The number of beds being established is necessary to improve access for planning area residents. The applicant shall document that no SMHRFs currently exist in the proposed planning area.
- 3) Projected Referrals
The applicant shall submit the number of projected annual referrals, as follows:
- A) An applicant proposing to establish a new SMHRF in an underserved area shall submit letters from referral sources (hospitals, physicians, social services and others) that attest to an estimated number of prospective residents whom the referral sources will refer annually to the applicant's facility within a 24-month period after project completion;
 - B) The anticipated number of referrals cannot exceed the referral sources' documented historical SMHRF caseload. Referral sources shall verify their projections and the methodology used;
 - C) Each referral letter shall contain the referral source's chief executive officer's notarized signature, the typed or printed name of the referral source, and the referral source's address; and
 - D) Verification by the referral sources that the prospective resident referrals have not been used to support another pending or approved Certificate of Need (CON) application for the subject services.
- c) Community Relationships
- 1) *An application for a new location shall not be approved unless there are adequate community services accessible to the consumers within a reasonable distance, or by use of public transportation, so as to facilitate the goal of achieving maximum individual self-care and independence.* [20 ILCS 3960/12(16)] The applicant shall document the community services that are accessible to the SMHRF residents, including travel distances from the SMHRF and forms of available public transportation.
 - 2) Re-establishment of a Facility

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A) *An application for the re-establishment of a SMHRF in connection with the relocation of the SMHRF shall not be granted unless the applicant has a contractual relationship with at least one hospital to provide emergency and inpatient mental health services required by SMHRF consumers and at least one community mental health agency. Under the contract, the hospital and agency shall provide:*

- i) *oversight and assistance to SMHRF consumers while living in the SMHRF; and*
- ii) *appropriate services, including case management, to assist them to prepare for discharge and reside stably in the community after discharge. [20 ILCS 3960/12(16)]*

B) The applicant shall submit signed and dated contractual agreements that address all of the requirements stated in subsection (c)(2)(A).

3) The applicant shall document cooperation with, and the receipt of the endorsement of, community groups in the town or municipality where the SMHRF is proposed to be located, such as, but not limited to, social, economic or governmental organizations or other concerned parties or groups. Documentation shall consist of copies of all letters of support from those organizations.

d) Unnecessary Duplication/Maldistribution

The applicant shall document that no SMHRFs currently exist in the proposed planning area, to verify that the proposed project:

- 1) will not result in an unnecessary duplication of SMHRF services; and
- 2) will not result in maldistribution of SMHRF services. (Maldistribution of services exists when an identified area within the planning area has an excess supply of SMHRFs, beds and services, as compared to other identified areas within the planning area.)

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- e) **Staffing Availability**
The applicant shall document that relevant clinical and professional staffing needs for the proposed project were considered and that staffing requirements of licensure, certification and applicable accrediting agencies can be met. In addition, the applicant shall document that necessary staffing is available by providing letters of interest from prospective staff members, completed applications for employment, or a narrative explanation of how the proposed staffing will be achieved.
- f) **Project Size**
The applicant shall document that the amount of physical space proposed for the project is necessary and not excessive. The proposed gross square footage (GSF) cannot exceed the GSF standards of Appendix A, unless the additional GSF can be justified by documenting one of the following:
- 1) Additional space is needed due to the scope of services provided, justified by clinical or operational needs, as supported by published data or studies;
 - 2) The existing facility's physical configuration has constraints or impediments and requires an architectural design that results in a size exceeding the standards of Appendix A;
 - 3) The project involves the conversion of existing bed space that results in excess square footage.
- g) **Zoning**
The applicant shall document one of the following:
- 1) The property to be utilized has been zoned for the type of facility to be developed;
 - 2) Zoning approval has been received; or
 - 3) A variance in zoning for the project is to be sought.
- h) **Assurances**
The applicant representative who signs the CON application shall submit a signed and dated statement attesting to the applicant's understanding that, by the second

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year of operation after the project completion, the applicant will achieve and maintain the occupancy standards specified in Section 1127.210(c).

Section 1126.440 Modernization

- a) If the project involves modernization of SMHRF service, the applicant shall document that the bed areas to be modernized are deteriorated or functionally obsolete and need to be replaced or modernized, due to factors such as, but not limited to:
 - 1) High cost of maintenance;
 - 2) Noncompliance with licensing or life safety codes;
 - 3) Changes in standards of care (e.g., private versus multiple bed rooms); or
 - 4) Additional space for diagnostic or therapeutic purposes.
- b) Documentation shall include the most recent:
 - 1) IDPH and CMMS inspection reports; and
 - 2) Accrediting agency reports.
- c) Other documentation shall include the following, as applicable to the factors cited in the application:
 - 1) Copies of maintenance reports;
 - 2) Copies of citations for life safety code violations; and
 - 3) Other pertinent reports and data.
- d) Projects involving the replacement or modernization of a SMHRF shall meet or exceed the occupancy standards for the categories of service, as specified in Section 1127.210(c).

SUBPART E: FINANCIAL AND ECONOMIC FEASIBILITY – REVIEW CRITERIA

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Section 1126.510 Estimated Total Project Cost

- a) All applicants shall address the requirements listed in this Section, as applicable, in their permit application. The applicant shall provide project cost information for each of the following components as is applicable. When a project or any component of a project is to be accomplished by lease, donation, gift or any other means, the fair market value or dollar value that would have been required for purchase, construction or acquisition shall be included in the estimated total project cost.
- 1) Preplanning Costs – includes costs incurred prior to the submission of an application, such as development and feasibility studies, market studies, legal fees, bid solicitation, etc.;
 - 2) Site Survey and Soil Investigation Fees – includes costs for surrounding surveying of a proposed project site and resulting soil investigation fees;
 - 3) Site Preparation – includes costs of rental equipment for earthwork, concrete, lifting and hoisting, site drainage, utilities, demolition of existing structures, clearing, grading and earthwork;
 - 4) Off-site Work – includes costs of drainage, pipes, utilities, sewage, roads and walks;
 - 5) Construction and Modernization Contracts – includes expenses covered under the construction contract, including major medical and other fixed equipment, contractor's overhead and profit;
 - 6) Contingencies – means an allowance for unforeseeable events relating to construction or modernization;
 - 7) Architectural & Engineering Fees – includes fees associated with the development and implementation of drawings and design materials for a proposed project;
 - 8) Consulting and Other Fees – includes charges for the services of various types of consulting and professional expertise, including environmental impact, acoustical studies, computer software fees, etc.;

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- 9) Movable Capital Equipment not in Construction Contracts – includes the cost of all movable capital equipment, including any movable major medical equipment and the cost of installation of the equipment, excluding any trade-in allowances on existing equipment;
 - 10) Bond Issuance Expense – includes all costs associated with the issuance of bonds to finance a project, including issuer's fees, bond counsel's fees, official statements (feasibility study), official statement printing, printing of bonds, survey of the collateral site, title insurance to property, auditor's fees, trustee fees, underwriters' discount and government fees (if applicable);
 - 11) Net Interest Expense During Construction – means the difference between interest earned on funds for construction and interest expense on the amount of borrowed funds;
 - 12) Other Costs to be Capitalized – includes miscellaneous fees and working capital expenses related to the project; and
 - 13) Acquisition of Buildings or Other Property – includes the cost incurred for (or the fair market value of) the acquisition of buildings or property for the project. Any acquisition that has occurred within two years prior to the date the application for permit is submitted shall be included as part of project costs.
- b) Related Cost Data
- 1) Land Acquisition Cost – The applicant shall provide the purchase price or fair market value, whichever is applicable, for the acquisition of land that is required in order to undertake the project. Acquisition of land is not a capital expenditure and is not included as part of project costs.
 - 2) Operating Start-Up Cost – The applicant shall provide a schedule of estimated non-capitalized operating start-up costs and an estimate of any initial operating deficit. Any capitalized costs that are related to the start-up costs of a facility shall be included in the total estimated project cost.
 - 3) Construction and Modernization Costs and Schedule – The applicant shall provide a construction or project completion schedule that details the

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anticipated dates and percent of project construction or modernization completion at the 25th, 50th, 75th, 95th and 100th percentile of project funds expended.

- 4) Debt Service Relief Fund – Applicants shall provide the amount that will be placed in a debt service reserve fund and shall also provide the terms and conditions of uses of the fund.
- c) Information Requirements for Financial Feasibility
- 1) The applicant shall provide (for the SMHRF or for the person who controls the SMHRF) documentation of a U.S. Department of Housing and Urban Development (HUD) insured mortgage commitment, historical financial statements, or evidence of financial resources to fund the project.
 - 2) Historical Financial Statements – The applicant shall provide (for the SMHRF or for the person who controls the SMHRF) the most recent three years' financial statements (if available) that include the following:
 - A) Balance sheet;
 - B) Income statement;
 - C) Changes in fund balance; and
 - D) Change in financial position.
 - 3) Projected Capital Costs – The applicant shall provide the annual projected capital costs (depreciation, amortization and interest expense) for:
 - A) The first full fiscal year after project completion; or
 - B) The first full fiscal year when the project achieves or exceeds the average occupancy rate in the market area (or target occupancy), whichever is later.
 - 4) Projected Operating Costs – The applicant shall provide projected operating costs (excluding depreciation, stated in current dollars based on the full-time equivalents, and other resource requirements) for the first full

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fiscal year after project completion or the first full fiscal year when the project achieves or exceeds the average occupancy rate in the market area (or target occupancy), whichever is later, including:

- A) Annual operating costs; and
 - B) Annual operating costs change (increase or decrease) attributable to the project.
- 5) Availability of Funds – The applicant shall document that financial resources will be available and be equal to or exceed the estimated total project cost and any related cost. An applicant that has no documented HUD insured mortgage commitment shall document that the project and related costs will be:
- A) Funded in total with cash and equivalents, including investment securities, unrestricted funds, and funded depreciation as currently defined by the Medicare statute (42 USC 1395 et seq.); or
 - B) Funded in total or in part by borrowing because:
 - i) A portion or all of the cash and equivalents shall be retained in the balance sheet asset accounts in order that the current ratio does not fall below 2.0; or
 - ii) Borrowing is less costly than the liquidation of existing investments.
- 6) Operating Start-up Costs – The applicant shall document that financial resources will be available and be equal to or exceed any start-up expenses and any initial operating deficit.
- 7) Financial Viability – The applicant shall demonstrate the financial feasibility of the project based upon the projection of reasonable Medicare, Medicaid and private pay charges, expenses of operation, and staffing patterns relative to other facilities in the market area in which the proposed project will be located.

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- 8) Previous Certificate of Need Projects – The applicant shall describe its previous record of implementing CON-approved LTC projects.
- 9) Financial and Economic Review Standard Ratios for New Facilities – The proposed project shall comply with the ratio standards cited in Appendix B. Applicants not in compliance with any of the viability ratios shall document the reasons for noncompliance.

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Section 1126.APPENDIX A Project Size Standards – Square Footage

The following standards apply to new construction, the development of freestanding facilities, modernization, and the development of facilities in existing structures, including the use of leased space. For new construction, the standards are based on the inclusion of all building components and are expressed in building gross square feet (BGSF). For modernization projects, the standards are based upon interior build-out only and are expressed in departmental gross square feet (DGSF). Spaces to be included in the applicant's determination of square footage shall include all functional areas minimally required for the applicable service areas, by the appropriate rules, required for IDPH licensure and/or federal certification and any additional spaces required by the applicant's operational program.

Service Areas	Square Feet/Unit
Specialized Mental Health	435-713 BGSF/Bed
Rehabilitation Facility	350-570 DGSF/Bed

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Section 1126.APPENDIX B Financial and Economic Review Standards

a) Reasonableness of Project and Related Costs Standards

- 1) Preplanning Costs shall not exceed 1.8% of construction and modernization contracts, plus contingencies, plus equipment costs.
- 2) Site Survey and Preparation Costs shall not exceed 5% of construction and contingency costs.
- 3) New Construction and Modernization Costs per Gross Square Foot (GSF) SMHRF cost standards are derived from the RSMeans Building Construction Cost Data (Means) publication (RSMeans, 63 Smiths Lane, PO Box 800, Kingston MA 02364-9988, 800/334-3509; 2008, no later amendments or editions included) and will be adjusted (for inflation and location) for each project to the current year (www.rsmeans.com).

HFSRB NOTE: HFSRB staff will review the cost per square foot data submitted in the application to determine compliance with the latest available cost standards of the RSMeans publication.

HFSRB NOTE: Modernization includes the build out of leased space and shall include the cost of all capital improvements contained in the terms of the lease. These standards are based on 2008 data.

Type of Facility	New Construction	Modernization
SMHRF	Adjusted Means 3 rd Quartile	70% of Adjusted Means 3 rd Quartile

- 4) Contingencies
Contingency costs for projects (or for components of projects) are based upon a percentage of new construction or modernization costs and are based upon the status of a project's architectural contract documents.

Status of Project	New Construction	Modernization
Contract Documents	Components	Components
Schematics	10%	10-15%

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Preliminary	7%	7-10%
Final	3-5%	5-7%

5) New Construction or Modernization Fees and Architectural & Engineering (A&E) Fees

Current fees for services for projects or components of projects involving new construction or modernization (total amount of construction and contingencies, A&E fees for SMHRFs and total fees for site work) can be found in the Centralized Fee Negotiation Professional Services and Fees Handbook (available at www.cdb.state.il.us or by contacting the Capital Development Board, 401 South Spring Street, Springfield, Illinois 62706). HFSRB shall, for all calculations, consider the latest version of the handbook as released on the Capital Development Board website.

A) Projects or Components of Projects Involving New Construction

Total Amount of Construction and Contingencies	SMHRF
under \$100,000	10.59-15.89%
\$ 200,000	9.99-14.99%
\$ 300,000	9.48-14.22%
\$ 400,000	9.03-13.55%
\$ 500,000	8.65-12.99%
\$ 700,000	8.21-12.33%
\$ 900,000	7.89-11.85%
\$ 1,000,000	7.79-11.69%
\$ 1,250,000	7.62-11.44%
\$ 1,500,000	7.49-11.25%
\$ 1,750,000	7.36-11.06%
\$ 2,500,000	7.06-10.60%
\$ 3,000,000	6.89-10.35%
\$ 5,000,000	6.42-9.64%
\$ 7,000,000	6.11-9.17%
\$ 9,000,000	5.94-8.92%
\$ 10,000,000	5.90-8.86%
\$ 15,000,000	5.76-8.66%
\$ 20,000,000	5.64-8.48%

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\$ 25,000,000	5.52-8.28%
\$ 30,000,000	5.37-8.07%
\$ 40,000,000	5.12-7.68%
\$ 50,000,000	4.86-7.30%
\$100,000,000 and over	3.59-5.39%

B) Projects or Components of Projects Involving Modernization

Total Amount of Construction and Contingencies	A&E Fees for SMHRF
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under \$100,000	10.76-16.16%
\$ 200,000	10.16-15.26%
\$ 300,000	9.65-14.49%
\$ 400,000	9.20-13.80%
\$ 500,000	8.81-13.23%
\$ 700,000	8.36-12.56%
\$ 900,000	8.04-12.06%
\$ 1,000,000	7.93-11.91%
\$ 1,250,000	7.76-11.66%
\$ 1,500,000	7.63-11.45%
\$ 1,750,000	7.50-11.26%
\$ 2,000,000	7.40-11.12%
\$ 2,500,000	7.19-10.79%
\$ 3,000,000	7.02-10.54%
\$ 5,000,000	6.54-9.82%
\$ 7,000,000	6.22-9.34%
\$ 9,000,000	6.04-9.08%
\$ 10,000,000	6.00-9.02%
\$ 15,000,000	5.87-8.81%
\$ 20,000,000	5.74-8.62%
\$ 25,000,000	5.62-8.44%
\$ 30,000,000	5.48-8.22%
\$ 40,000,000	5.21-7.83%
\$ 50,000,000	4.95-7.43%
\$100,000,000 and over	3.65-5.49%

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- 6) **Capital Equipment Not Included in Construction Contracts**
Standards for capital equipment not included in construction contracts are established by type of facility and are derived from the third quartile costs of previously approved projects for which data are available. The standards apply only to the following types of projects: establishment of new facilities, expansion of existing facilities (e.g., bed additions), and modernization of existing facilities involving replacement of existing beds, relocation of existing facilities, etc. The standard in this subsection (a)(6) is calculated for the year 2013.

HFSRB NOTE: Modernization includes the build out of leased space and shall include the cost of capital equipment included in the terms of the lease.

SMHRFs per Bed

\$7,524.83

- 7) **Inflation Factor**
Costs for construction and modernization contracts and equipment are to be adjusted for projected inflation. The projected inflation rate is to be calculated to the midpoint of construction. For construction midpoint of up to 3 years, the inflation rate shall be an average of the previous 3 years annual inflation rates for construction as determined by RSMMeans. For construction midpoints beyond 3 years, the inflation rate shall be the lesser of this rate or 3% for the period of time beyond 3 years.

b) **Financial Viability Standards**

- 1) **Current Ratio = Current Assets/Current Liabilities**

Type of SMHRF	Current Ratio
Not-For-Profit, System	1.5 or more
Not-For-Profit, Non-System	1.5 or more
For-Profit, System	1.5 or more
For-Profit, Non-System	1.5 or more
Governmental	1.5 or more

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- 2) Net Margin Percentage = (Net Income/Net Operating Revenues) X 100

Type of SMHRF	Net Margin
Not-For-Profit, System	2.5% or more
Not-For-Profit, Non-system	2.5% or more
For-Profit, System	2.5% or more
For-Profit, Non-system	2.5% or more
Governmental	0% or more

HFSRB NOTE: Net Margin Percentage for For-Profits is before the provision for income taxes. Net income is the excess of revenues over expenses from operations, before non-recurring income or expense.

- 3) Long-Term Debt to Capitalization = (Long-Term Debt/Long-Term Debt plus Net Assets) X 100

Type of SMHRF	Long Term Debt to Capitalization
Not-For-Profit, System	80% or less
Not-For-Profit, Non-system	80% or less
For-Profit, System	50% or less
For-Profit, Non-system	50% or less
Governmental	NA

HFSRB NOTE: For SMHRFs and for-profit facilities, the applicant shall explain the rationale of the use of debt rather than the issuance of stock (if this is the case).

- 4) Projected Debt Service Coverage = Net Income plus (Depreciation plus Interest plus Amortization)/Principal Payments plus Interest Expense for the Year of Maximum Debt Service after Project Completion

Type of SMHRF	Project Debt Service Coverage
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Not-For-Profit, System	1.5 or more
Not-For-Profit, Non-system	1.5 or more
For-Profit, System	1.5 or more
For-Profit, Non-system	1.5 or more
Governmental	1.5 or more

HFSRB NOTE: Net Income is the excess of revenues over expenses from operations, before non-recurring income or expense.

- 5) Days Cash on Hand = (Cash plus Investments plus Applicant Board Designated Funds)/(Operating Expense less Depreciation Expense)/365 days

Type of SMHRF	Days Cash on Hand
Not-For-Profit, System	45 or more days
Not-For-Profit, Non-system	45 or more days
For-Profit, System	45 or more days
For-Profit, Non-system	45 or more days
Governmental	45 or more days

HFSRB NOTE: The Days Cash on Hand requirement can be met by a combination of cash and investments held by the facilities or available funds from the backup line of credit.

- 6) Cushion Ratio = (Cash plus Investments plus Board Designated Funds)/(Principal Payments plus Interest Expense for the Year of Maximum Debt Service after Project Completion)

Type of SMHRF	Cusion Ratio
Not-For-Profit, System	3.0 or more
Not-For-Profit, Non-system	3.0 or more
For-Profit, System	3.0 or more
For-Profit, Non-system	3.0 or more

HEALTH FACILITIES AND SERVICES REVIEW BOARD

NOTICE OF PROPOSED RULES

Governmental

NA

HFSRB NOTE: The applicant may also include in the numerator the amount of funds available from an existing or proposed backup line of credit. If the applicant includes funds available from a line of credit, documentation shall be provided regarding the terms and conditions of the line.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Number: 1200.50 Proposed Action: Amendment
- 4) Statutory Authority: Section 5(i) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i)]
- 5) A Complete Description of the Subjects and Issues Involved: This amendment seeks to have the parties to a hearing share equally all costs charged to the Board by the stenographer or court reporting service the entire cost of production of the transcript of the hearing. This cost has previously been wholly absorbed by the Board.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Sarah Kerley
Deputy General Counsel
Illinois Labor Relations Board
One Natural Resources Way, First Floor
Springfield IL 62702-1271

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

217/785-4004
Sarah.R.Kerley@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: Small businesses, small municipalities and not-for-profit corporations will not be affected.
 - C) Types of professional skills necessary for compliance: Small businesses, small municipalities and not-for-profit corporations will not be affected.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the amendment is intended to make permanent the emergency rule resulting from the fiscal emergency presented for the proposed budget for fiscal year 2016.

The full text of the Proposed Amendment is identical to that of the text of the Emergency Amendment for this Part and begins on page 10641:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Service Sanitation Code
- 2) Code Citation: 77 Ill. Adm. Code 750
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
750.5	Amendment
750.4000	New Section
750.4300	New Section
- 4) Statutory Authority: Authorized by the Food Handling Regulation Enforcement Act [410 ILCS 625]
- 5) Effective Date of Rule: July 15, 2015
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 39 Ill. Reg. 4865; April 3, 2015
- 10) Has JCAR issued a State of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following changes were made as a result of comments received:

In Section 750.4000, in the 2nd line of the definition of "certified local health department", after "administers" add a comma and after "assures" add "compliance with,".

In Section 750.4000, in the 1st line of the definition of "food sample", add "product" before "sample".

In Section 750.4000, in the 1st line of the definition of "local health department", after "administers" add a comma.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

In Section 750.4000, in the 2nd line of the definition of "local health department", after "assures" add "compliance with,".

In Section 750.4300(a)(1), after "(FSSMC)" add "(see Subpart J)".

In Section 750.4300(a)(1)(A), before "Department" add "An application on a form provided by the" and delete "application"

In Section 750.4300(a)(2)(C), before "Department" add "An application on a form provided by the" and delete "application"

After Section 750.4300(b)(2), insert a line and add:

- "3) Food Product Sampling Handler Certificates are not transferable between individuals.
- 4) Food Product Sampling Handler Certificates are required for all persons who engage in performing tasks such as un-packing, cutting, slicing, preparing or distributing food product samples."

In Section 750.4300(b)(4), change "un-packing" to "unpacking".

In Section 750.4300(d), before "certificate" add "original" and after "certificate" add "or a copy of the certificate".

In Section 750.4300(c)(1), replace "can be" with "is", delete "immediately" and delete "based on the inspector's professional judgement".

In Section 750.4300(f), after "a" add "permit from the local health department to conduct", delete "establishment permit from the certified local health department", after "A" add "permit to conduct", delete "establishment permit" and delete "certified".

In addition, various non-substantive typographical, grammatical and form changes were made in response to the comments from JCAR.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 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 rulemaking will establish the requirements and a certificate issuance process for Food Product Sampling Handlers for farmers' markets.
- 16) Information and questions regarding these adopted rules shall be directed to:

Elizabeth Paton
Assistant General Counsel
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICSPART 750
FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Section

750.5	Incorporated and Referenced Materials
750.10	Definitions
750.20	Inspections and Inspection Report

SUBPART B: FOOD SUPPLIES

Section

750.100	General
750.110	Special Requirements
750.120	General – Food Protection
750.130	General – Food Storage
750.140	Refrigerated Storage
750.150	Hot Storage
750.151	Ready-to-Eat Potentially Hazardous Food, Date Marking
750.152	Ready-to-Eat Potentially Hazardous Food, Disposition
750.153	Time as a Public Health Control
750.155	Damaged Food Containers
750.160	General – Food Preparation
750.170	Raw Fruits and Raw Vegetables
750.180	Cooking Potentially Hazardous Foods
750.185	Minimum Food Temperature and Holding Time Required Under Section 750.180(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats
750.186	Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef
750.187	Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef
750.188	Plant Food Cooking for Hot Holding
750.189	Microwave Cooking

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

750.190	Dry Milk and Dry Milk Products
750.200	Liquid, Frozen, Dry Eggs and Egg Products
750.208	Preparation for Immediate Service
750.210	Reheating for Hot Holding
750.220	Nondairy Products
750.230	Product Thermometers
750.240	Thawing Potentially Hazardous Foods
750.250	Food Display and Service of Potentially Hazardous Food
750.260	Display Equipment
750.270	Reuse of Tableware
750.280	Dispensing Utensils
750.290	Ice Dispensing
750.300	Condiment Dispensing
750.310	Milk and Cream Dispensing
750.320	Re-Service
750.325	Special Requirements for Highly Susceptible Populations
750.330	General – Food Transportation
750.340	Public Health Protection
750.350	Preventing Health Hazards, Provision for Conditions Not Addressed
750.360	Variances
750.370	Justification for and Documentation of Proposed Variance

SUBPART C: PERSONNEL

Section	
750.500	General – Employee Health
750.510	General – Personal Cleanliness
750.512	When to Wash Hands
750.514	Where to Wash Hands
750.516	Hand Antiseptics
750.520	General – Clothing
750.530	General – Employee Practices
750.540	Management Sanitation Training and Certification
750.550	Management Sanitation Certification Examination (Repealed)
750.551	Certification and Recertification Issuance
750.555	Change of Name or Address
750.560	Certificate Revocation or Suspension
750.570	Food Handler Training

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: EQUIPMENT AND UTENSILS

Section

- 750.600 General – Materials
- 750.610 Solder
- 750.620 Wood
- 750.630 Plastics
- 750.640 Mollusk and Crustacea Shells
- 750.650 General – Design and Fabrication
- 750.660 Accessibility
- 750.670 In-Place Cleaning
- 750.680 Thermometers
- 750.690 Non-Food-Contact Surfaces
- 750.700 Ventilation Hoods
- 750.710 General – Equipment Installation and Location
- 750.720 Table-Mounted Equipment
- 750.730 Portable Equipment
- 750.740 Floor-Mounted Equipment
- 750.750 Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZING, AND STORAGE OF
EQUIPMENT AND UTENSILS

Section

- 750.800 Cleaning Frequency
- 750.810 Wiping Cloths
- 750.820 Manual Cleaning and Sanitizing
- 750.830 Mechanical Cleaning and Sanitizing
- 750.840 Drying
- 750.850 Equipment, Utensil, and Tableware Handling
- 750.860 Equipment, Utensil, and Tableware Storage
- 750.870 Pre-Set Tableware
- 750.880 Single-Service Articles
- 750.890 Prohibited Storage Area

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section

- 750.1000 General – Water Supply

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

750.1010	Transportation
750.1020	Bottled Water
750.1030	Water Under Pressure
750.1040	Steam
750.1050	General – Sewage Disposal
750.1060	General – Plumbing
750.1070	Nonpotable System
750.1080	Backflow
750.1090	Grease Traps
750.1100	Drains
750.1110	General – Toilet Facilities
750.1120	General – Lavatory Facilities
750.1130	Containers – Garbage and Refuse
750.1140	Garbage and Refuse Storage
750.1150	Disposal of Garbage and Rubbish
750.1160	General – Insect and Rodent Control
750.1170	Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF
PHYSICAL FACILITIES

Section	
750.1200	General – Floors
750.1210	General – Walls and Ceilings
750.1220	General – Cleaning Physical Facilities
750.1230	General – Lighting
750.1240	Protective Light Shielding
750.1250	General – Ventilation
750.1260	Special Ventilation
750.1270	Dressing Areas
750.1280	Lockers
750.1290	Poisonous or Toxic Materials Permitted
750.1300	Labeling of Poisonous or Toxic Materials
750.1310	Storage of Poisonous or Toxic Materials
750.1320	Use of Poisonous or Toxic Materials
750.1330	Personal Medications
750.1340	First-Aid Supplies
750.1350	General – Premises
750.1360	Living Areas

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750.1370	Laundry Facilities
750.1380	Linens and Clothes Storage
750.1390	Cleaning Equipment Storage
750.1400	Animals

SUBPART H: MOBILE FOOD SERVICE

Section	
750.1500	General – Mobile Food Units
750.1510	Restricted Operation
750.1520	Single-Service Articles
750.1530	Water Systems
750.1540	Waste Retention
750.1550	Base of Operations
750.1560	Servicing Area
750.1570	Servicing Operations

SUBPART I: TEMPORARY FOOD SERVICE

Section	
750.1600	General – Temporary Food Service Establishments
750.1610	Restricted Operations
750.1620	Ice
750.1630	Equipment
750.1640	Water
750.1650	Wet Storage
750.1660	Waste Disposal
750.1670	Handwashing
750.1680	Floors
750.1690	Walls and Ceilings of Food Preparation Areas
750.1700	Single-Service Articles

SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

Section	
750.1800	General
750.1810	Instructor Approval
750.1812	Instructor Renewal
750.1814	Proctor Approval

DEPARTMENT OF PUBLIC HEALTH

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750.1815	Instructor and Proctor Compliance and Enforcement Process
750.1820	Course Content
750.1830	Course Approval
750.1831	Alternative Training Methods
750.1835	Make Up Work (Repealed)
750.1836	Home Study (Repealed)
750.1837	Course Waiver (Repealed)
750.1838	Course Denial
750.1840	Reciprocity
750.1850	Certification Examination
750.1855	Testing Criteria (Repealed)
750.1860	Administration of Examination
750.1861	Class Enrollment Form (Repealed)
750.1862	Administration of Examination (Repealed)
750.1865	Monitors (Repealed)
750.1868	Cheating (Repealed)
750.1870	Re-test Class (Repealed)
750.1876	Dictionary (Repealed)
750.1880	Retake Examination (Repealed)
750.1890	Revocation of Certificates
750.1895	Change of Address (Repealed)

SUBPART K: REDUCED OXYGEN PACKAGING

Section

750.2000	General
750.2010	Acceptable Products
750.2020	Employee Training
750.2030	Refrigeration Requirements
750.2031	Labeling – Refrigeration Statements
750.2032	Labeling – "Use By" Dates
750.2040	Safety Barriers
750.2041	Fish and Fishery Products
750.2042	Safety Barrier Verification
750.2050	Hazard Analysis Critical Control Point (HACCP) Program
750.2060	Precautions Against Contamination
750.2070	Disposition of Expired Product
750.2080	Dedicated Area/Restricted Access

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SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section

750.3000	Exceptions
750.3100	Meat and Poultry Labeling
750.3200	Smoked Meat, Poultry and Other Food Products
750.3300	Curing of Meat and Poultry

SUBPART M: FOOD HANDLER TRAINING

Section

750.3400	General Requirements
750.3410	Course Content
750.3420	Course Approval
750.3430	Requirements for Food Handlers

SUBPART N: FARMERS' MARKETSSection

<u>750.4000</u>	<u>Definitions</u>
<u>750.4300</u>	<u>Food Product Sampling Handler Certificate for Farmers' Markets</u>

750.APPENDIX A	Retail Food Sanitary Inspection Report
750.APPENDIX B	Examination Date Notification Form (Repealed)
750.APPENDIX C	Class Enrollment Form (Repealed)
750.APPENDIX D	Permission to Retake Certification Examination Form (Repealed)
750.APPENDIX E	Monitor's Agreement Form (Repealed)

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21] and Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819,

DEPARTMENT OF PUBLIC HEALTH

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effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 20 Ill. Reg. 2171, effective January 20, 1996; amended at 20 Ill. Reg. 3210, effective February 5, 1996; amended at 22 Ill. Reg. 19009, effective October 1, 1998; amended at 32 Ill. Reg. 11980, effective July 10, 2008; amended at 37 Ill. Reg. 20365, effective December 6, 2013; amended at 38 Ill. Reg. 11775, effective May 21, 2014; amended at 38 Ill. Reg. 23109, effective November 20, 2014; amended at 39 Ill. Reg. 5006, effective March 17, 2015; amended at 39 Ill. Reg. 10619, effective July 15, 2015.

SUBPART A: GENERAL PROVISIONS

Section 750.5 Incorporated and Referenced Materials

- a) The following [State statutes](#)~~materials~~ are referenced in this Part:
- 1) Alternative Health Care Delivery Act [210 ILCS 3]
 - 2) Nursing Home Care Act [210 ILCS 45]
 - 3) Good Samaritan Food Donor Act [745 ILCS 50]
 - 4) Hospital Licensing Act [210 ILCS 85]
 - 5) Federal Food, Drug, and Cosmetic Act (21 USC 301)
 - 6) Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
 - 7) Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635]
 - 8) Meat and Poultry Inspection Act [225 ILCS 650]
 - 9) Sanitary Food Preparation Act [410 ILCS 650]
 - 10) Freedom of Information Act [5 ILCS 140]
 - 11) [Food Handling Regulation Enforcement Act \[410 ILCS 625\]](#)
- b) [The following State administrative rules are referenced in this Part:](#)

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- ~~144~~) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- ~~212~~) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics Code (77 Ill. Adm. Code 725)
- ~~313~~) Illinois Plumbing Code (77 Ill. Adm. Code 890)
- ~~414~~) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
- ~~515~~) Drinking Water Systems Code (77 Ill. Adm. Code 900)
- ~~616~~) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- ~~717~~) Water Well Construction Code (77 Ill. Adm. Code 920)
- ~~818~~) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- ~~19~~) ~~Food Service Sanitation Code (77 Ill. Adm. Code 750)~~
- ~~920~~) Meat and Poultry Act (8 Ill. Adm. Code 125)
- 10) Certified Local Health Department Code (77 Ill. Adm. Code 600)

~~c~~b) The following materials are incorporated in this Part:

- 1) Official Methods of Analysis of the Association of Official Analytical Chemists, 18th Edition, Association of Official Analytical Chemists (2006), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
- 2) Standard Methods for the Examination of Dairy Products, 17th Edition, American Public Health Association (2004), 8001 I Street, Washington, D.C. 20001-3710.
- 3) The following Federal Regulations, Office of the Federal Register, National Archives and Records Administration (2005), U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, D.C. 20401.

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- A) 9 CFR 1: Animals and Animal Products; Animal Welfare, Definition of Terms;
- B) 9 CFR 301: Animals and Animal Products; Mandatory Meat Inspection, Definitions;
- C) 9 CFR 318: Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products;
- D) 9 CFR 381: Animals and Animal Products; Mandatory Poultry Products Inspection, Poultry products inspection regulations;
- E) 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;
- F) 21 CFR 133: Cheeses and Related Cheese Products;
- G) 21 CFR 131: Milk and Cream;
- H) 21 CFR 114: Acidified Foods;
- I) 9 CFR 317: Labeling, Marking Devices, and Containers;
- J) 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles;
- K) 21 CFR 178 – Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers (as regulated for use as a food additive with conditions of safe use);
- L) 21 CFR 182 – Substances Generally Recognized as Safe;
- M) 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe; and
- N) 21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe (for use in contact with food).

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- 4) Conference for Food Protection – "Standards for Accreditation of Food Protection Manager Certification Programs" (~~May 2014~~April 2012) (available online at <http://www.foodprotect.org/media/managercert/CFP%20FPMCC%20Standards%20Final%20Approved%20May%202014.pdf>~~http://www.foodprotect.org/media/management/CFP%20FPMC%20April%202012%20Standards.pdf~~).
- de) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 39 Ill. Reg. 10619, effective July 15, 2015)

SUBPART N: FARMERS' MARKETSSection 750.4000 Definitions

"Act" means Food Handling Regulation Enforcement Act.

"Certified local health department" means a local government agency that administers, and assures compliance with, health-related programs and services within its jurisdiction and is certified pursuant to 77 Ill. Adm. Code 600.210 (Certification).

"Farmers' market" means a common facility or area where the primary purpose is for two or more farmers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers. (Section 3.3(b) of the Act)

"Food product sampling" means food product samples distributed free of charge for promotional or educational purposes only. (Section 3.4(a) of the Act)

"Food product sampling handler" means any person who is engaged in performing tasks such as unpackaging, cutting, slicing, preparing or distributing food product samples to consumers at a farmers' market.

"Food product sample" means an individual portion of food given to a consumer without charge to allow consumers to experience a small portion of the product.

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"Local health department" means a local governmental agency that administers, and assures compliance with, health-related programs and services within its jurisdiction.

"Point of sale" means the physical location where food products are sold to customers.

(Source: Added at 39 Ill. Reg. 10619, effective July 15, 2015)

Section 750.4300 Food Product Sampling Handler Certificate for Farmers' Markets

- a) Food Product Sampling Handler Certificate (certificate) Application Requirements
- 1) Individuals possessing a valid Illinois Food Service Sanitation Manager Certification (FSSMC) (see Subpart J) shall submit the following:
 - A) An application on a form provided by the Department; and
 - B) Payment of the \$10 application fee.
 - 2) Individuals who do not possess a valid FSSMC shall submit the following:
 - A) Evidence of successful completion of a food handler training course as outlined in Subpart M;
 - B) Evidence of successful completion of Department farmers' market food sampling handler training;
 - C) An application on a form provided by the Department; and
 - D) Payment of the \$40 application fee.
- b) Certificate
- 1) Certificates issued to a Food Service Sanitation Manager (FSSM) will be valid 36 months from the issue date.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 2) Certificates issued to a non-FSSM will be valid for 36 months from the date of the successful completion of the Department farmers' market food sampling handler training.
 - 3) Food Product Sampling Handler Certificates are not transferable between individuals.
 - 4) Food Product Sampling Handler Certificates are required for all persons who engage in performing tasks such as unpacking, cutting, slicing, preparing or distributing food product samples.
- c) Replacement certificates issued under this Subpart will:
- 1) Be issued after the Department's receipt of a \$10 replacement fee; and
 - 2) Have the same expiration date as the original certificate.
- d) All persons possessing a valid original certificate or a copy of the certificate shall display the certificate at the point of sale.
- e) Suspension or Revocation of a Certificate
- 1) Any violation of this Subpart by the food product sampling handler that creates a potential health hazard shall result in suspension of the certificate by the Department or a certified local health department unless the violation is corrected during the inspection. The following procedures shall be followed for the suspension of a certificate:
 - A) The certified local health department shall notify the certificate holder in writing at the time of suspension, stating the reason for the suspension and corrective measures needed to reinstate the certificate.
 - B) The certificate holder shall apply, in writing, to the certified local health department responsible for suspending the certificate to request reinstatement of the certificate. If the certified local health department considers the violations to be corrected, the certificate shall be reinstated.

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- C) The certified local health department shall, within five days after the suspension and certificate reinstatement, notify the Department in writing of the suspension and certificate reinstatement. The certified local health department shall forward to the Department a copy of the inspection, including the reason for suspension and resolution of the suspension, if any.
- D) If the issue is not resolved, the holder of the certificate may apply to the Department for reinstatement of the certificate, in writing, to request a conference to determine whether the holder is in compliance with this Subpart.
- 2) If the certificate holder receives two or more suspensions in a 12-month period, the Department will revoke the certificate. The Department will notify the certificate holder of the Department's intent to revoke the certificate and will provide an opportunity for a hearing in accordance with Practice and Procedure in Administrative Hearings. If the certificate holder does not file a request for a hearing with the Department within 10 days following service of the notice, the certificate will be revoked.
- f) Exemption
A vendor who possesses a permit from the local health department to conduct food service is exempted from the training and permit requirements of this Subpart. A permit to conduct food service is valid only in the jurisdiction of the issuing local health department.

(Source: Added at 39 Ill. Reg. 10619, effective July 15, 2015)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1413.48	Repeal
1413.114	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: July 17, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 3415; March 6, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 1413.48 was repealed because the subject matter can be found in Section 1413.114.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? Yes
- 14) Are there any other rulemakings pending in this Part? No
- 15) Summary and Purpose of Rulemaking: This adopted rule requires racetracks that conduct thoroughbred racing to uncouple same owner entries in any thoroughbred race. The result would be larger field sizes, increased betting, and greater revenue to the State of Illinois.
- 16) Information and questions regarding these adopted rules shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 5-700
Chicago IL 60601

312/814-5017

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413

ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section

1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries (Repealed)
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Increases or Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.110	Limitations on Entries
1413.114	Uncoupled Entries Coupled As Entry
1413.118	Further Definition of Coupling (Repealed)
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.170	Refunds
1413.180	Error in Entry
1413.190	Irrevocable Declaration
1413.200	Notice of Declaration

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. 10165, effective July 1, 2008; emergency amendment at 35 Ill. Reg. 6605, effective April 4, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13910, effective July 28, 2011; amended at 36 Ill. Reg. 16344, effective November 1, 2012; emergency amendment at 39 Ill. Reg. 3435, effective February 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10465, effective July 2, 2015 through September 30, 2015; amended at 39 Ill. Reg. 10636, effective July 17, 2015.

Section 1413.48 Uncoupled Entries (Repealed)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

~~All entries of separate ownership shall be uncoupled.~~

(Source: Repealed at 39 Ill. Reg. 10636, effective July 17, 2015)

Section 1413.114 Uncoupled Entries~~Coupled As Entry~~

All entries, either same owner or separate owner, shall be uncoupled wagering interests in any race. Second part of same owner entries will have least preference in overfilled races. If a race is split in two or more divisions, same owner entries shall be seeded in separate divisions, but the divisions in which they compete and their post positions shall be drawn by lot.

~~Entry shall mean:~~

- a) ~~A horse made eligible to run in a race; or~~
- b) ~~When starters in a race include two or more horses owned by the same person, or by the same management, they shall be coupled as an "entry", except as provided in 11 Ill. Adm. Code 1413.114(c). A wager on one horse in the "entry" shall be a wager on all horses in the "entry". If a race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions, but the divisions in which they compete and their post positions shall be drawn by lot.~~
- e) ~~The uncoupling of entries, with common owners, shall be permitted in stakes races with purses of \$100,000 or more with permission of the owner or trainer.~~

(Source: Amended at 39 Ill. Reg. 10636, effective July 17, 2015)

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: General Procedures
- 2) Code Citation: 80 Ill. Adm. Code 1200
- 3) Section Number: 1200.50 Proposed Action: Amendment
- 4) Statutory Authority: Section 5(i) of the Illinois Public Labor Relations Act [5 ILCS 315/5(i)]
- 5) Effective Date of the Rule: July 15, 2015
- 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: It is not set to expire prior to the 150-day period.
- 7) Date Filed with the Index Department: July 15, 2015
- 8) A copy of the adopted rulemaking, 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: The Board's enabling statute requires the Board to record its hearings and maintain a record of those hearings. These hearings are an essential element in the Board's performance of its primary function of determining questions of representation and adjudicating alleged violations under the Illinois Public Labor Relations Act. In order to produce the record of its hearings, the Board contracts with vendors to provide court reporting services. From FY2003 through FY2015, the Board's court reporting cost averaged \$46,594.40 per year, though the Board has spent more than \$50,000 for each FY2014 and FY2015. The most that has been proposed for the Board's appropriation covering court reporting for FY2016 is \$18,000. This amount has historically been expended long before the end of the fiscal year. On only two occasions since FY 2003 has the Board failed to reach the \$18,000 mark before January of the fiscal year. Without funds to pay for the creation of a record, the Board would be unable to hold hearings.
- 10) A Complete Description of the Subjects and Issues Involved: This amendment seeks to have the parties to a hearing share equally all costs charged to the Board by the stenographer or court reporting service the entire cost of production of the transcript of the hearing. This cost has previously been wholly absorbed by the Board.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 13) Information and questions regarding this emergency amendment shall be directed to:

Sarah Kerley
Deputy General Counsel
Illinois Labor Relations Board
One Natural Resources Way, First Floor
Springfield IL 62702-1271

217/785-4004
Sarah.R.Kerley@Illinois.gov

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

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE C: LABOR RELATIONS
CHAPTER IV: ILLINOIS LABOR RELATIONS BOARDPART 1200
GENERAL PROCEDURES

Section

1200.3	General Statement of Purpose
1200.5	Board Information and Business Hours
1200.10	Definitions
1200.20	Filing and Service of Documents
1200.30	Computation and Extensions of Time
1200.40	Authority of Administrative Law Judges
1200.45	Motions
1200.50	Recording of Hearings and Payment of Court Reporting Services
<u>EMERGENCY</u>	
1200.60	Closing Arguments and Briefs Before An Administrative Law Judge
1200.70	Representation of Parties
1200.80	Ex Parte Communications
1200.90	Subpoenas
1200.100	Transfer of Jurisdiction
1200.105	Consolidation of Proceedings
1200.110	Amicus Curiae Briefs (Repealed)
1200.120	Voluntary Settlement or Adjustment of Disputes
1200.130	Rules of Evidence
1200.135	Appeals Procedures, Board Review and Court Review
1200.140	Amicus Curiae Briefs
1200.143	Declaratory Rulings
1200.145	Filing of Contracts
1200.150	Conflicts of Interest
1200.160	Variances and Suspensions of Rules
1200.170	Board Member Meeting Attendance by Means other than Physical Presence

AUTHORITY: Implementing and authorized by the Illinois Public Labor Relations Act [5 ILCS 315].

SOURCE: Emergency rule adopted at 8 Ill. Reg. 17314, effective September 11, 1984, for a maximum of 150 days; adopted at 9 Ill. Reg. 1846, effective January 25, 1985; amended at 11 Ill.

ILLINOIS LABOR RELATIONS BOARD

NOTICE OF EMERGENCY AMENDMENT

Reg. 6428, effective March 27, 1987; amended at 12 Ill. Reg. 20096, effective November 18, 1988; amended at 14 Ill. Reg. 19896, effective November 30, 1990; amended at 17 Ill. Reg. 15588, effective September 13, 1993; amended at 20 Ill. Reg. 7391, effective May 10, 1996; amended at 27 Ill. Reg. 7365, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 15557, effective September 22, 2003, for a maximum of 150 days; emergency amendment expired February 18, 2004; amended at 28 Ill. Reg. 4166, effective February 19, 2004; emergency amendment at 28 Ill. Reg. 7540, effective May 12, 2004, for a maximum of 150 days; emergency expired October 8, 2004; amended at 28 Ill. Reg. 15154, effective November 1, 2004; emergency amendment at 37 Ill. Reg. 5897, effective April 22, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 14064, effective August 23, 2013; amended at 37 Ill. Reg. 20637, effective December 13, 2013; emergency amendment at 39 Ill. Reg. 10641, effective July 15, 2015, for a maximum of 150 days.

**Section 1200.50 Recording of Hearings and Payment of Court Reporting Services
EMERGENCY**

~~When a~~Whenever a representation hearing, unfair labor practice hearing, strike investigation hearing or similar hearing is held by the Board or its Administrative Law Judge where oral argument, testimony, or other oral presentation is offered, under the Act or this Part or 80 Ill. Adm. Code 1210, 1220 or 1230, it shall be recorded by stenographic or other means that adequately preserves the record. The records shall be transcribed and made part of the administrative record. The parties shall share equally all costs charged to the Board by the stenographer or court reporting service. However, an individual, self-represented litigant may direct written correspondence to the General Counsel, requesting that the Board pay his/her portion of the cost. The Board may, in its sole discretion, pay all or a portion of the costs that would otherwise be borne by an individual, self-represented litigant. Notwithstanding the foregoing, the Board will bear the costs of producing a transcript of oral arguments when oral argument is requested by the Board, but not when oral argument is requested by either party.~~The Administrative Law Judge or the Board may order that the recording be transcribed.~~ Parties may order transcripts and shall bear the costs of any transcripts that they order.

(Source: Amended by emergency rulemaking at 39 Ill. Reg. 10641, effective July 15, 2015, for a maximum of 150 days)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Boiler and Pressure Vessel Safety
- 2) Code Citation: 41 Ill. Adm. Code 120
- 3) Date of Administrative Code Division Review: July 20, 2015
- 4) Reason for Recodification: Chapter I, Part 120 will be recodified from the Office of the State Fire Marshal to Chapter III, Part 2120, Board of Boiler and Pressure Vessel Rules. Pursuant to Section 2 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75] the Board shall adopt rules to implement that Act.
- 5) Headings and Section Numbers of the Part Being Recodified:

Section Numbers:

120.4

120.7

120.10

120.11

120.15

120.20

120.30

120.41

120.100

120.105

120.200

120.205

120.300

120.400

120.500

120.600

120.700

120.800

120.900

120.1000

Headings:

Foreward (Repealed)

Kindly Observe the Following Briefs and Avoid
Unnecessary Inconvenience (Repealed)

Definitions

Incorporation of National Standards

Fees

Administration

Inspectors, Examinations, Certificate of Competency and
Commission

Special Inspector Trainee (Repealed)

New Installations of Boilers, Miniature Boilers, Heating
Boilers and Hot Water Supply Boilers

Boiler Exemptions (Repealed)

New Installations of Pressure Vessels

Pressure Vessel Exemptions (Repealed)

Existing Installations of Power Boilers

Existing Installations of Miniature Boilers (Repealed)

Operation of Boilers and Pressure Vessels

Existing Installation of Pressure Vessels

General Requirements for all Boilers and Pressure Vessels
(Repealed)

Nuclear Power Plant Components (Repealed)

Flame Safeguard Requirements and Incorporated Standards
(Repealed)

Repairs and Alterations to Boilers and Pressure Vessels by

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

	Welding
120.1010	Authorization to Repair Boilers and Pressure Vessels
120.1020	Issuance and Renewal of the Certificate
120.1030	Changes to Certificates of Authorization
120.1040	Quality Control Requirements
120.1041	Repair and Alteration Requirements
120.1100	Procedure for the Issuance of a State Special Permit
120.1200	Authorization for Repair of Safety & Safety Relief Valves
120.1210	Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
120.1220	Issuance and Renewal of the Certificate
120.1240	Changes to Certificates of Authorization
120.1250	Repairs to Safety and Safety Relief Valves
120.1260	Quality Control System
120.1270	Nameplates
120.1275	Field Repair
120.1280	Performance Testing of Repaired Valves
120.1285	Training of Valve Repair Personnel
120.1290	ASME "V", "UV" or National Board "VR" Certificate Holders
120.1300	Introduction
120.1301	Authority and Responsibility
120.1305	Organization
120.1310	Inservice Inspection Program
120.1320	Drawings, Design Calculations, and Specification Control
120.1325	Material Control
120.1330	Examination and Inspection Program
120.1335	Correction of Nonconformities
120.1340	Welding
120.1345	Nondestructive Examination
120.1350	Calibration of Measurement and Test Equipment
120.1355	Records
120.1360	Inspectors
120.1400	Scope
120.1410	Historical Boiler Definition
120.1420	Historical Boiler Inspections
120.1430	Fees
120.1440	Repairs and Alterations
120.APPENDIX A	Operational and Maintenance Log

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

120.EXHIBIT A	Hot Water Heating Boilers
120.EXHIBIT B	Steam Heating Boilers
120.APPENDIX B	Record of Welded Repair (Repealed)

6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2120.10	Definitions
2120.20	Incorporation of National Standards
2120.30	Fees
2120.40	Administration
2120.50	Inspectors, Examinations, Certificate of Competency and Commission
2120.100	New Installations of Boilers, Miniature Boilers, Heating Boilers and Hot Water Supply Boilers
2120.200	New Installations of Pressure Vessels
2120.300	Existing Installations of Power Boilers
2120.400	Operation of Boilers and Pressure Vessels
2120.500	Existing Installation of Pressure Vessels
2120.1000	Repairs and Alterations to Boilers and Pressure Vessels by Welding
2120.1010	Authorization to Repair Boilers and Pressure Vessels
2120.1020	Issuance and Renewal of the Certificate
2120.1030	Changes to Certificates of Authorization
2120.1040	Quality Control Requirements
2120.1041	Repair and Alteration Requirements
2120.1100	Procedure for the Issuance of a State Special Permit
2120.1200	Authorization for Repair of Safety & Safety Relief Valves
2120.1210	Authorization to Repair ASME and National Board Stamped Safety and Safety Relief Valves
2120.1220	Issuance and Renewal of the Certificate
2120.1240	Changes to Certificates of Authorization
2120.1250	Repairs to Safety and Safety Relief Valves
2120.1260	Quality Control System
2120.1270	Nameplates
2120.1275	Field Repair
2120.1280	Performance Testing of Repaired Valves
2120.1285	Training of Valve Repair Personnel
2120.1290	ASME "V", "UV" or National Board "VR" Certificate

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

	Holders
2120.1300	Introduction
2120.1301	Authority and Responsibility
2120.1305	Organization
2120.1310	Inservice Inspection Program
2120.1320	Drawings, Design Calculations, and Specification Control
2120.1325	Material Control
2120.1330	Examination and Inspection Program
2120.1335	Correction of Nonconformities
2120.1340	Welding
2120.1345	Nondestructive Examination
2120.1350	Calibration of Measurement and Test Equipment
2120.1355	Records
2120.1360	Inspectors
2120.1400	Scope
2120.1410	Historical Boiler Definition
2120.1420	Historical Boiler Inspections
2120.1430	Fees
2120.1440	Repairs and Alterations
2120.APPENDIX A	Operational and Maintenance Log
2120.EXHIBIT A	Hot Water Heating Boilers
2120.EXHIBIT B	Steam Heating Boilers

7) Conversion Table of Present and Recodified Sections:

<u>Present Part:</u>	<u>Recodified Part:</u>
120.4	None
120.7	None
120.10	2120.10
120.11	2120.20
120.15	2120.30
120.20	2120.40
120.30	2120.50
120.41	None
120.100	2120.100
120.105	None
120.200	2120.200
120.205	None
120.300	2120.300

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

120.400	None
120.500	2120.400
120.600	2120.500
120.700	None
120.800	None
120.900	None
120.1000	2120.1000
120.1010	2120.1010
120.1020	2120.1020
120.1030	2120.1030
120.1040	2120.1040
120.1041	2120.1041
120.1100	2120.1100
120.1200	2120.1200
120.1210	2120.1210
120.1200	2120.1200
120.1210	2120.1210
120.1220	2120.1220
120.1240	2120.1240
120.1250	2120.1250
120.1260	2120.1260
120.1270	2120.1270
120.1275	2120.1275
120.1280	2120.1280
120.1285	2120.1285
120.1290	2120.1290
120.1300	2120.1300
120.1301	2120.1301
120.1305	2120.1305
120.1310	2120.1310
120.1320	2120.1320
120.1325	2120.1325
120.1330	2120.1330
120.1335	2120.1335
120.1340	2120.1340
120.1345	2120.1345
120.1350	2120.1350
120.1355	2120.1355
120.1360	2120.1360

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

120.1400	2120.1400
120.1410	2120.1410
120.1420	2120.1420
120.1430	2120.1430
120.1440	2120.1440
120.APPENDIX A	2120.APPENDIX A
120.EXHIBIT A	2120. EXHIBIT A
120. EXHIBIT B	2120. EXHIBIT B
120.APPENDIX B	None

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Boiler and Pressure Vessel Repairer Regulation
- 2) Code Citation: 41 Ill. Adm. Code 121
- 3) Date of Administrative Code Division Review: July 20, 2015
- 4) Reason for Recodification: Chapter I, Part 121 will be recodified from the Office of the State Fire Marshal to Chapter III, Part 2121, Board of Boiler and Pressure Vessel Rules. Pursuant to Section 25 of the Boiler and Pressure Vessel Repairer Regulation Act [225 ILCS 203], the Board shall adopt rules to implement that Act.

- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
121.10	Definitions
121.20	Officer
121.30	Application for License
121.40	Communication by Organization
121.50	Changes of Location of Offices
121.60	Change of Ownership
121.70	Termination or Change in License
121.80	Records and Documents to be Kept by Boiler or Pressure Vessel Repairer
121.90	Availability of Books, Records, Forms and Stationery
121.100	Renewals

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2121.10	Definitions
2121.20	Officer
2121.30	Application for License
2121.40	Communication by Organization
2121.50	Changes of Location of Offices
2121.60	Change of Ownership
2121.70	Termination or Change in License
2121.80	Records and Documents to be Kept by Boiler or Pressure Vessel Repairer
2121.90	Availability of Books, Records, Forms and Stationery

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

2121.100 Renewals

7) Conversion Table of Present and Recodified Sections:

<u>Present Part:</u>	<u>Recodified Part:</u>
121.10	2121.10
121.20	2121.20
121.30	2121.30
121.40	2121.40
121.50	2121.50
121.60	2121.60
121.70	2121.70
121.80	2121.80
121.90	2121.90
121.100	2121.100

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Boiler and Pressure Vessel Rules for Hearings
- 2) Code Citation: 41 Ill. Adm. Code 123
- 3) Date of Administrative Code Division Review: July 20, 2015
- 4) Reason for Recodification: Chapter I, Part 123 will be recodified from the Office of the State Fire Marshal to Chapter III, Part 2123, Board of Boiler and Pressure Vessel Rules. Pursuant to Section 2 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75], the Board shall adopt rules to implement that Act.
- 5) Headings and Section Numbers of the Part Being Recodified:

Section Numbers:

123.5

123.10

123.20

123.30

123.40

123.50

123.60

123.70

123.80

123.90

123.100

123.110

123.120

123.130

123.140

123.150

123.160

123.170

123.180

123.190

123.200

123.210

123.220

123.230

Headings:

Applicability

Definitions

Initiation of a Contested Case by the Office

Initiation of a Contested Case by Petitioner

Joinder

Form of Papers

Service

Notice

Prehearing Negotiations

Representation

Failure to Appear

Amendment, Withdrawal of Complaints and Petitions for
Hearing

Requirement of an Answer

Discovery

Subpoenas

Prehearing Conference

Hearings

Hearing Officers

Examination by the Board

Burden of Proof

Documents

Motions

Evidence

Adverse Witness

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

123.240	Board Reports
123.250	Severability
123.APPENDIX A	Caption for a Case Filed by the Office
123.APPENDIX B	Caption for a Petition for Restoration
123.APPENDIX C	Caption for an Application for Licensure
123.APPENDIX D	Caption for Other Relief (e.g., State Special, Denial of Certificate of Inspection)

6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2123.5	Applicability
2123.10	Definitions
2123.20	Initiation of a Contested Case by the Office
2123.30	Initiation of a Contested Case by Petitioner
2123.40	Joinder
2123.50	Form of Papers
2123.60	Service
2123.70	Notice
2123.80	Prehearing Negotiations
2123.90	Representation
2123.100	Failure to Appear
2123.110	Amendment, Withdrawal of Complaints and Petitions for Hearing
2123.120	Requirement of an Answer
2123.130	Discovery
2123.140	Subpoenas
2123.150	Prehearing Conference
2123.160	Hearings
2123.170	Hearing Officers
2123.180	Examination by the Board
2123.190	Burden of Proof
2123.200	Documents
2123.210	Motions
2123.220	Evidence
2123.230	Adverse Witness
2123.240	Board Reports
2123.250	Severability
2123.APPENDIX A	Caption for a Case Filed by the Office

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF RECODIFICATION

2123.APPENDIX B	Caption for a Petition for Restoration
2123.APPENDIX C	Caption for an Application for Licensure
2123.APPENDIX D	Caption for Other Relief (e.g., State Special, Denial of Certificate of Inspection)

7) Conversion Table of Present and Recodified Sections:

<u>Present Part:</u>	<u>Recodified Part:</u>
123.5	2123.5
123.10	2123.10
123.20	2123.20
123.30	2123.30
123.40	2123.40
123.50	2123.50
123.60	2123.60
123.70	2123.70
123.80	2123.80
123.90	2123.90
123.100	2123.100
123.110	2123.110
123.120	2123.120
123.130	2123.130
123.140	2123.140
123.150	2123.150
123.160	2123.160
123.170	2123.170
121.180	2123.180
121.190	2123.190
121.200	2123.200
121.210	2123.210
121.220	2123.220
121.230	2123.230
121.240	2123.240
121.250	2123.250
121.APPENDIX A	2123.APPENDIX A
121.APPENDIX B	2123.APPENDIX B
121.APPENDIX C	2123.APPENDIX C
121.APPENDIX D	2123.APPENDIX D

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 14
- 3) Register Citation to Notice of Proposed Rules: May 29, 2015; 39 Ill. Reg. 7332
- 4) Date, Time and Location of Public Hearings:

Tuesday, August 25, 2015	Wednesday, August 26, 2015
10:00a.m. – 12:00p.m.	1:00p.m. – 3:00p.m.
Michael J. Howlett Building	Michael A. Bilandic Bldg.
Auditorium	Room C-500, 5 th Floor
2 nd & Edwards Streets	160 N. LaSalle
Springfield IL	Chicago IL
- 5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:
 - a) No oral testimony shall exceed an aggregate of ten (10) minutes.
 - b) Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 - c) No person will be recognized to speak for a second time until all persons wishing to testify have done so.
 - d) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedures, including the order of call of witnesses, as she/he deems necessary.
 - e) Persons requiring reasonable accommodation due to disability must contact the Bureau of Administrative Rules and Procedures by August 10, 2015.
 - f) Name and address of Agency Contact Person: Questions regarding the public hearings shall be directed to:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

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

217/785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Appeals and Hearings
- 2) Code Citation: 89 Ill. Adm. Code 510
- 3) Register Citation to Notice of Proposed Rules: May 29, 2015; 39 Ill. Reg. 7372
- 4) Date, Time and Location of Public Hearings:

Tuesday, August 25, 2015 10:00a.m. – 12:00p.m. Michael J. Howlett Building Auditorium 2 nd & Edwards Streets Springfield IL	Wednesday, August 26, 2015 1:00p.m. – 3:00p.m. Michael A. Bilandic Bldg. Room C-500, 5 th Floor 160 N. LaSalle Chicago IL
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- 5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:
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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Building
Springfield IL 62762

217/785-9772

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Program Definitions
- 2) Code Citation: 89 Ill. Adm. Code 521
- 3) Register Citation to Notice of Proposed Rules: May 29, 2015; 39 Ill. Reg. 7396
- 4) Date, Time and Location of Public Hearings:

Tuesday, August 25, 2015 10:00a.m. – 12:00p.m. Michael J. Howlett Building Auditorium 2 nd & Edwards Streets Springfield IL	Wednesday, August 26, 2015 1:00p.m. – 3:00p.m. Michael A. Bilandic Bldg. Room C-500, 5 th Floor 160 N. LaSalle Chicago IL
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- 5) Other Pertinent Information: The hearings will be held for the sole purpose of gathering public comments on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Human Services will adhere to the following procedures in the conduct of the hearing:
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Springfield IL 62762

217/785-9772

CHIEF PROCUREMENT OFFICER FOR DEPARTMENT OF TRANSPORTATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.
2. Name of Contributor: John Gardner, an affiliated person of Oberlander Electric.
3. Date of Violation: July 14, 2014
4. Description of Violation: John Gardner, an affiliated person of the business entity Oberlander Electric, made a contribution of \$250.00 to Citizens for Rauner, Inc., a campaign committee established to support the gubernatorial candidacy of Bruce Rauner. At the time of the contribution, Bruce Rauner was a declared candidate for the office of governor, and Oberlander Electric had in place active contracts with the State of Illinois, the total annual combined value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for the Department of Transportation, Highway Construction has notified Oberlander Electric of the apparent violation, and has considered the value, status, and necessity of the contracts. In addition, the Chief Procurement Officer has taken into consideration the recognition by Oberlander Electric of the violation and their understanding of the necessity to avoid such situations in the future. The Chief Procurement Officer finds that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner, is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Standards of Service for Gas Utilities (Repealer)

Code Citation: 83 Ill. Adm. Code 500

<u>Section Numbers:</u>	500.10	500.130	500.190	500.240	500.300
	500.20	500.140	500.200	500.250	500.310
	500.30	500.150	500.210	500.260	500.320
	500.40	500.160	500.215	500.270	500.330
	500.110	500.170	500.220	500.280	500.335
	500.120	500.180	500.230	500.290	500.340

Date Originally Published in the Illinois Register: 8/29/14
38 Ill. Reg. 17941

At its meeting on 7/14/15, the Joint Committee on Administrative Rules objected to the above-cited rulemaking because, by repealing this Part 500, ICC would repeal the existing service standards for gas utilities 18 months before new replacement rules take effect.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of July 14, 2015 through July 20, 2015. Rulemakings are scheduled for review at the Committee's August 11, 2015 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
8/27/15	<u>Department of Insurance</u> , Group Coordination of Benefits (50 Ill. Adm. Code 2009)	1/23/15 39 Ill. Reg. 1436	8/11/15
9/2/15	<u>Department of Insurance</u> , Health Carrier External Review (50 Ill. Adm. Code 5430)	5/1/15 39 Ill. Reg. 6006	8/11/15

EXECUTIVE ORDER

2015-16

EXECUTIVE ORDER RESCINDING EXECUTIVE ORDER NUMBER 2003-01

WHEREAS, Executive Order No. 2003-01, issued by Governor Rod Blagojevich, purported to freeze hiring and promotion of State employees under the jurisdiction of the Governor "without the express written permission of [his] office after submission of appropriate requests to [his] office"; and

WHEREAS, the Governor's Office of Management and Budget ("GOMB") subsequently initiated the Electronic Personnel Action Request ("EPAR") system, whereby State agencies were required to submit and receive EPAR approvals to hire an employee or officer, fill any vacancy, create any new position of employment, promote or transfer any employee or officer to any position, modify compensation, or enter into a personal services contract; and

WHEREAS, a review of the EPAR system by the Office of the Governor, GOMB, and the Department of Central Management Services ("CMS") has concluded that the EPAR system is unduly cumbersome, is redundant to the personnel authority granted to State agencies through the approval of agency budgets and headcounts, and adds months to the hiring and promotion process; and

WHEREAS, independent investigations, including by the Special Master appointed to review alleged hiring abuses at the Department of Transportation, have found that requiring approval of particular personnel decisions for *Rutan*-covered positions contributed to the unlawful and unethical patronage practices in prior administrations;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

1. Executive Order Number 2003-01 is revoked and rescinded. GOMB is authorized to replace, modify, or terminate the EPAR system. The Director of CMS and the Director of GOMB shall continue to provide guidance to State agencies under the jurisdiction of the Governor to ensure compliance with State agency headcount and budget authority and with all laws and regulations applicable to personnel hiring and promotion.
2. No agency, authority, board, commission, department, officer, or other instrumentality of the Executive Branch of State government shall enter into an employment contract or personal services contract with any person that does not permit the State contracting party to terminate the contract without cause and without penalty, except with prior approval by CMS. This Section 2 does not apply to the office of the Attorney General, Comptroller, Secretary of State, or Treasurer, to any agency under the jurisdiction of any such office, or to a State university.
3. This Executive Order supersedes any contrary provision of any prior Executive Order, including without limitation the third paragraph of Section I under "Enforcement" of Executive Order No. 2010-10 and Section VI of Executive Order 2015-09.

EXECUTIVE ORDER

4. This Executive Order does not contravene and shall not be construed to contravene any State or federal law or any collective bargaining agreement.
5. This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by Governor: July 16, 2015

Filed with Secretary of State: July 16, 2015

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 31 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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