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April 1, 2016 Volume 40, Issue 14

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

Issue#	Rules Due Date	Date of Issue
1	December 21, 2015	January 4, 2016
2	December 28, 2015	January 8, 2016
3	January 4, 2016	January 15, 2016
4	January 11, 2016	January 22, 2016
5	January 19, 2016	January 29, 2016
6	January 25, 2016	February 5, 2016
7	February 1, 2016	February 16, 2016
8	February 8, 2016	February 19, 2016
9	February 16, 2016	February 26, 2016
10	February 22, 2016	March 4, 2016
11	February 29, 2016	March 11, 2016
12	March 7, 2016	March 18, 2016
13	March 14, 2016	March 25, 2016
14	March 21, 2016	April 1, 2016
15	March 28, 2016	April 8, 2016
16	April 4, 2016	April 15, 2016
17	April 11, 2016	April 22, 2016
18	April 18, 2016	April 29, 2016
19	April 25, 2016	May 6, 2016
20	May 2, 2016	May 13, 2016
21	May 9, 2016	May 20, 2016
22	May 16, 2016	May 27, 2016

23	May 23, 2016	June 3, 2016
24	May 31, 2016	June 10, 2016
25	June 6, 2016	June 17, 2016
26	June 13, 2016	June 24, 2016
27	June 20, 2016	July 1, 2016
28	June 27, 2016	July 8, 2016
29	July 5, 2016	July 15, 2016
30	July 11, 2016	July 22, 2016
31	July 18, 2016	July 29, 2016
32	July 25, 2016	August 5, 2016
33	August 1, 2016	August 12, 2016
34	August 8, 2016	August 19, 2016
35	August 15, 2016	August 26, 2016
36	August 22, 2016	September 2, 2016
37	August 29, 2016	September 9, 2016
38	September 6, 2016	September 16, 2016
39	September 12, 2016	September 23, 2016
40	September 19, 2016	September 30, 2016
41	September 26, 2016	October 7, 2016
42	October 3, 2016	October 14, 2016
43	October 11, 2016	October 21, 2016
44	October 17, 2016	October 28, 2016
45	October 24, 2016	November 4, 2016
46	October 31, 2016	November 14, 2016
47	November 7, 2016	November 18, 2016
48	November 14, 2016	November 28, 2016
49	November 21, 2016	December 2, 2016
50	November 28, 2016	December 9, 2016
51	December 5, 2016	December 16, 2016
52	December 12, 2016	December 27, 2016
53	December 19, 2016	December 30, 2016

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Currency Exchange Act
- 2) Code Citation: 38 Ill. Adm. Code 120
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
120.5	Amendment
120.10	Amendment
120.20	Amendment
120.40	Amendment
120.50	Amendment
120.100	Repealed
120.140	Amendment
120.180	Amendment
120.260	Amendment
120.270	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405]
- 5) A Complete Description of the Subjects and Issues Involved: These amendments are being promulgated to implement the changes found in Section 1 and 19 of the Currency Exchange Act, as amended by PA 99-445. Amendments to Section 120.270 will create a violations subsection addressing fine categories and another for corrective action, which will give the licensee and opportunity to remedy and mitigate certain violations. Also, Section 120.100 will be repealed at this time, because Section 3 of the Currency Exchange Act, as amended by PA 99-445, covers this subject matter, rendering this Section of the rule obsolete.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Currency Exchanges
 - B) Reporting, bookkeeping or other procedures required for compliance: Please review the proposed amendments that follow this Notice.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2015

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 120

CURRENCY EXCHANGE ACT

Section

120.5	Definitions
120.10	Minimum Requirements for Office Records – Community Currency Exchanges
120.20	Minimum Requirements for Office Records – Ambulatory Currency Exchanges
120.30	Cash Sheet
120.40	Check Register
120.50	Money Order Register
120.60	Money Orders
120.70	Checks Written by Exchange
120.80	"NSF" Checks and Items for Collection
120.90	Returned Items Record
120.100	Postdated Checks (Repealed)
120.110	Timely Deposits
120.120	Food Stamps Account (Repealed)
120.125	Supplemental Nutrition Assistance Program
120.130	Reconciling Accounts
120.140	Reference Material
120.150	Annual Report Information
120.160	Retention of Records
120.170	Physical Condition of Exchange Premises (Repealed)
120.180	Display of Fee Schedules
120.190	Continuity of Operations
120.200	Out-of-Town Trips
120.210	Bribery and Gratuities
120.220	Conviction of Crime
120.230	Ambulatory License Application
120.240	Ambulatory Office Records
120.250	Sale of Capital Stock
120.260	Corporate Officers and Directors
120.270	Fines, Fine , Suspension, or Revocation of License
120.280	Cease and Desist
120.290	Hearing Procedures

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405].

SOURCE: Filed August 15, 1973; amended at 2 Ill. Reg. 5, p. 1, effective February 9, 1978; old rules repealed, new rules adopted at 3 Ill. Reg. 26, p. 167, effective June 30, 1979; emergency amendment at 5 Ill. Reg. 264, effective December 19, 1980, for a maximum of 150 days; codified at 7 Ill. Reg. 11724; amended at 9 Ill. Reg. 1358, effective January 17, 1985; amended at 36 Ill. Reg. 13851, effective September 7, 2012; amended at 40 Ill. Reg. _____, effective _____.

Section 120.5 Definitions

"Act" means the Currency Exchange Act [205 ILCS 405].

"Ambulatory Currency Exchange" means any person, firm, association, partnership, limited liability company or corporation, except banks organized under the laws of this State and national banks organized pursuant to the laws of the United States, engaged in one or both of the businesses, or engaged in performing any one or more of the services authorized by the Act, solely on the premises of the employer whose employees are being served.

"Community Currency Exchange" means any person, firm, association, partnership, limited liability company or corporation, except an ambulatory currency exchange as defined in this Section, banks incorporated under the laws of this State and national banks organized pursuant to the laws of the United States, engaged in the business or service of, and providing facilities for, cashing checks, drafts, money orders or any other evidences of money acceptable to the community currency exchange, for a fee or service charge or other consideration, or engaged in the business of selling or issuing money orders under his/her or their or its name, or any other money orders (other than United States Post Office money orders, Postal Telegraph Company money orders, or Western Union Telegraph money orders), or engaged in both such businesses, or engaged in performing any one or more of the services authorized by the Act.

"Controlling Person" means an officer, director, or person owning or holding power to vote 10% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For the purposes of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

other person controlled, directly or indirectly, by that person or by a spouse, parent, or child of that person. [205 ILCS 405/1]

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Financial Institutions with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Financial Institutions with the authority delegated by the Secretary.

"Licensed Location" means the premises at which a licensee is authorized to operate a community currency exchange to offer to the public services, products, or activities under the Act. [205 ILCS 405/1]

"Licensee" means any person, firm, association, partnership, limited liability company, or corporation issued one or more licenses by the Secretary under the Act. [205 ILCS 405/1]

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 120.10 Minimum Requirements for Office Records – Community Currency Exchanges

Every licensed location~~licensee (for the purpose of this Part, a licensee shall be defined to be all community and ambulatory currency exchanges unless otherwise stated)~~ must maintain the following records:

- a) Daily cash sheets (see Section 120.30) must be maintained on premises for 90 days after the date of the daily cash sheet. (~~Section 120.30~~)
- b) Bank statements.
- c) Money order register (see Section 120.50) or carbonized copy of money order stating original issue amount. (~~Section 120.50~~)

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NOTICE OF PROPOSED AMENDMENTS

- d) General ledger and supporting journals.
- e) Copy of the latest Annual Report filed with the Department.
- f) Transmittal record for utility bills, vehicle licenses, certificates of title, vehicle stickers, stored value cards, and any other type of transmittal made for the benefit of a third party.
- g) Record of daily transactions.
- h) Check register: ([see](#) Section 120.40).
- i) Corporate records.
- j) Copies of all contracts and business agreements entered into by the currency exchange.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 120.20 Minimum Requirements for Office Records – Ambulatory Currency Exchanges

Every ~~licensed location~~[licensee](#) must maintain the following records:

- a) Bank statements and itemized deposit slips.
- b) Money order register or carbonized copy of money order.
- c) General ledger and support journals.
- d) Copy of the latest Annual Report filed with the Department.
- e) All corporate records.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 120.40 Check Register

- a) A check register must be maintained for all checks, drafts, money orders or other

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evidence of money that the ~~licensed location~~licensee cashes.

- b) The check register must show for each instrument cashed: the maker, the payee, the date of the instrument, its amount and its number.
- c) The foregoing will not apply to those currency exchanges that microfilm or maintain electronic copies of all checks, drafts, money orders or other evidence of money, provided that the microfilms or electronic records are available to the Department at all times and the microfilm machine or method of electronic storage is maintained in working order.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 120.50 Money Order Register

A money order register recording the date issued, money order number, amount and date paid, must be kept by each ~~licensed location~~licensee. In lieu of the ~~said~~ money order register, a copy of the money order may be kept when carbonized type money orders are used. This ~~Section~~rule and all other ~~provisions of this Part related to money orders~~order rules apply to money orders sold under the name of the Currency Exchange, as well as second party money orders such as American Express, Travelers, etc.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 120.100 Postdated Checks (Repealed)

~~No licensee may cash any check, draft, money order, or other evidence of money which is undated or postdated.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 120.140 Reference Material

Each ~~licensed location~~licensee shall maintain on its premises, at all times, a copy of the Currency Exchange Act, and ~~this Part~~these Rules for easy reference by ~~exchange~~Exchange employees.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 120.180 Display of Fee Schedules

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- a) In the case of a community currency exchange, each ~~licensed location~~licensee must post, at all times, a complete, detailed and unambiguous schedule for all of its fees for the cashing of checks, money orders and other evidence of money; the sale or issuance of money orders; and the rendering of all services authorized by the Act in a conspicuous place on its premises so that it is clearly legible to its customers. The lettering and numerals on this schedule shall be no less than .5 inch in height. The format of the schedule must be approved, in writing, by the Secretary.
- b) In the case of an ambulatory currency exchange, each ~~licensed location~~licensee must conspicuously post, in the location it is servicing, a complete, legible, detailed and unambiguous schedule for all of its fees for the cashing of checks, money orders or other evidences of money; the sale or issuance of money orders; and the rendering of all services authorized by the Act. The format of the schedule must be approved, in writing by the Secretary.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 120.260 Corporate Officers and Directors

- a) The provisions of Sections 4 and 10 of the Act, relating to the qualifications of ~~controlling person~~officers and directors of corporate licensees, shall apply to all officers and directors of corporate licensees without regard to the time of the election or to the designation of the officers or directors.
- b) When any corporate licensee elects or otherwise designates any person as an officer or director who is not then ~~a controlling person~~an officer or director of the corporate licensee, written notice of the fact of the election or designation of the new officer or director, certified by the secretary of the licensee, shall be promptly given to the Secretary. The new officer or director shall not assume the office to which he or she has been elected or designated until he or she has first complied with the provisions of Sections 4 and 10 of the Act, relating to the qualifications of ~~controlling person~~officers and directors of community currency exchanges and ambulatory currency exchanges.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 120.270 Fines, ~~Fine~~, Suspension, or Revocation of License

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- a) The Director may impose any of the sanctions authorized by Section 15 of the Act if the Division finds that any community or ambulatory currency exchange has violated any of the requirements of the Act or this Part. ~~Sanctions will be determined on an individual basis depending on the severity and nature of the violation and the operating history of the currency exchange.~~
- b) Violations
When any licensee violates any Section of the Act or this Part, the Department will take the following steps to assess remedial action:
- 1) Category of Fines
- A) For licensing violations relating to licensure by all licensees, including, but not limited to, timely and accurate submission of annual renewals and annual reports, the violator may be assessed between \$100 and \$250;
- B) For disclosure violations relating to representations required under the Act by all licensees, including, but not limited to, posting of license and/or renewal certificates and posting of all fees charged by the licensee, the licensee may be assessed between \$250 and \$500;
- C) For operational violations relating to nonpecuniary business by all licensees, including, but not limited to, unauthorized additional services and record keeping requirements, the licensee may be assessed between \$250 and \$1,000; or
- D) For pecuniary violations relating to monetary issues by all licensees, including but not limited to, minimum fund requirements, anti-money laundering requirements, cash sheet maintenance, check register maintenance, money orders issued in numerical order and rates charged to consumers in excess of those allowed by law, the licensee may be assessed between \$500 and \$1,000.
- 2) If a licensee commits the same violation or violations within the same category of fines listed in subsection (b)(1) at a licensed location more

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

than once within 3 consecutive examination periods, the Department may assess fines that exceed the categories listed in subsection (b)(1) up to the statutory limit (see 205 ILCS 405/15) or take further remedial measures at the Secretary's discretion (see 205 ILCS 405/15).

c) Corrective Action

1) The Department will allow licensees an opportunity to correct any violation within 15 business days after the Notice for any violation identified in this Section. The licensee shall certify the corrective action to be taken, in writing delivered to the Secretary. The Secretary may then conduct a follow-up examination within 30 days after the certification. If the Department deems that the violation has been corrected, the Department may reduce or dismiss the assessed fine or action and the Secretary may assess an examination fee not to exceed \$175. Dismissal of an assessed fine through corrective action shall not remove repeat violations (see subsection (b)(2)).

2) Corrective action taken by licensees shall not serve to mitigate any fine or other remedial action if the violation is related to pecuniary issues or is the same as a prior violation within the last 3 consecutive examination periods.

~~db~~) Notwithstanding the provisions of subsections (b) and (c), if it is determined that the Secretary has the authority to suspend or revoke a license pursuant to Section 15 of the Act, he or she may issue orders as may be reasonably necessary to correct, eliminate or remedy the situation.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3) Section Number: 1050.370 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)]
- 5) A Complete Description of the Subjects and Issues Involved: The Division of Banking will be implementing the Uniform State Test (UST) standard by adding pre-license education (PE) and/or continuing education (CE) hours for mortgage loan originators to Section 1050.370 of this Part.

The Residential Mortgage License Act of 1987 (Act) [205 ILCS 635] provides in Section 7-3(4) that Mortgage Loan Originators (MLO) must pass a written test meeting test requirements described in Section 7-5 of the Act prior to issuance of their Illinois MLO License. This requirement is mandated by the federal SAFE Act. Section 7-5 of the Act provides that the MLO test must be a qualified written test developed by the Nationwide Mortgage Licensing System and Registry (NMLS) and administered by a test provider approved by the NMLS based upon reasonable standards. Illinois' proposed amendments will meet this standard.

Adopting the UST will achieve testing uniformity with the vast majority of states, which will increase competition in the mortgage marketplace here in Illinois.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking: None
- 7) Will this rulemaking replace any emergency 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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Mortgage Loan Originators
 - B) Reporting, bookkeeping or other procedures required for compliance: Please review the proposed amendments concerning continuing education requirements.
 - C) Types of professional skills necessary for compliance: Please review the proposed amendments concerning continuing education requirements.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

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1050.100	High Risk Home Loan Definitions; Applicability
1050.110	Definitions
1050.115	Administrative Decision (Repealed)
1050.120	Assisting (Repealed)
1050.125	Commissioner (Repealed)
1050.130	Control (Repealed)
1050.132	Conviction or Convicted (Repealed)
1050.135	Document (Repealed)
1050.140	Employee (Repealed)
1050.145	First Tier Subsidiary (Repealed)
1050.150	Hearing Officer (Repealed)
1050.155	High Risk Home Loan (Repealed)
1050.157	Licensee (Repealed)
1050.160	Material (Repealed)
1050.165	Other Regulatory Agencies (Repealed)
1050.170	Party (Repealed)
1050.175	Principal Place of Business (Repealed)
1050.180	Repurchase a Loan (Repealed)
1050.185	State (Repealed)
1050.190	Servicer (Repealed)
1050.195	Points and Fees (Repealed)
1050.197	Total Loan Amount (Repealed)
1050.198	Approved Credit Counselor (Repealed)
1050.199	Home Equity Loan (Repealed)

SUBPART B: FEES

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1050.210	Fees
1050.220	License Fees (Repealed)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 1050.230 Amended License Fees – Corporate Changes (Repealed)
- 1050.240 Duplicate Original License Fees (Repealed)
- 1050.245 Loan Originator Registration Application Fee (Repealed)
- 1050.246 Loan Originator Registration Transfer Fee (Repealed)
- 1050.247 Loan Originator Registration Reactivation Fee (Repealed)
- 1050.248 Duplicate Loan Originator Certificate of Registration or Pocket Card Fee (Repealed)
- 1050.250 Examination Fees (Repealed)
- 1050.255 Direct Expenses of Out-of-State Examinations (Repealed)
- 1050.260 Additional Full-Service Office Fees (Repealed)
- 1050.270 Hearing Fees (Repealed)
- 1050.280 Late Fees (Repealed)
- 1050.290 Manner of Payment (Repealed)

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- 1050.320 Application for Renewal of an Illinois Residential Mortgage License
- 1050.330 Waiver of License Fee
- 1050.340 Full-Service Office
- 1050.350 Additional Full-Service Office
- 1050.360 Continuing Education Requirements for Certain Employees (Repealed)
- 1050.370 Licensing of Mortgage Loan Originators

SUBPART D: OPERATIONS AND SUPERVISION

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- 1050.410 Net Worth
- 1050.420 Line of Credit (Repealed)
- 1050.425 Examination
- 1050.430 Late Audit Reports
- 1050.440 Escrow
- 1050.450 Audit Workpapers
- 1050.460 Selection of Independent Auditor (Repealed)
- 1050.470 Proceedings Affecting a License
- 1050.475 Change in Business Activities
- 1050.480 Change of Ownership, Control or Name or Address of Licensee
- 1050.490 Bonding Requirements

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY, PURCHASING ACTIVITY,
AND MORTGAGE SERVICING ACTIVITY

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1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
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1050.750	Director's Authority – Unusually High Rate

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1050.830	Real Property Tax and Hazard Insurance Payments
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1050.910	General Prohibition
1050.920	Definition of Advertisement

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- 1050.930 Compliance with Other Laws
- 1050.940 Requirements
- 1050.950 Misleading and Deceptive Advertising Prohibition

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- 1050.1010 Loan Brokerage Agreement
- 1050.1020 Loan Brokerage Disclosure Statement
- 1050.1030 Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

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- 1050.1100 High Risk Home Loan Application Practices; Applicability
- 1050.1110 Borrower Information Document
- 1050.1120 Description of Required Documentation
- 1050.1130 Maintenance of Records (Repealed)
- 1050.1140 Loan Application Procedures
- 1050.1150 Copies of Signed Documents
- 1050.1160 Confirmation of Statements
- 1050.1170 Cancellation of Application
- 1050.1175 Loan Log
- 1050.1176 Record Retention
- 1050.1177 Required Loan Application File Documents
- 1050.1180 Ability to Repay
- 1050.1185 Verification of Ability to Pay Loan
- 1050.1186 Fraudulent or Deceptive Practices
- 1050.1187 Prepayment Penalty

SUBPART K: GENERAL LENDING PRACTICES

Section

- 1050.1200 High Risk Home Loan Lending Practices; Applicability
- 1050.1210 Notice to Joint Borrowers
- 1050.1220 Inaccuracy of Disclosed Information
- 1050.1230 Changes Affecting Loans in Process
- 1050.1240 Prohibition of Unauthorized Lenders
- 1050.1250 Good Faith Requirements

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1050.1700	Default
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Section	
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- 1050.2000 Applicability
- 1050.2010 Third Party Review of High Risk Home Loans

SUBPART R: REGISTRATION OF LOAN ORIGINATORS

Section

- 1050.2100 Mortgage Loan Originators; Applicability
- 1050.2110 Application for Registration
- 1050.2112 Evaluation of Applications
- 1050.2115 Examination
- 1050.2120 Continuing Education Requirements for Loan Originators
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- 1050.2155 Temporary Permits
- 1050.2160 Confidential Information
- 1050.2165 Averments
- 1050.2170 Suspension or Revocation of Registration, Refusal to Renew, Fines
- 1050.2175 Loan Originator Hearings; Fees and Costs
- 1050.2180 Criminal Proceedings
- 1050.2185 Violations of Tax Acts
- 1050.2190 Disciplinary Action for Educational Loan Defaults
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SUBPART S: PROVISIONAL REGISTRATION OF LOAN ORIGINATORS

Section

- 1050.2200 Purpose
- 1050.2210 Definitions
- 1050.2220 Registration Required
- 1050.2230 Exemptions
- 1050.2240 Application for Provisional Certificate of Registration; Contents; Amendment

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1050.2250 Issuance of Provisional Certificate of Registration; Effective Date; Conditions
1050.2260 Loan Origination Practices
1050.2270 Enforcement

1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet

1050.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003; emergency amendment at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 10352, effective June 29, 2004; amended at 28 Ill. Reg. 13351, effective September 21, 2004; amended at 29 Ill. Reg. 14808, effective September 26, 2005;

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amended at 29 Ill. Reg. 19187, effective November 10, 2005; amended at 34 Ill. Reg. 17339, effective October 29, 2010; amended at 36 Ill. Reg. 250, effective January 1, 2012; amended at 38 Ill. Reg. 2019, effective December 27, 2013; amended at 40 Ill. Reg. _____, effective _____.

SUBPART C: LICENSING

Section 1050.370 Licensing of Mortgage Loan Originators

- a) License Applications
The Director may withdraw any license application for which the applicant has failed or refused to provide a written response, including any required documentation, within 21 business days after receiving a deficiency letter for this response and required documentation from the Director.
- b) Licenses
 - 1) Issuance of License; Conditions and Reports. Upon approving an application for an original or renewed Mortgage Loan Originator License pursuant to Article VII of the Act and this Part, the Director may issue the Mortgage Loan Originator License through electronic licensing systems such as the Nationwide Mortgage Licensing System and Registry and maintain a public record of all licenses issued within those electronic licensing systems. The Director may make copies of licenses available to licensees through electronic or other methods. Mortgage Loan Originator Licenses shall be issued subject to the following conditions:
 - A) The Director shall use applicable license numbers and/or identifiers for each Mortgage Loan Originator License, including unique identifiers as authorized by Section 7-14 of the Act.
 - B) Each Mortgage Loan Originator shall provide notification to the Director through the Nationwide Mortgage Licensing System and Registry, within 10 calendar days after obtaining information that the Mortgage Loan Originator has had his or her license revoked in any governmental jurisdiction (see Section 7-3(1) of the Act), has been convicted of, or pled guilty or nolo contendere to, a felony (see Section 7-3(2) of the Act), or has had an adverse judgment of \$500 or more in any jurisdiction (see the financial responsibility,

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character and general fitness requirements of Section 7-3(3) of the Act). The notification shall describe fully all convictions, revocations and adverse judgments. The Director may take disciplinary action against any Mortgage Loan Originator for convictions, revocations and adverse judgments based upon failure to comply with Sections 7-3(1), (2), or (3) of the Act and may take disciplinary action against a Mortgage Loan Originator who fails to comply with the reporting requirement of this subsection (b)(1)(B).

- C) Each employing licensee shall provide notification to the Director through submitting a sponsor removal to the Nationwide Mortgage Licensing System and Registry, immediately, but no later than 30 calendar days after the termination of a Mortgage Loan Originator's employment. The employing licensee may notify the Director of the reasons for the termination and, if applicable, the employing licensee also shall provide a report to the Director pursuant to Section 6-2(4) of the Act. The Director may take disciplinary action against an employing licensee that fails to comply with the reporting requirement of this subsection (b)(1)(C) or files a frivolous, false or misleading report under Section 6-2(4) of the Act.
- D) Each Mortgage Loan Originator shall notify the Director through the Nationwide Mortgage Licensing System and Registry, within 30 days if the Mortgage Loan Originator's information contained in the initial application or any renewal application is no longer current and must file accurate supplemental information. The Director may take disciplinary action against a Mortgage Loan Originator who fails to notify the Director as required by this subsection (b)(1)(D).
- 2) **Inactive or Inoperative Status and Reactivation; Transfers**
The Director may create categories of inactive or inoperative status. A Mortgage Loan Originator License shall be considered on inactive or inoperative status at any time a Mortgage Loan Originator is not actively employed by a licensee prior to the expiration date of the license. A Mortgage Loan Originator shall apply to the Director through the Nationwide Mortgage Licensing System and Registry, and include the

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transfer fee set forth in Section 1050.210, in order to transfer the sponsorship of his or her license to another employing licensee. A Mortgage Loan Originator cannot conduct licensable activities while on inactive or inoperative status or any time prior to the Director accepting the new sponsor in the Nationwide Mortgage Licensing System and Registry. When a Mortgage Loan Originator has been on inactive or inoperative status for more than 90 calendar days, prior to resuming active status, the Mortgage Loan Originator shall pay to the Director a Mortgage Loan Originator Reactivation Fee in the amount set forth in Section 1050.210. A Mortgage Loan Originator's inactive or inoperative status expires with the expiration of the license and any subsequent licensing shall require submission of a new license application and fee in the amount set forth in Section 1050.210.

- c) [Pre-Licensing and Continuing Education on Illinois Laws and Regulations for Mortgage Loan Originators](#)
- 1) [Pre-Licensing Education](#)
[An applicant for a Mortgage Loan Originator License shall complete subject matter, in addition to the pre-licensing education hours required by Section 7-4 of the Act, comprising 3 hours of pre-licensing education covering State laws and regulations, including, but not limited to, the Act, Rules, Anti-Predatory Lending Database provisions of the Residential Real Property Disclosure Act \[765 ILCS 77\], Homeowner Protection Act \[735 ILCS 5/15-1502.5\], and High Risk Home Loan Act \[815 ILCS 137\].](#)
- 2) [Continuing Education](#)
[Effective January 1, 2017, a Licensed Mortgage Loan Originator shall annually complete subject matter, in addition to the continuing education hours required by Section 7-7 of the Act, comprising 3 hours of continuing education covering State laws and regulations, including, but not limited to, the Act, Rules, Anti-Predatory Lending Database provisions of the Residential Real Property Disclosure Act, Homeowner Protection Act, and High Risk Home Loan Act.](#)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 1) Heading of the Part: Child Support Services
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
160.5	Amendment
160.60	Amendment
160.61	Amendment
160.70	Amendment
160.75	Amendment
160.88	Amendment
160.200	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], PA 98-0961, PA 99-0090, PA 99-0085, PA 99-471, PA 99-157, and PA 99-119
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments make changes to the following Sections of 89 IAC Part 160:

160.5 – Amends the rule to reflect PA 99-90 (SB 57), which introduces a new term "supporting parent" to refer to the parent obligated to pay support to the other parent. The definition of "responsible relative" is amended to incorporate "supporting parent".

160.60 – Amends rule to reflect PA 98-961 (SB 3231), which amends the provisions of the Illinois Marriage and Dissolution of Marriage Act concerning maintenance. Also adds language providing that the court shall first determine whether a maintenance award is appropriate, using factors already in the statute. Defines "gross income" for purposes of calculating maintenance obligations as "all income from all sources", which is used in calculating net income for purposes of calculating child support. Provides that, unless the parties otherwise agree, the court may not order unallocated maintenance and child support in a dissolution judgment or a post-dissolution order, but the court may order unallocated maintenance and child support in a pre-dissolution temporary order. In provisions of the Act concerning the determination of child support, provides that obligations pursuant to a court order for maintenance in the pending proceeding actually paid or payable to the same party to whom child support is to be payable shall be deducted from net income.

Further amends rule to add a provision regarding Foster Care payments to subsection (c)(2)(A) (for determinations of "Net Income" by hearing officers in establishing the

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minimum amount of support) to be consistent with subsection (c)(1)(A) (for determinations of "Net Income" by Child Support Specialist (CSS) in establishing the minimum amount of support). Amends rule to reflect PA 99-90 (SB 57) which amends the Illinois Marriage and Dissolution of Marriage Act by making changes regarding: construction of the Act; venue; pleadings; solemnization of marriage; offenses involving issuance of licenses; grounds for dissolution of marriage; judgments for legal separation; mediation; costs of educational sessions; hearings on default; filing of a praecipe for summons; time for entering judgments; simplified dissolution procedure; temporary relief; dissolution action stays; agreements; disposition of property and debts; child support; attorney's fees; modification of provisions of judgments; educational expenses; support for disabled children who have attained majority; custody proceedings, hearings, and orders; allocation and restriction of parental responsibilities; parenting plans; interviews and evaluations of children; enforcement of allocated parenting time; parental relocation; applicability; repeal of various provisions; and other matters. In the provisions of the Act concerning deviations from the guidelines (Section 505(a)(2)), provides that "2) The above guidelines shall be applied in each case unless the court finds that a deviation from the guidelines is appropriate after considering the best interest of the child in light of the evidence, including, but not limited to, one or more of the following relevant factors:(a) the financial resources and needs of the child; (b) the financial resources and needs of the parents; (c) the standard of living the child would have enjoyed had the marriage not been dissolved; (d) the physical, mental, and emotional needs of the child; and (d-5) the educational needs of the child." Section 505(a)(3)(h) of the Act (concerning determinations of child support), provides that "Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income including, but not limited to, student loans, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts. The court shall reduce net income in determining the minimum amount of support to be ordered only for the period that such payments are due and shall enter an order containing provisions for its self-executing modification upon termination of such payment period." Amends rule to reflect PA 99-85 (HB 1531) and changes references from The Illinois Parentage Act of 1984 to the Illinois Parentage Act of 2015.

160.61 – Amends rule to reflect PA 99-85 (HB 1531) to provide for the passage of the Illinois Parentage Act of 2015. Presumptions were expanded to include civil unions and substantially similar legal relationships. An acknowledgment of paternity or a denial of parentage may be signed prior to the birth of a child. A presumed father may sign or otherwise authenticate an acknowledgment of paternity. A presumed parent may sign a denial of parentage. An acknowledgment of paternity or denial of parentage must be filed with the Illinois Department of Healthcare and Family Services (Department). Adds

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language providing that the Voluntary Acknowledgment of Paternity and Denial of Parentage should be filed with the Department, the earlier of 60 days of being signed; or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the mother or the alleged father is a party.

Amends rule to define who may act as a witness to a Voluntary Acknowledgment of Paternity, Denial of Parentage and Rescission of an Acknowledgement of Paternity/Denial of Parentage. Also changes references from The Illinois Parentage Act of 1984 to the Illinois Parentage Act of 2015.

160.70 – Amends the rule to reflect PA 99-471 (HB 1485) to give the Department or an individual the ability to bring a paternity order that originated with the Department (Administrative Paternity Order) into court for further action. The rule already gives the Department or an individual the ability to bring an Administrative Support Order into court for further action. In addition, reflects PA 99-157 (HB 3683) to provide for the collection of administrative fines imposed by the Department against a payor where a payor willfully fails, after receiving two reminders from the Department, to withhold or pay over income pursuant to a properly served Income Withholding Notice or otherwise fails to comply with any duties imposed by this Act. The Department may impose a fine upon the payor of income not to exceed \$1,000.00 per payroll period.

160.75 – Amends rule to reflect PA 99-157 (HB 3683) to add a new subsection l to provide for Administrative Fines Imposed by the Department against a payor of income where a payor of income willfully fails, after receiving two reminders from the Department, to withhold or pay over income pursuant to a properly served Income Withholding Notice or otherwise fails to comply with any duties imposed by this Act. The Department may impose a fine upon the payor of income not to exceed \$1,000.00 per payroll period.

160.88 – Amends rule to reflect PA 99-85 (HB 1531) and changes references from The Illinois Parentage Act of 1984 to the Illinois Parentage Act of 2015.

160.200 – Amends rule to reflect PA 99-119 (HB 3512) to provide that the Uniform Interstate Family Support Act (UIFSA) provisions comply with federal legislation which requires that each state with a IV-D Program in connection with the approval of their state plans for purposes of federal funding, adopt UIFSA as promulgated by the National Conference of Commissioners on Uniform State Laws.

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- 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 affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Mollie Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue E., 3rd Floor
Springfield IL 62763-0002

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

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

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

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was summarized: July 2015

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT SERVICES

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation by Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Fees for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause for Failure to Cooperate with Support Enforcement
- 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
- 160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility
Demonstration Program (Repealed)
- 160.64 Compromise of Assigned Obligations
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

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Section	
160.70	Enforcement of Support Orders
160.71	Credit for Payments Made Directly to the Title IV-D Client
160.75	Withholding of Income to Secure Payment of Support
160.77	Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies (Repealed)
160.80	Amnesty – 20% Charge (Repealed)
160.85	Diligent Efforts to Serve Process
160.88	State Case Registry
160.89	Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section	
160.90	Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section	
160.95	State Disbursement Unit
160.100	Distribution of Child Support for TANF Recipients
160.110	Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Services
160.120	Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130	Distribution of Intercepted Federal Income Tax Refunds
160.132	Distribution of Child Support for Non-TANF Clients
160.134	Distribution of Child Support for Intergovernmental Cases
160.136	Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138	Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section	
160.140	Quarterly Notice of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

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- 160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

SUBPART I: INTERGOVERNMENTAL IV-D CASES

Section

- 160.200 Provision of Services in Intergovernmental IV-D Cases

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998;

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emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380, effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805, effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33 Ill. Reg. 9077, effective June 15, 2009; amended at 33 Ill. Reg. 12732, effective September 7, 2009; amended at 34 Ill. Reg. 6809, effective May 1, 2010; amended at 34 Ill. Reg. 15406, effective September 27, 2010; amended at 35 Ill. Reg. 2043, effective January 21, 2011; amended at 35 Ill. Reg. 4513, effective March 1, 2011; amended at 36 Ill. Reg. 1531, effective January 23, 2012; amended at 36 Ill. Reg. 9140, effective June 11, 2012; amended at 37 Ill. Reg. 8017, effective May 28, 2013; amended at 38 Ill. Reg. 4392, effective January 29, 2014; amended at 38 Ill. Reg. 6028, effective February 26, 2014; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 160.5 Definitions

"Application for IV-D services" refers to an application for child support enforcement services that is a signed, written request completed in accordance with the Department's requirements for a IV-D case as defined in Section 160.10(a)(9). An electronic signature is created when a web application is submitted and received via the internet.

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"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 USC 1396k and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1].

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of TANF benefits, pursuant to 42 USC 608(a)(3) and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1] or the Department of Children and Family Services (DCFS), in the case of IV-E foster care, pursuant to 42 USC 671(a)(17) and Section 9.1 of the Children and Family Services Act [20 ILCS 505/9.1].

"Assistance Standard" shall have the meaning ascribed to it in 89 Ill. Adm. Code 111.

"Cancellation" refers to the discontinuance of TANF financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Central Authority" means the agency designated by a government to facilitate support enforcement with a foreign reciprocating country pursuant to section 459A of the Social Security Act (42 USC 659a).

"Child" refers to any child under the age of 18 years and any child under the age of 19 years who is still attending high school (see Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]).

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 USC 654).

"Country" means a foreign country (or a political subdivision of a foreign country) declared to be a foreign reciprocating country pursuant to section 459A of the Social Security Act (42 USC 659a) and any foreign country (or political subdivision) with which the State of Illinois has entered into a reciprocal arrangement for the establishment and enforcement of support obligations to the extent consistent with federal law (section 459A(d) of the Social Security Act).

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"Date of Collection" for distribution purposes in all cases refers to the date on which a collection is received by the Department as a result of withholding of an amount by the Department of Employment Security from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation; a collection as a result of intercept of a federal income tax refund is received by the Department: or in all other instances, a support payment is received by the State Disbursement Unit (SDU) except that, if current support is withheld by an employer in the month when due and received by the SDU in the month following the month when due, the date of withholding may be deemed to be the date of collection.

"IV-D account receivable" or "support account" refers to a part of the accounting system in KIDS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 USC 651 et seq. and this Part.

"IV-E foster care" or "IV-E" refers to the foster care program set forth in 42 USC 670 et seq.

"Initial receipt in the State" for disbursement purposes in all cases refers to the date on which the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation, when there is a withholding of UIB, a collection as a result of intercept of a federal income tax refund is received by the Department, or in all other instances, a support payment is received by the State Disbursement Unit.

"Intergovernmental IV-D case" refers to a IV-D case in which the responsible relative lives and/or works in a different jurisdiction than the custodial parent and children that has been referred by an initiating agency to a responding agency for services. An intergovernmental case may include any combination of referrals between states, tribes and countries. An intergovernmental IV-D case also may

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include cases in which a state agency is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

"Interstate IV-D case" refers to a IV-D case in which the responsible relative lives and/or works in a different state than the custodial parent and children that has been referred by an initiating state to a responding state for services. An interstate IV-D case also may include cases in which a state is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

"Key Information Delivery System" or "KIDS" refers to the data processing system used to process all IV-D cases in Illinois.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 USC 1396k), that is medical assistance to families and individuals wherein no cash payment is made.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent and is meant to incorporate and be used interchangeably with all similar terms, used in any statute, referring to a person who is responsible, or alleged to be responsible, under the law for support of a dependent, including the term "supporting parent". "Supporting parent" is a term used in the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].

"Support case" refers to a case established in the KIDS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 USC 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"TANF" refers to Temporary Assistance for Needy Families, Title IV-A of the Social Security Act (42 USC 601 et seq.) that is financial and medical assistance available to families with one or more children or on behalf of children in foster care under the guardianship of the Department of Children and Family Services.

"TANF MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more children.

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"TANF MANG recipient" refers to a member of a family with one or more children receiving medical assistance only in the current month.

"TANF recipient" refers to a person who is receiving financial and medical assistance under the TANF program in the current month.

"Two business days", for purposes of disbursement of support payments under Subpart F of this Part, shall have the meaning and be qualified in the same manner as in Section 454B of the Social Security Act (42 USC 654b).

"Unreimbursed former AFDC or TANF" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 USC 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed former AFDC or TANF", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance accrued prior to the former AFDC or TANF cancellation", reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section 160.60 Establishment of Support Obligations

- a) Definitions
 - 1) "CSS" means any Child Support Specialist performing assigned duties, his or her supervisory staff and any other person assigned responsibility by the Director of the Department.
 - 2) "Service" or "Served" means notice given:
 - A) by personal service, substitute service at the individual's usual

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place of abode with some family member or a person residing there who is at least 13 years old, certified mail (with or without return receipt requested) or restricted delivery,

- B) *by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 447] or by a registered employee of a private detective agency certified under that Act, or*
 - C) by any method provided by law for service of summons. (See Sections 2-202, 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-202, 2-203 and 2-206] and Sections 10-4 and 10-11 of the Public Aid Code [305 ILCS 5/10-4 and 10-11].)
- 3) "Support Statutes" means the following:
- A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
 - B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
 - C) The Non-Support Punishment Act [750 ILCS 16];
 - D) The Uniform Interstate Family Support Act [750 ILCS 22];
 - E) The Illinois Parentage Act of ~~1984 [750 ILCS 45]~~ 2015 [750 ILCS 46]; and
 - F) Any other statute in another state that provides for child support.
- 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.
- 5) "Child's needs" means:
- A) the custodial parent's statement of the associated costs, including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or

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- B) the State's current minimum hourly wage multiplied by 40 hours per work week, multiplied by 4.3 weeks per month, multiplied by the applicable child support guideline percentage contained in subsection (c)(1).
- b) Responsible Relative Contact
- 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
 - B) The purpose of contact and interview shall be to obtain relevant facts, including income information (for example, paycheck stubs, income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.
 - 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is sought or other information identifying those persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;
 - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 - E) that the responsible relative should bring specified information regarding his or her income and resources to the interview.

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3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

1) In cases handled under subsection (d), the CSS shall determine the amount of child support and enter an administrative support order on the following basis:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

A) "Net Income" is the total of all income from all sources, minus the following deductions:

- i) Federal income tax (properly calculated withholding or estimated payments);
- ii) State income tax (properly calculated withholding or estimated payments);
- iii) Social Security (FICA payments);
- iv) Mandatory retirement contributions required by law or as a condition of employment;
- v) Union dues;
- vi) Dependent and individual health/hospitalization insurance premiums and premiums for life insurance ordered by the court to reasonably secure payment of ordered child support;

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vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;

viii) Obligations pursuant to a court order for maintenance in the pending proceeding actually paid or payable under Section 504 of the Marriage and Dissolution of Marriage Act to the same party to whom child support is to be payable;

ix~~viii~~) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, including, but not limited to, student loans;

x~~ix~~) Medical expenditures necessary to preserve life or health;

xi~~x~~) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts; and

xii~~xi~~) Foster care payments paid by the Department of Children and Family Services for providing licensed foster care to a foster child.

B) The deductions in subsections (c)(1)(A)~~(viii)~~, (ix), ~~and~~ (x) and (xi) shall be allowed only for the period that the payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of the payment period.

2) In de novo hearings provided for in subsection (d)(5)(H) and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%

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6 or more

50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums and premiums for life insurance ordered by the court to reasonably secure payment of ordered child support;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Obligations pursuant to a court order for maintenance in the pending proceeding actually paid or payable under Section 504 of the Marriage and Dissolution of Marriage Act to the same party to whom child support is to be payable;
 - ixviii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income, including, but not limited to, student loans;
 - xix) Medical expenditures necessary to preserve life or health;
~~and~~
 - xix) Reasonable expenditures for the benefit of the child and the

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other parent, exclusive of gifts; and.

xii) Foster care payments paid by the Department of Children and Family Services for providing licensed foster care to a foster child.

- B) The deductions in subsections (c)(2)(A)(~~viii~~), (ix), and (x) and (xi) shall be allowed only for the period that the payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of the payment period.
- C) The guidelines in this subsection (c)(2) shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- i) the financial resources and needs of the child;
 - ii) the financial resources and needs of the custodial parent;
 - iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - iv) the physical and emotional condition of the child and his or her educational needs; and
 - v) the financial resources and needs of the non-custodial parent.
- D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.
- 3) In cases referred for judicial action under subsection (e), the Department's legal representative shall ask the court to determine the amount of child

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support due in accord with Section 505 and medical support in accordance with Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].

- 4) All orders for support shall include a provision for the health care coverage of the child. In all cases in which health insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter, support orders requiring the relative to provide coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health insurance coverage is being provided. Net income shall be reduced by the cost of the coverage in determining the minimum amount of support to be ordered.
- 5) In cases in which the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) when the IV-D client requests that such an order for retroactive support be entered or requested.
- 6) The final order in all cases shall state the support level in dollar amounts.
- 7) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d), shall order, or, when proceeding under subsection (e), shall request the court to order the relative to report for participation in job search, training or work programs established for those relatives. In TANF cases, the Department shall order, when proceeding under subsection (d), or, when proceeding under subsection (e), shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

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- 8) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:
 - A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;
 - D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
 - E) if the responsible relative has access to group coverage, the policy name and number and the names of persons covered under the policy.
- 9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- 10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a statement that if there is an unpaid arrearage or delinquency equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency.
- 11) At the request of the IV-D client, the Department shall enter

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administrative support orders, or request the court to enter support orders, that include provisions for retroactive support, as follows:

- A) In cases handled under subsection (d), the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties' separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock).
 - B) In de novo hearings provided for in subsection (d)(5)(H) and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases in which the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section ~~802(e)14(b)~~ of the Illinois Parentage Act of ~~2015~~ [\[750 ILCS 46/802\(e\)1984 \[750 ILCS 45/14\]](#) and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.
 - C) In cases referred for judicial action under subsection (e), the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section ~~802(e)14(b)~~ of the Illinois Parentage Act of ~~2015~~ [\[750 ILCS 46/802\(e\)1984 \[750 ILCS 45/14\]](#).
- d) Administrative Process
- 1) Use of Administrative Process
 - A) Unless otherwise directed by the Department, the CSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in

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matters involving:

- i) presumed paternity as set forth in Section ~~2045~~ of the Illinois Parentage Act of ~~2015~~~~1984~~ [~~750 ILCS 45/5~~] and support is sought from one or both parents;
 - ii) alleged paternity and support is sought from the mother;
 - iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
 - iv) an establishment of parentage in accordance with ~~Article 3~~~~Section 6~~ of the Illinois Parentage Act of ~~2015~~~~1984~~ [~~750 ILCS 45/6~~]; and
 - v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.
- B) In addition to those items specified in subsection (b)(2), the notice of support obligation shall inform the responsible relative of the following:
- i) that the responsible relative may be required to pay retroactive support as well as current support; and
 - ii) that in its initial determination of child support under subsection (c), the Department will only consider factors listed in subsections (c)(1)(A)(i) through ~~(xii)(x)~~; ~~and~~
 - iii) that the Department will enter an administrative support order based only on those factors listed in subsections (c)(1)(A)(i) through ~~(xii)(xi)~~; ~~and~~
 - iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C), Section ~~802(e)14(b)~~ of the Illinois Parentage Act of ~~2015~~~~1984~~, and Section 505 of the Illinois Marriage and Dissolution of Marriage Act, either

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the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; ~~and~~

- v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order, at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C), Section ~~802(e)14(b)~~ of the Illinois Parentage Act of ~~2015~~1984, and Section 505 of the Illinois Marriage and Dissolution of Marriage Act; ~~and~~
 - vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and
 - vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The CSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) when the relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered that shall incorporate the resulting support amount. When requested by the IV-D client, the CSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c). The CSS shall reduce the total amount of retroactive support determined by the amount of cash contributions made by the responsible relative to the IV-D client for the benefit of the child during the retroactive period as specified in the IV-D

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client's affidavit of direct contribution. In no event shall credit be given in excess of the total amount of the retroactive support determined.

- 3) Failure to Appear
 - A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the CSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D). The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5). No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.
 - B) The CSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the CSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines contained in subsection (c), exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A); or
 - ii) income exceeds that reported by the relative.
 - C) The CSS will not issue a subpoena under subsection (d)(3)(B) when the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.
 - D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him or her pursuant to subsection (d)(3)(B), the CSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A), and may then, after investigation and

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determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1).

- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].
- 5) An administrative support order shall include the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) any provision for health insurance coverage ordered under subsection (c)(4);
 - E) a provision for retroactive support ordered under subsection (c)(11), including the total retroactive support obligation and the beginning date, amount (that shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full;
 - F) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (that shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;
 - G) a provision requiring that support payments be made to the State Disbursement Unit;
 - H) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative

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support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2), except that, for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accord with provisions of the Administrative Review Law [735 ILCS 5/Art III];

- I) except when the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) and that in order to have the Department consider other factors listed in subsection (c)(2)(C), Section ~~802(e)14(b)~~ of the Illinois Parentage Act of ~~2015~~1984 and Section 505 of the Illinois Marriage and Dissolution of Marriage Act, either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
 - J) in each administrative support order entered or modified on or after January 1, 2002, a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of nine percent per annum.
- 6) Every administrative support order entered on or after July 1, 1997 shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75.
- 7) The Department shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days after entry of the order, by:
- A) delivery at the conclusion of an interview during which financial

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ability to support was determined. An acknowledgment of receipt signed by the client or relative, or a written statement identifying the place, date and method of delivery signed by the Department's representative, shall be sufficient for purposes of notice to that person.

- B) regular mail to the party not receiving personal delivery when the relative fails or refuses to accept delivery, either party does not attend the interview, or the orders are entered by default.
- 8) In any case in which the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process.
- 9) In any case in which an administrative support order is entered to establish and enforce an arrearage only, and the responsible relative's current support obligation has been terminated, the administrative support order shall require the responsible relative to pay a periodic amount equal to the terminated current support amount until the arrearage is paid in full.
- e) Judicial Process
- 1) The Department shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3)) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), when the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D), and as otherwise determined by the Department.
 - 2) The Department shall prepare and transmit pleadings and obtain or affix appropriate signature thereto, which pleadings shall include, but not be limited to, petitions to:

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- A) intervene;
 - B) modify;
 - C) change payment path;
 - D) establish an order for support;
 - E) establish retroactive support when the IV-D client requests it;
 - F) establish past-due support;
 - G) establish parentage;
 - H) obtain a rule to show cause;
 - I) enforce judicial and administrative support orders; and
 - J) combinations of any of the above.
- 3) Department legal representatives shall request that judicial orders for support require payments to be made to the State Disbursement Unit in accordance with Section 10-10.4 of the Illinois Public Aid Code [305 ILCS 5/10-10.4], Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/507.1], Section 320 of the Uniform Interstate Family Support Act [750 ILCS 22/320], Section ~~81521.1~~ of the Illinois Parentage Act of ~~2015~~ [750 ILCS 46/815]~~1984~~ [750 ILCS 45/21.1] and Section 25 of the Non-Support Punishment Act [750 ILCS 16/25].
- f) Petitions for Release from Administrative Support Orders – Extraordinary Remedies
- 1) Notwithstanding the statements required by subsections (d)(5)(H) and (d)(5)(I), more than 30 days after the entry of an administrative support order under subsection (d), a party aggrieved by entry of an administrative support order may petition the Department for release from the order on the same grounds as are provided for relief from judgments under Section 2-1401 of the Code of Civil Procedure.

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- 2) Petitions under this subsection (f) must:
 - A) cite a meritorious defense to entry of the order;
 - B) cite the exercise of due diligence in presenting that defense to the Department;
 - C) be filed no later than two years following the entry of the administrative support order, except that the following times shall be excluded in computing the two years:
 - i) time during which the person seeking relief is under legal disability;
 - ii) time during which the person seeking relief is under duress;
 - iii) time during which the ground for relief is concealed from the person seeking relief;
 - D) be supported by affidavit or other appropriate showing as to matters not supported by the record.
- 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent, caretaker or responsible relative by certified mail, return receipt requested, or by any manner provided by law for service of process. The filing of a petition under this subsection (f) does not affect the validity of the administrative support order.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 160.61 Uncontested and Contested Administrative Paternity and Support Establishment

- a) Definitions
 - 1) "Combined paternity index" means a statistic, stated as an odds ratio in a report of genetic testing results, giving the likelihood that the man having undergone the testing is the father of the child relative to the chance that

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the father is another (unrelated random) man from the same racial background.

- 2) "Genetic testing" means deoxyribonucleic acid (DNA) tests.
 - 3) "Service" or "Served" means notice given:
 - A) by personal service, substitute service at the individual's usual place of abode with some family member or a person residing there who is at least 13 years old, certified mail (with or without return receipt requested) or restricted delivery;
 - B) *by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] or by a registered employee of a private detective agency certified under that Act [305 ILCS 5/10-4]; or*
 - C) by any method provided by law for service of a summons. (See Sections 2-202, 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-202, 2-203 and 2-206]; Sections 10-4 and 10-11 of the Public Aid Code [305 ILCS 5/10-4 and 10-11].)
 - 4) "Non-marital child", as used in this Section and Section 160.62, means a child born out of wedlock for whom paternity has not been established.
 - 5) "Alleged father", as used in this Section and Section 160.62, means a man alleged to be the father of a non-marital child.
 - 6) "Presumed ~~parent~~father" shall have the meaning ascribed to that term in the Illinois Parentage Act of ~~1984 [750 ILCS 45]~~ 2015 [750 ILCS 46].
 - 7) "Probability of paternity" is the value converted from the "Combined Paternity Index" into the percentage of probability.
- b) Uncontested Administrative Paternity Process
- 1) Except as otherwise determined, the Department shall establish a man's paternity of a child through the administrative process set forth in this

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Section, in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:

- A) a non-marital child and support is sought from the alleged father;
 - B) a non-marital child who is in the physical custody of the alleged father or a caretaker relative other than the child's mother, and support is sought from the alleged father or from the mother, or both; or
 - C) presumed paternity as set forth in Section ~~2045(a)(1) and (2)~~ of the Illinois Parentage Act of ~~2015~~1984 [~~750 ILCS 45/5(a)(1) and (2)~~] in which a man other than the presumed father has been alleged to be the child's father, and notice has been provided to the alleged and presumed fathers as set forth in this Section.
- 2) Contact with Responsible Relatives
- A) Following the IV-D client interview, the Department shall contact and interview:
 - i) alleged fathers to establish paternity and support obligations; and
 - ii) mothers to establish an alleged father's paternity of a child (where the alleged father or a caretaker relative other than the mother has physical custody of the child) and to establish the support obligation of the alleged father, the mother, or both.
 - B) The purpose of contact and interview shall be to obtain relevant facts, including information concerning the child's paternity and responsible relative income information (for example, paycheck stubs, income tax returns) necessary to establish the child's paternity and to determine the responsible relative's financial ability for use in establishing child support obligations.
- 3) At least ten working days in advance of the interview, the Department shall serve upon or provide to the alleged father from whom child support

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is sought, by ordinary mail, a notice of alleged paternity and support obligation, which notice shall contain the following:

- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the alleged father may be represented by counsel;
 - E) that the alleged father should bring specified information regarding his income and resources to the interview;
 - F) that upon failure of the alleged father to appear for the interview, administrative paternity and support orders may be entered against him by default; and
 - G) that the alleged father may be ordered to pay current support and retroactive support, and to provide health insurance coverage for the child.
- 4) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation, when a man has been alleged to be the father of the child, the alleged father has physical custody of the child, and support is sought from the mother. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the

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- mother may be represented by counsel;
- E) that the mother should bring specified information regarding her income and resources to the interview;
 - F) that the mother may be ordered to pay current support and retroactive support, and to provide health insurance coverage for the child;
 - G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
 - H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child.
- 5) At least ten working days in advance of the interview, the Department shall serve upon or provide to the child's mother, by ordinary mail, a notice of alleged paternity and support obligation, when a man has been alleged to be the father of a child, an adult other than a parent of the child has physical custody of the child, and support is sought from the mother and the alleged father. The notice shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the name and birthdate of the non-marital child;
 - C) that the mother has a legal obligation to support the child;
 - D) the date, time, place and purpose of the interview and that the

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mother may be represented by counsel;

- E) that the mother should bring specified information regarding her income and resources to the interview;
 - F) that the mother may be ordered to pay current support and retroactive support, and to provide health insurance coverage for the child;
 - G) that the alleged father has been identified as the biological father of the child named in the notice, and that if determined to be the child's father he will have a legal obligation to support the child; and
 - H) that upon failure of the mother to appear for the interview, or to provide necessary information to determine net income:
 - i) an administrative support order may be entered against the mother by default or the Department may seek an administrative or court determination of financial ability based upon the guidelines; and
 - ii) the Department may enter an order finding the alleged father to be the father of the child on the basis of genetic testing.
- 6) When the man alleged to be the father of a child is different from a man presumed to be the father under Section ~~2045(a)(1) and (2)~~ of the Illinois Parentage Act of ~~2015~~1984, the Department shall send a notice to the presumed father which shall contain the following:
- A) the Title IV-D case name and identification number;
 - B) the child's name and birthdate;
 - C) the name of the child's mother;
 - D) that the man to whom the notice is directed has been identified as the child's presumed father;

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- E) that another man has been alleged to be the child's father, and the name of that alleged father;
 - F) that the Department has scheduled an interview with the alleged father for the purpose of determining the child's paternity, and the date, time and place of the interview (the date of the interview shall not be less than ten working days after the date of the notice to the presumed father);
 - G) that if the presumed father fails to appear at the interview to assert his rights as the presumed father, the Department may enter an administrative order finding the alleged father to be the child's father on the basis of genetic testing, or if the alleged father and the child's mother voluntarily sign an acknowledgment that the alleged father is the father of the child; and
 - H) that counsel may accompany the presumed father to the interview.
- 7) The Department shall notify each Title IV-D client of the date, time and place of the alleged father interview and that the client may attend if the client chooses.
- 8) In cases involving a non-marital child:
- A) The Department shall provide the alleged father or presumed father and the child's mother an opportunity to establish paternity by voluntarily signing an acknowledgment of paternity (and, in a case in which there is also a presumed parentfather, an opportunity for the mother and the presumed parentfather to sign a denial of parentagepaternity), after being provided with information concerning the implications of signing the acknowledgment (and denial), including parental rights and responsibilities of child support, retroactive support, health insurance coverage, allocation of parental responsibility, allocation of parenting timecustody, visitation, the right to obtain and agree to be bound by the results of genetic testing, and the right to deny paternity and obtain a contested hearing. A presumed father may sign or otherwise authenticate an acknowledgment. If the alleged father, who is not

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the presumed father, and the child's mother establish paternity by completing the voluntary acknowledgment of paternity (and, in a case in which there is also a presumed parent, the denial of parentage), the voluntary acknowledgment of paternity and, if appropriate, the denial of parentage shall:

- i) be signed by the appropriate parties in the presence of a witness as required by Section 12 of the Vital Records Act [410 ILCS 535/12] and this subsection (b). The witness must also sign the voluntary acknowledgment of paternity and, if appropriate, the denial of parentage at the time the appropriate parties sign. For purposes of the voluntary acknowledgment of paternity and, if appropriate, the denial of parentage, a witness must be an adult, age 18 or older, but cannot be a signatory or the child named on the voluntary acknowledgment of paternity or in the case of denial of parentage, cannot be a signatory or child named on the denial; and
 - ii) be filed with the Department of Healthcare and Family Services within 60 days after being signed and witnessed by the appropriate parties; or after the birth of the child; or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party. If a voluntary acknowledgment of paternity and/or the denial of parentage is filed prior to the birth of a child, the signatories may be asked to resubmit the document with the date of birth of the child and the name of the child.
- B) The Department shall enter and, within 14 days after entry, serve or mail the parties a copy of an administrative paternity order finding the alleged father to be the father of the child in the following circumstances. An acknowledgment of receipt signed by the client or relative or a written statement identifying the place, date, and method of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person. The Department shall enter the order where:

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- i) the alleged father and the child's mother (and any presumed father) have voluntarily signed an agreement to be bound by the results of genetic testing, and the results of such testing show that the alleged father is not excluded and that the combined paternity index is at least 1000 to 1 and there is a 99.9% probability of paternity;
- ii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him in a case in which support is sought from the alleged father, or fails to appear for scheduled genetic testing after signing an agreement to be bound by the results of genetic testing;
- iii) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where the alleged father has physical custody of the child;
- iv) the child's mother fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon her in a case where an adult other than a parent of the child has physical custody of the child, the alleged father has voluntarily signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 1000 to 1 and there is a 99.9% probability of paternity;
- v) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him (or fails to appear for genetic testing after agreeing to be bound by the results of genetic testing) in a case where an adult other than a parent of the child has physical custody of the child;
- vi) the presumed father fails to appear in response to the Department's notice to presumed father served upon him, the child's mother, and the alleged father have voluntarily

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- signed an agreement to be bound by the results of genetic testing, the results of genetic testing show that the alleged father is not excluded, and the combined paternity index is at least 1000 to 1 and there is a 99.9% probability of paternity; or
- vii) the alleged father fails to appear for interview in response to the Department's notice of alleged paternity and support obligation served upon him, and the presumed father fails to appear in response to the Department's notice to presumed father served upon the presumed father.
- C) The Department shall make a determination that the alleged father is not the father of the child where the results of genetic testing exclude the alleged father.
- 9) An agreement to be bound by the results of genetic testing under subsection (b)(8)(B) shall not be valid when the mother or alleged father is a minor, unless the parent or guardian of the minor mother or minor alleged father also signs the agreement to be bound by the results of genetic testing, except when the mother or alleged father is either emancipated or head of his or her own household with the child for whom paternity is being determined.
- 10) A party aggrieved by entry of an administrative paternity order, pursuant to subsection (b)(8), may have the order vacated if, within 30 days after the authorized mailing or service of the order, the party appears in person at the office to which he or she was given notice to appear for an interview pursuant to subsection (b)(3) and files a written request for relief from the order. The Department shall then proceed with the establishment of paternity under this Section. A party may obtain relief under this subsection (b) only once in any proceeding to establish paternity.
- 11) Rescission of Voluntary Acknowledgment of Paternity or Denial of Parentage
- A) A signatory~~The child's mother or the alleged father~~ may rescind a voluntary acknowledgment of paternity, and/or a denial of parentage~~void the presumption of paternity created by voluntarily~~

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~~signing an acknowledgment of paternity~~ under Section 12 of the Vital Records Act ~~[410 ILCS 535/12]~~, Article 3 of the Illinois Parentage Act of 2015 and this subsection (b) by signing a rescission of the voluntary acknowledgment of paternity/denial of parentage in the presence of a witness and filing it with the Department by the earlier of:

~~i)A)~~ 60 days after the effective date of the acknowledgment of paternity, and/or the denial of parentage, as provided in section 304 of the Illinois Parentage Act of 2015 ~~was signed~~; or

~~ii)B)~~ the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory ~~the mother or the alleged father~~ is a party.

B) The witness must also sign the rescission of the voluntary acknowledgment of paternity/denial of parentage at the time the parents sign. For purposes of the rescission of the voluntary acknowledgment of paternity/denial of parentage, a witness must be an adult, age 18 or older, but cannot be a signatory or the child named on the rescission.

~~C)12)~~ If a signatory of an acknowledgment of paternity or denial of parentage ~~the mother or alleged father~~ signs a rescission of voluntary acknowledgment of paternity/denial of parentage, the Department shall process the case under this subsection (b).

c) Contested Paternity Hearing Officers

- 1) Except as otherwise directed by the Department or provided for in this Part, cases in which paternity is contested shall be referred to Department hearing officers to administratively determine paternity. The Department shall provide the alleged father (and any presumed father) with notice and opportunity to contest paternity at a hearing to determine the existence of the father and child relationship. The notice and any administrative hearing shall be governed by 89 Ill. Adm. Code 104.200 through 104.295. Any administrative support order shall be established in accordance with

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Section 160.60.

- 2) Notice shall be given to all parties in the manner provided for service of a notice of alleged paternity and support obligation under subsections (a) and (b) or, when necessary, by publication in cases in which the whereabouts of a party or parties are unknown after diligent location efforts by the Department. When service is by publication, the notice shall be published at least once in each week for three consecutive weeks in a newspaper published in the county in which the administrative proceeding is pending. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining Illinois county having a circulation in the county in which the administrative proceeding is pending. In addition, where service is by publication, the date of the interview stated in the notice shall not be less than 30 days after first publication of the notice.
- 3) The Department shall enter default paternity determinations in contested administrative cases as provided for under subsection (b). However, when notice of the administrative proceedings was served on a party by publication under subsection (c)(2), a notice of default paternity determination shall be published in the same manner. The notice of default paternity determination shall contain the information required in an administrative paternity order under subsections (d)(1) through (9), except that the notice of default paternity determination shall not include the mother's and father's Social Security numbers. The Department shall not proceed to establish paternity administratively under subsection (c) in those cases in which the court has acquired jurisdiction previously or the custodial parent claims good cause for failing to cooperate in the establishment of paternity and is found to be exempt from cooperating as set forth in Section 160.35.
- 4) In any case in which the administrative paternity process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the paternity determination case shall remain in the original county of venue unless a transfer to another county of proper venue is requested by either party and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative paternity process.

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- d) An administrative paternity order, whether entered under subsection (b) or (c), shall include the following:
- 1) the Title IV-D case name and identification number;
 - 2) the name and birthdate of the child for whom paternity is determined;
 - 3) the alleged father's name and his Social Security number, if known;
 - 4) the mother's name and her Social Security number, if known;
 - 5) a finding that the alleged father is the father of the child, and a statement indicating how paternity was determined (for example, agreement to be bound by the results of genetic testing, default, contested hearing);
 - 6) except in cases in which paternity is administratively determined under subsection (b)(8)(B)(ii), (v) or (viii), or in a contested hearing under subsection (c), a statement informing the client and responsible relative that each has 30 days after the date of mailing (or delivery at the interview) of the administrative paternity order to petition the Department for release from the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.105;
 - 7) in cases in which paternity is administratively determined by default under subsection (b)(8)(B)(ii), (v) or (viii), a statement informing the client and responsible relative of the relief available pursuant to subsection (b)(10);
 - 8) a statement that, more than 30 days after entry of an administrative paternity order, a party aggrieved by entry of the administrative paternity order may petition the Department for release from the order under the provisions of subsection (e); and
 - 9) in cases in which paternity is administratively determined in a contested hearing under subsection (c), a statement informing the client and responsible relative that the order is a final and binding administrative decision, and whether the order is reviewable only under the provisions of the Administrative Review Law [735 ILCS 5/Art. III]; and

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- 10) a statement that the Department shall send a copy of the administrative paternity order to the Department of Public Health (DPH), Office of Vital Records, and that DPH, Office of Vital Records, shall prepare a birth certificate in accordance with the paternity order.
- e) Petitions For Release – Extraordinary Remedies
- 1) Notwithstanding the statements required by subsection (d), more than 30 days after entry of an administrative paternity order under subsection (b) or (c), a party aggrieved by entry of an administrative paternity order may petition the Department for release from the order.
 - 2) Petitions under this subsection (e) must:
 - A) Cite a meritorious defense to entry of the order.
 - B) Cite the exercise of due diligence in presenting that defense to the Department.
 - C) Be filed no later than two years following the entry of the administrative paternity order, except that times listed below shall be excluded in computing the two years:
 - i) time during which the person seeking relief is under legal disability;
 - ii) time during which the person seeking relief is under duress; and
 - iii) time during which the ground for relief is concealed from the person seeking relief.
 - D) Be supported by affidavit or other appropriate showing as to matters not supported by the record.
 - 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent by certified mail, return receipt requested or by any manner provided by law for service of process. The filing of a petition under this subsection (e) does not affect the validity of

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the administrative paternity order.

- f) When the paternity of a child has been administratively established under subsection (b) or (c), the Department shall enter an administrative support order under the process set forth in Section 160.60.
- g) In cases in which a final administrative determination of paternity is pending, but there is clear and convincing evidence of paternity based upon the results of genetic testing and upon motion of a party, the Department shall enter a temporary order for support in the manner provided for in Section 160.60.
- h) The Department shall notify the Department of Public Health of final administrative paternity determinations, voluntary acknowledgments of paternity, denials of paternity and rescissions of paternity.
- i) In cases in which a child's certificate of birth is on file in a state other than Illinois and any of the circumstances stated in this subsection occur, the Department shall forward to the other state a copy of the final administrative determination of paternity or the voluntary acknowledgment of paternity (and the presumed father's denial of paternity, if applicable) or the rescission of paternity:
 - 1) the Department enters a final administrative determination of paternity; or
 - 2) the paternity of a child is established by voluntary acknowledgment under Section 12 of the Vital Records Act; or
 - 3) the alleged father or the child's mother rescinds a voluntary acknowledgment of paternity under Section 12 of the Vital Records Act.
- j) Judicial Process. The Department shall refer Title IV-D cases for judicial action to establish a child's paternity and a responsible relative's support obligation pursuant to the Illinois Parentage Act of ~~2015~~1984, the Revised Uniform Reciprocal Enforcement of Support Act [750 ILCS 20] or the Uniform Interstate Family Support Act [750 ILCS 22], as appropriate, in matters:
 - 1) involving contested paternity, except when the case is appropriate for referral to a Department hearing officer;
 - 2) when the non-marital child was not conceived in Illinois and the alleged

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father resides in a state other than Illinois;

- 3) when the court has acquired jurisdiction previously; or
- 4) when the results of genetic testing show that the alleged father is not excluded and the combined paternity index is less than 1000 to 1 and there is a 99.9% probability of paternity, except when the case is appropriate for referral to a Department hearing officer under subsection (c).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.70 Enforcement of Support Orders

- a) **Income Withholding**
Whether using the administrative process (see Section 160.60(d)) or the judicial process (see Section 160.60(e)), the Department shall follow the procedures for withholding of income contained in Section 160.75 to enforce and collect past-due support owed by responsible relatives in IV-D cases, and it shall as promptly as possible distribute all amounts collected. In addition to income as defined in Section 160.75, the Department shall proceed to collect support from the principal and income of trusts as provided by Section 2-1403 of the Code of Civil Procedure [735 ILCS 5/2-1403].
- b) **Federal and State Income Tax Refunds and Other Payments**
 - 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through intercept of federal and State income tax refunds and other federal and State payments (see Section 10.05a of the State Comptroller Act [15 ILCS 405/10.05a], Section 2505-650 of the Department of Revenue Law [20 ILCS 2505/2505-650] and the Debt Collection Improvement Act of 1996 (31 USC 3701 et seq.)) due the responsible relatives.
 - 2) The Department shall submit past-due support amounts to:
 - A) the Department of Health and Human Services to intercept federal income tax refunds and other federal payments in accordance with

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federal instructions as follows:

- i) in IV-D TANF and IV-D foster care cases, past-due support owed for a child or for a child and the parent with whom the child is living in an amount not less than \$150. The Department may combine assigned support amounts from the same obligor in multiple cases to reach the minimum amount of \$150 for TANF and Foster Care cases; however, amounts under this subsection (b)(2)(A)(i) may not be combined with amounts under subsection (b)(2)(A)(ii) to reach the minimum amounts required for submittal; and
 - ii) in IV-D non-TANF cases, past-due support owed to or on behalf of a child, or a child and the parent with whom the child is living if the same support order includes support for the child and the parent, and the amount of past-due support is not less than \$500. The Department may combine non-assistance support amounts from the same obligor in multiple cases to reach the minimum amount of \$500; however, amounts under this subsection (b)(2)(A)(ii) may not be combined with amounts under subsection (b)(2)(A)(i) to reach the minimum amounts required for submittal.
- B) the Illinois Department of Revenue to intercept State income tax refunds and the Comptroller to intercept other State payments as follows:
- i) in active IV-D cases, past-due support owed in an amount not less than one month's support obligation or \$25, whichever is less;
 - ii) in inactive IV-D TANF or IV-D foster care cases, past-due support owed in any amount; and
 - iii) in cases in which the responsible relative who owes past-due support is receiving periodic payments from this State because of employment, disability, retirement or any other reason, the Department shall, upon obtaining knowledge of

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those circumstances, refund any amounts inadvertently intercepted to the responsible relative and proceed to collect past-due support pursuant to the income withholding provisions of the support statutes.

- 3) The Department shall provide the responsible relative with a notice prior to submitting a past-due support amount for intercept, which advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be submitted for intercept, and that any additional ~~past-due~~ support that accumulates will be subject to collection by the Department without further notice;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by requesting:
 - i) a redetermination by the Department; or
 - ii) after the redetermination, an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, at the request of the responsible relative; and
 - D) that the Internal Revenue Service or Financial Management Service will notify the responsible relative's spouse at the time of intercept regarding the steps to take to protect the share of the refund that may be payable to that spouse, in the case of a joint federal income tax return.
- 4) A request for a redetermination made within 15 days from the date of mailing of the advance notice shall stay the Department from submitting the past-due amount.
- 5) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the

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results of the redetermination and of the right to contest those results by requesting:

- A) a hearing by the Department within 15 days after the date of mailing of the notice; or
 - B) an administrative review by any other state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based.
- 6) If a responsible relative requests administrative review by the state in which the support order was issued upon which the referral for federal income tax refund intercept or other federal payment offset is based, the Department shall notify the state with the order of the request and shall provide that state with all necessary information within ten days after the responsible relative's request. The Department shall be bound by the decision of the state with the order.
- 7) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 8) The Department shall notify:
- A) any other state enforcing the support order when the request for intercept is submitted and when the intercept amount is received;
 - B) the U.S. Department of Health and Human Services of any deletion of an amount submitted for federal income tax refund intercept or other federal payment offset, in accordance with federal instructions;
 - C) the Illinois Department of Revenue of any deletion of an amount submitted for State income tax refund and the Comptroller for other payment intercept or any significant decrease in the amount; and
 - D) the Clerk of Circuit Court of the county in which the child support order was entered of any amount intercepted for posting to the court payment record.

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- 9) The Department shall:
- A) as promptly as possible refund to the responsible relative any amount intercepted found to exceed the amount of past-due support owed; and
 - B) equitably apportion joint State income tax refunds and other State payments based upon copies of federal and State income tax returns, including all schedules and attachments, or other evidence of ownership, the equitable apportionment to be based on the documented proportionate net income of the parties, and pay to the joint payee that portion of the amount intercepted found to be his or hers; except that the Comptroller shall apportion refunds and payments in matters in which the intercepted funds have not yet been transferred to the Department.
- 10) The Department shall, as promptly as possible, apply collections it receives as a result of intercept under this subsection (b) as follows:
- A) federal income tax refunds first to satisfy any IV-D TANF or IV-D foster care assigned past-due support, and then to satisfy any IV-D non-TANF past-due support; and
 - B) other federal and State payments in accord with distribution provisions in Subpart F.
- 11) The Department shall inform individuals who receive IV-D non-TANF support enforcement services, in advance, of the following:
- A) amounts intercepted under this subsection (b) will be applied in accordance with Section 160.130;
 - B) any payment received by the IV-D non-TANF individual as a result of federal income tax refund intercept may have to be returned to the Department within six years following the end of the tax year if there is an adjustment necessitated by the responsible relative's spouse filing an amended tax return in order to receive his or her share of a joint tax refund.

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- c) Unemployment Insurance Benefits
- 1) The Department shall collect support owed by responsible relatives in IV-D cases through intercept of unemployment insurance benefits in matters in which the relative has accumulated a past-due support amount equal to a one-month support obligation.
 - 2) The Department shall take the following action:
 - A) ascertain that the responsible relative qualifies for receipt of unemployment insurance benefits through access to the Department of Employment Security's (DES) computer file.
 - B) collect child support owed through the intercept of unemployment insurance benefits by initiating procedures for income withholding in accordance with Section 160.75.
 - C) establish the amount to be deducted by data entry to the DES computer file, which amount shall be the lesser of:
 - i) the amount of the income withholding order; or
 - ii) fifty percent of the Unemployment Insurance Benefit.
 - D) receive amounts deducted direct from DES.
 - E) notify the Clerk of the Circuit Court of the county in which the child support order is registered of each collection for posting to the court payment record.
 - F) post each collection to the Department's payment record.
 - G) apply each collection to the current support obligation, then to past-due obligations.
 - H) provide a redetermination within 180 days after the date of request for redetermination to each relative who disputes the deduction and, where indicated, make adjustments and refund improperly

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deducted amounts.

- 3) The Department of Employment Security shall take the following action:
 - A) provide notice to the responsible relative and an opportunity to be heard, when the Department cannot resolve the dispute.
 - B) pay all amounts deducted direct to the Department.
- d) Contempt of Court and Other Legal Proceedings
 - 1) The Department shall refer IV-D cases to its legal representatives to initiate contempt of court and other legal proceedings, pursuant to the applicable provisions of the support statutes, for enforcement of orders for support in matters wherein the responsible relative has accumulated a past-due support amount equal to not less than a one-month support obligation, except as set forth in subsection (d)(2).
 - 2) Contempt proceedings shall not be used in the following instances:
 - A) the responsible relative has no known available income or assets from which to satisfy the support obligation and is:
 - i) receiving public assistance;
 - ii) mentally or physically disabled;
 - iii) incarcerated;
 - iv) out-of-the-country;
 - v) deceased; or
 - vi) otherwise situated, making action to obtain support payment unproductive.
 - B) other legal or administrative remedies are more appropriate under the circumstances.

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- 3) Contempt and other legal proceedings shall be used to:
 - A) establish the amount of past-due support;
 - B) obtain a judgment for purposes of:
 - i) imposition of a lien against real estate;
 - ii) levy upon real estate and personal property; or
 - iii) registration in another state;
 - C) secure an order for lump sum or periodic payment of the past-due support or judgment;
 - D) require the responsible relative to post security, bond or give some other guarantee of a character and amount sufficient to assure payment of any amount due under the support order;
 - E) obtain full or partial payment of ~~past-due~~ support through incarceration;
 - F) ascertain the responsible relative's source and amount of income or location and value of assets;
 - G) void a transfer of property fraudulently made to avoid payment of child support in accordance with the Uniform Fraudulent Transfer Act [740 ILCS 160] or obtain a settlement in the best interest of the child support creditor;
 - H) secure other enforcement relief; and
 - I) combine any of the actions authorized by this subsection (d)(3).
- 4) During the course of contempt or other legal proceedings to enforce support, if it appears that there is no net income because of the unemployment of a responsible relative, who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving TANF in Illinois, the Department shall request the court to order

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the relative to report for participation in job search, training or work programs established for responsible relatives under Section 9-6 of the Illinois Public Aid Code [305 ILCS 5/9-6].

- 5) In TANF cases, the Department shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the relative participate in job search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code.
- e) Liens Against Real Estate and Personal Property – Judicial Enforcement of Order for Support
- 1) The Department shall seek judgment liens against real estate and enforce judgments upon the real estate and personal property of responsible relatives, in IV-D cases in which a referral has been made to initiate court enforcement of an order for support, in accordance with Article XII of the Code of Civil Procedure [735 ILCS 5/Art. XII].
 - 2) A petition for a rule to show cause or other petition filed by a Department legal representative to enforce an order for support shall contain a prayer that judgment be entered against the responsible relative in the amount of the past-due support alleged in the petition, when both of the following circumstances exist:
 - A) the past-due amount is at least \$3,500; and
 - B) the responsible relative has an interest in real estate or personal property against which the judgment may be enforced.
 - 3) Upon obtaining a judgment, Department legal representatives shall secure liens against the real estate of responsible relatives by filing a transcript, certified copy or memorandum of judgment in the county where the real estate is located, in accordance with law (see Article XII of the Code of Civil Procedure).
 - 4) A judgment shall be enforced by levy upon the real estate and personal property of the responsible relative in accordance with law (see Article XII of the Code of Civil Procedure) when the relative has a known equity

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that is not less than \$3,500 in excess of any statutory exemption.

- f) Liens Against Real Estate and Personal Property – Administrative Enforcement of Order for Support [and Fines Against a Payor of Income Who Willfully Fails to Withhold or Pay Over Income Pursuant to a Properly Served Income Withholding Notice or Otherwise Fails to Comply with any Duties Imposed by the Income Withholding for Support Act \[750 ILCS 28\]](#)
- 1) Liens Against Real Estate
- A) The Department shall impose liens against real estate of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when both of the following circumstances exist:
- i) the amount of past-due support is at least \$3,500; and
- ii) the responsible relative has an interest in real estate against which a lien may be claimed.
- B) [The State shall impose liens on all legal and equitable interests of a payor of income \(payor\), as that term is defined in the Income Withholding for Support Act, in the payor's real property in the amount of any fine imposed by the Department pursuant to the Income Withholding for Support Act.](#)
- CB) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative [or payor](#) and recorded or filed with the Recorder or Registrar of Titles of the county in which the real estate of the responsible relative [or payor](#) is located. The notice shall inform the responsible relative [or payor](#) and the Recorder or Registrar of Titles of the following:
- i) the name and address of the responsible relative [or payor](#);
- ii) a legal description of the real estate to be levied;
- iii) the amount of past-due support to be satisfied by the levy;

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- iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative or for the fine imposed on a payor pursuant to the Income Withholding of Support Act; and
 - v) the right to prevent action against the real property by payment of the past-due support amount in full or by payment of the fine imposed on the payor in full,~~or~~ to contest the determination that past-due support is owed, or to contest the amount of past-due support or the fine imposed on the payor, by requesting a hearing by the Department.
- DC) A written request for hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from taking action against the real property, although the lien shall remain in effect during the pendency of any protest or appeal taken pursuant to this subsection (f).
- ED) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- FE) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- GF) The lien shall be enforced against the real estate in accordance with Article X of the Illinois Public Aid Code and Article XII of the Code of Civil Procedure when the responsible relative or the payor has a known equity in the real estate that is not less than \$3,500 in excess of any statutory exemption.
- 2) Liens Against Personal Property
- A) The Department shall impose liens against personal property of responsible relatives in IV-D cases in accordance with Article X of the Illinois Public Aid Code when the following circumstances exist:

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- i) the amount of past-due support is at least \$1,000;
- ii) the responsible relative has an interest in personal property against which a lien may be claimed; and
- iii) if the personal property to be levied is an account as defined in Section 10-24 of the Illinois Public Aid Code [305 ILCS 5/10-24], the account is valued in the amount of at least \$300.

B) The State shall impose liens on all legal and equitable interests of a payor, as that term is defined in the Income Withholding for Support Act, in the payor's real property in the amount of any fine imposed by the Department pursuant to the Income Withholding for Support Act.

CB) The Department shall prepare a Notice of Lien or Levy that shall be provided to the responsible relative or payor, any joint owner of whom the Department has knowledge and location information, the financial institution in which an account of the responsible relative or payor is located, the sheriff of the county in which goods or chattels of the responsible relative or payor are located, or any person or entity indebted to or holding personal property of the responsible relative or payor or who may be liable for payment of money in connection with a claim or cause of action of the responsible relative or payor. The notice shall contain the following:

- i) the name and address of the responsible relative or payor;
- ii) a description of the account or personal property to be levied;
- iii) the amount of past-due support or the amount of the fine imposed on the payor to be satisfied by the levy;
- iv) the fact that a lien is being claimed for past-due child support owed by the responsible relative of the fine

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imposed on the payor;

- v) the right of the responsible relative or payor to prevent levy upon the personal property, including accounts, by payment of the past-due support amount in full or by payment of the fine imposed on a payor in full,~~or~~ by contesting the determination that past-due support is owed, or to contest the amount of past-due support or the fine imposed on the payor, by requesting a hearing within 15 days after the date of mailing of the Notice of Lien or Levy; and
- vi) the right of a joint owner to prevent levy upon his or her share of the account or other personal property or to seek a refund of his or her share of the account or other personal property already levied, by requesting, within 15 days after the date of mailing of the Notice of Lien or Levy to the joint owner, a hearing by the Department to determine his or her share of the account or other personal property. A joint owner who is not provided with a Notice of Lien or Levy by the Department may request a hearing by the Department within 45 days after the date of levy of the account or other personal property.

DE) In addition to the information to be included in the Notice of Lien or Levy under subsection (f)(2)(B), the Notice of Lien or Levy provided to a financial institution shall:

- i) state that the lien is subordinate to any prior lien or prior right of set-off that the financial institution may have against the assets, or in the case of an insurance company or benefit association only in the accounts as defined in Section 10-24 of the Illinois Public Aid Code;
- ii) state that upon being served with the Notice of Lien or Levy that the financial institution shall encumber the assets in the account, and surrender and remit those assets within five days after being served with a Notice to Surrender Assets by the Department;

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- iii) state that the financial institution may charge the responsible relative's or payor's account a fee of up to \$50, and that the amount of any fee be deducted from the account before remitting any assets from the account to the Department;
- iv) include a form, Response to Notice of Lien or Levy, to be completed by the financial institution and returned to the Department within 30 days after receipt of the Notice of Lien or Levy; and
- v) include the federal Notice of Right to Garnish Federal Benefits stating that procedures established under 31 CFR 212 for identifying and protecting federal benefits deposited to accounts at financial institutions do not apply to the Notice of Lien or Levy issued by the Department.

ED) The form for the response to Notice of Lien or Levy provided for under subsection (f)(2)(C)(iv) of this Section shall include provisions for the financial institution to complete stating:

- i) the amount of assets in the responsible relative's or payor's account;
- ii) the amount of the fee to be deducted from the account;
- iii) the amount of assets in the account subject to a prior lien or prior right of set-off of the financial institution;
- iv) the name and address of any joint owners of the account; and
- v) the amount of assets surrendered and remitted to the Department.

FE) A written request for a hearing made within 15 days after the date of mailing the Notice of Lien or Levy shall stay the Department from levying upon the personal property, although the lien shall remain in effect during the pendency of any appeal taken pursuant

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to this subsection (f).

- GF) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of the responsible relative's or payor's written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- HG) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.110 upon receipt of a joint owner's written request for a hearing.
- IH) The Department, upon determining a joint owner's share of the personal property or account, shall release the lien against the personal property or account to the extent of the joint owner's share. If the Department's determination of the joint owner's share occurs after the personal property or account has been levied, the Department shall refund the joint owner's share of the personal property or account.
- IJ) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- KJ) Information obtained from financial institutions as to the location of personal property, including accounts, of responsible relatives or payors shall be subject to all State and federal confidentiality laws and regulations. Following data exchange with financial institutions to locate personal property of responsible relatives, the Department shall return to financial institutions data that does not relate to a responsible relative whose personal property may be subject to lien or levy under this subsection (f).

g) Security, Bond or Other Guarantee of Payment

- 1) Except as provided in subsections (g)(2) and (3), the Department shall require, or through its legal representative shall request the court to require, a responsible relative to post security or bond, or give some other guarantee of a character and amount sufficient to assure payment of any amount due under a support order in IV-D cases, pursuant to Section

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10-17.4 of the Illinois Public Aid Code.

- 2) In cases in which the support obligation is established through the administrative process contained in Section 160.60, the notice of support obligation provided to the responsible relative shall indicate that the Department may require the relative to post security or bond, or give some other guarantee of payment. Except when the responsible relative is subject to income withholding, the administrative support order shall contain this requirement in an amount equal to a one year support obligation.
 - 3) In acting upon a referral to establish a support obligation or to enforce an existing order for support, Department legal representatives shall include in the complaint or petition a request for an order requiring the responsible relative to post security or bond, or give some other guarantee of payment equal to a one year support obligation, unless the relative is subject to the income withholding provisions of the support statutes.
- h) Past-Due Support Information to Consumer Reporting Agencies
- 1) The Department shall report the following information concerning responsible relatives in IV-D cases to consumer reporting agencies when the amount of past-due support is or exceeds that required for intercepting federal income tax refunds as provided in subsection (b)(2)(A):
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support that has accumulated under the order for support.
 - 2) The Department shall provide the responsible relative with a notice at least 15 days prior to furnishing past-due support information to consumer reporting agencies that shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be reported;

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- C) the date past-due support will be reported; and
 - D) the right to prevent reporting by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent reporting by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
 - 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
 - 5) The Department shall be stayed from providing information to consumer reporting agencies by either of the following:
 - A) a request for:
 - i) a redetermination; or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice; or
 - ii) notice of redetermination or hearing results.
 - 6) The Department shall advise consumer reporting agencies of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to those agencies.
- i) High-Volume Automated Administrative Enforcement in Interstate Cases
 - 1) The Department shall use high-volume automated administrative

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enforcement, to the same extent as used for intrastate cases, in response to a request of another state to enforce support orders, and shall promptly report the results of the enforcement activity to the requesting state.

- 2) High-volume automated administrative enforcement means that, upon a request of another state, the Department shall identify, through automated data matches with financial institutions and other entities, where assets may be found of persons who owe child support in other states and shall seize those assets through levy or other appropriate processes.
- 3) The Department may, by electronic or other means, transmit to another state a request for assistance in a case involving the enforcement of a support order. The request shall:
 - A) Include information that will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of that state.
 - B) Constitute a certification by the Department of the amount of support owed and that the Department has complied with all procedural due process requirements applicable to each case.
- 4) If the Department provides assistance to another state pursuant to this Section with respect to a case, neither state shall consider the case to be transferred to the caseload of the other state.
- 5) The Department shall maintain records of:
 - A) The number of requests for assistance received by the Department.
 - B) The number of cases for which the Department collected support in response to a request and the actual amount of support collected.
- j) Past-Due Support Certified to the Illinois Department of Revenue, to Municipalities or to the IV-D Agency of Another State for Administrative Enforcement in the Other State
 - 1) The Department may collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to the

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Illinois Department of Revenue for collection (see Section 10-17.9 of the Illinois Public Aid Code), to municipalities with ordinances to immobilize and impound vehicles for non-payment of child support (see Section 10-17.3 of the Illinois Public Aid Code, or to another state's IV-D agency for administrative enforcement when the responsible relative has property in the other state.

- 2) The Department may certify past-due support amounts to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state when the following conditions exist:
 - A) past-due support is owed for a child or for a child and the parent with whom the child is living;
 - B) the responsible relative has made no payment directly or through income withholding within 30 days prior to the date of the advance notice under subsection (j)(3);
 - C) as of the date of certification, the responsible relative does not have a bankruptcy case pending; and
 - D) the responsible relative is not deceased.
- 3) The Department shall provide the responsible relative with a notice prior to certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state that shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be submitted for collection;
 - C) the right to contest the determination that past-due support is owed or the amount of past-due support by making a written request for a redetermination by the Department; and
 - D) that the responsible relative may avoid certification by establishing

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a satisfactory repayment plan as determined by the Department.

- 4) Factors for a satisfactory repayment plan will include, but are not limited to:
 - A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due amount;
 - C) the amount of current child support obligations; and
 - D) the individual's ability to pay.
- 5) The Department shall provide the Illinois Department of Revenue, municipalities or the IV-D agency of another state for administrative enforcement in the other state the following descriptive information on the responsible relative:
 - A) name;
 - B) Social Security Number;
 - C) IV-D identification number; and
 - D) the past-due support amount.
- 6) A written request for redetermination made within 15 days after the date of mailing the advance notice shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state.
- 7) No later than 120 days after the date the redetermination was requested, the Department shall provide the responsible relative with a notice of the results of the redetermination and of the right to contest those results by making a written request for a hearing by the Department within 15 days after the date of mailing of the notice.
- 8) A written request for hearing made within 15 days after the date of

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mailing the notice of results of redetermination shall stay the Department from certifying the balance to the Illinois Department of Revenue, to municipalities or to the IV-D agency of another state for administrative enforcement in the other state, if certifying the balance had been stayed pursuant to subsection (j)(6).

- 9) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that Section 104.103(b) and (c) shall not apply.
- 10) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- 11) The Department shall:
 - A) apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligation; or
 - B) if the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible refund to the responsible relative any overpayment, pursuant to certification for collection, that is still in the possession of the Department.
- k) Past-Due Support Information to the Secretary of Health and Human Services for Denial of Passports
 - 1) The Department shall report the following information concerning responsible relatives in IV-D cases to the Secretary of Health and Human Services for denial of passports when the amount of past-due support exceeds \$2,500:
 - A) the name, last known address and Social Security Number of the responsible relative; and
 - B) the terms and amount of past-due support that has accumulated under the order for support.

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- 2) The Department shall provide the responsible relative with a notice at least 15 days prior to certifying past-due support to the Secretary of Health and Human Services that shall inform the relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount that will be certified;
 - C) the date past-due support will be certified; and
 - D) the right to prevent certification by payment of the past-due support amount in full or to contest the determination that past-due support is owed or the amount of past-due support by requesting a redetermination by the Department.
- 3) The Department shall provide the responsible relative with notice of the results of the redetermination and the right to prevent certification by payment in full of the past-due support found to be owed or to contest the results of the redetermination by requesting a hearing within 15 days after the date of mailing of the notice.
- 4) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a request for a hearing.
- 5) The Department shall be stayed from providing information to the Secretary of Health and Human Services by either of the following:
 - A) a request for:
 - i) a redetermination; or
 - ii) a hearing contesting the determination that past-due support is owed or the amount of past-due support; or
 - B) payment in full of the amount of the past-due support stated in the:
 - i) advance notice; or

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- ii) notice of redetermination or hearing results.
- 6) The Department shall advise the Secretary of Health and Human Services of changes in the amount of past-due support found to be owed as a result of a redetermination or hearing conducted after report to HHS, the U.S. State Department or other agencies.
- 1) List of Responsible Relatives
- 1) Any list of responsible relatives owing past-due support to be disclosed pursuant to Section 12-12.1 of the Illinois Public Aid Code shall be developed as required by this subsection (1).
 - 2) The list shall include no more than 200 responsible relatives at any given time, shall include only responsible relatives owing \$5,000 or more in past-due support accumulated under Illinois court or administrative support orders, and shall include, but is not limited to, the following information about each responsible relative:
 - A) the name of the responsible relative;
 - B) the responsible relative's last known address; and
 - C) the amount of past-due support as of a given date, expressed within a range (for example, \$50,000-\$100,000), that has accumulated under the support order.
 - 3) The Department shall make the list available for public inspection at its offices or by other means of publication, including the Internet.
 - 4) The Department shall send an advance notice by certified mail to the responsible relative at his or her last known address at least 90 days prior to publishing past-due support information. The advance notice shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the past-due support amount as of a given date;

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- C) the earliest date by which ~~past-due~~ ~~past-due~~ support information will be published;
 - D) the right to contest the determination that past-due support is owed or the amount of past-due support by submitting a written request to the Department for a hearing within 15 days after the date of mailing of the advance notice; and
 - E) that within 60 days from the date of delivery or refusal of the advance notice, the responsible relative may avoid publication of the past-due support information by paying the past-due support in full, or by establishing and complying with a satisfactory payment plan as determined by the Department.
- 5) Factors for a satisfactory payment plan will include, but are not limited to:
- A) the amount of past-due support owed;
 - B) the amount to be paid toward the past-due support;
 - C) the amount of the current support obligations; and
 - D) the responsible relative's ability to pay.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.101 and 104.103 upon receipt of a request for a hearing.
- 7) The Department shall be stayed from publishing past-due support information regarding the responsible relative by any of the following:
- A) a timely written request for hearing from the responsible relative regarding the existence or amount of past-due support stated in the advance notice; or
 - B) as of the date of publishing, a pending judicial review of a final administrative decision of the Department issued pursuant to this subsection (1)(7).
- m) Certification to the Illinois Secretary of State for Driver's License Suspension

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- 1) The Department shall issue a Notice of Intent to Request Suspension of an Illinois Driver's License to a responsible relative in accordance with Section 10-17.6 of the Illinois Public Aid Code and Section 7-702 of the Illinois Vehicle Code [625 ILCS 5/7-702], when the following circumstances exist:
 - A) the amount of past-due support is at least \$2500, and the responsible relative has not made a voluntary payment of support in the last 90 days; or
 - B) the responsible relative has failed to comply with a subpoena or warrant in a paternity or child support proceeding.
- 2) The Notice of Intent to Request Suspension of an Illinois Driver's License shall contain the following:
 - A) the IV-D case name and identification number;
 - B) the ~~past-due~~ support amount and the amount of interest that will be certified;
 - C) the date of issuance of any subpoena or warrant in a paternity or child support proceeding with which the responsible relative has failed to comply;
 - D) the right of the responsible relative to prevent certification to the Secretary of State for driver's license suspension by payment of the past-due support amount and interest in full or by entering into a payment plan satisfactory to the Department or to contest the amount of past-due support and interest that is owed by requesting a hearing by the Department within 15 days after the date of mailing by the Department; and
 - E) the right of the responsible relative to prevent certification to the Secretary of State for failure to comply with a subpoena or warrant in a paternity or child support proceeding by complying with the subpoena or warrant or to contest the determination of the failure to comply with the subpoena or warrant by requesting a hearing by

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the Department within 15 days after the date of mailing by the Department.

- 3) Factors for an acceptable payment plan will include, but are not limited to:
 - A) the amount of ~~past-due~~~~past due~~ support and interest owed;
 - B) the amount of current child support ordered to be paid; and
 - C) the responsible relative's ability to pay.
- 4) The responsible relative's commencement of periodic payments on the ~~past-due~~~~past due~~ support amount owed in compliance with a court or administrative order entered prior to the date of the Notice of Intent to Request Suspension of an Illinois driver's license shall be deemed by the Department to be a satisfactory payment plan.
- 5) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Suspension of an Illinois Driver's License shall stay the Department from certifying past-due support and interest, or failure to comply with a subpoena or warrant, to the Secretary of State.
- 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- 7) Following certification to the Secretary of State for driver's license suspension and upon request of the responsible relative, the Department shall direct the Secretary of State to issue a family financial responsibility driving permit in accordance with Section 10-17.6(b) of the Illinois Public Aid Code and Section 7-702.1(b) of the Illinois Vehicle Code, when the following circumstances exist requiring the responsible relative to operate a motor vehicle:
 - A) between the responsible relative's residence and place of employment, or within the scope of employment related duties, as verified by the employer in writing; or

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- B) for the purpose of providing transportation for the responsible relative or a household member to receive alcohol treatment, other drug treatment, or medical care as verified in writing by the treatment center or physician that includes the duration of treatment; or
 - C) for the purpose of the unemployed responsible relative seeking employment.
- 8) When directing the issuance of a family financial responsibility driving permit for the purpose of seeking employment under subsection (m)(7)(C), the Department shall require that:
- A) the permit be limited to Monday through Friday between the hours of 8:00 a.m. and 12:00 p.m. (noon) unless the responsible relative provides written documentation showing that to so limit the hours of the permit would have an adverse effect on the responsible relative's ability to seek employment; and
 - B) the responsible relative provides to the Department a job search diary every 30 days showing contact with no fewer than 10 potential employers during a 30 day period.
- 9) The maximum duration of a family financial responsibility driving permit shall be one year from the date of issuance by the Secretary of State, with the ability of the responsible relative to request issuance of a new permit after the initial permit has expired.
- 10) The Department may direct the issuance of a family financial responsibility driving permit to the responsible relative only if no alternative means of transportation is reasonably available for the purposes stated in this subsection (m).
- 11) The Department shall direct the Secretary of State to cancel the family financial responsibility driving permit in the event the responsible relative violates the conditions of its issuance.
- 12) Any responsible relative aggrieved by the Department's determination on a request for issuance of a family financial responsibility driving permit may

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file a written request for hearing within 15 days after the date of mailing of the results of the determination to the responsible relative. The Department shall proceed in accordance with 89 Ill. Adm. Code 104.106 upon receipt of a request for hearing.

- n) Certifying ~~Past-Due~~Past-Due Support or Failure to Comply with a Subpoena or Warrant to State Professional, Occupational or Recreational Licensing Agencies
- 1) The Department shall issue a Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License to a responsible relative when the following circumstances exist:
 - A) the amount of ~~past-due~~past-due support is at least \$1,000, and the responsible relative has not made a voluntary payment of support in the last 90 days; or
 - B) the responsible relative has failed to comply with a subpoena or warrant in a paternity or child support proceeding.
 - 2) The Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License shall inform the responsible relative of the following:
 - A) the IV-D case name and identification number;
 - B) the ~~past-due~~past-due support amount and the amount of interest that will be certified;
 - C) the date of issuance of any subpoena or warrant in a paternity or child support proceeding with which the responsible relative has failed to comply;
 - D) the right of the responsible relative to prevent certification to the licensing agency by payment of the ~~past-due~~past-due support amount and interest in full or by entering into a payment plan satisfactory to the Department, or to contest the amount of ~~past-due~~past-due support and interest owed by requesting a hearing by the Department within 15 days after the date of mailing by the Department; and

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- E) the right of the responsible relative to prevent certification to the licensing agency for failure to comply with a subpoena or warrant in a paternity or child support proceeding by complying with the subpoena or warrant, or to contest the determination of the failure to comply with the subpoena or warrant by requesting a hearing by the Department within 15 days after the date of mailing by the Department.
- 3) Factors for an acceptable payment plan will include, but are not limited to:
 - A) the amount of ~~past-due~~ support and interest owed;
 - B) the amount of current child support ordered to be paid; and
 - C) the responsible relative's ability to pay.
 - 4) The responsible relative's commencement of periodic payments on the ~~past-due~~ support amount owed in compliance with a court or administrative order entered prior to the date of mailing of the Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License shall be deemed by the Department to be a satisfactory payment plan.
 - 5) A written request for hearing made within 15 days after the date of mailing of the Notice of Intent to Request Revocation, Suspension or Denial of a Professional, Occupational or Recreational License shall stay the Department from certifying ~~past-due~~ support and interest or failure to comply with a subpoena or warrant to the licensing agency.
 - 6) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a timely written request for hearing, except that 89 Ill. Adm. Code 104.103(b) and (c) shall not apply.
- o) Debit Authorization for Obligor's Who Are Not Subject to Income Withholding
 - 1) The Department shall adopt a child support enforcement debit authorization form that, upon being signed by an obligor, authorizes the State Disbursement Unit to debit the obligor's financial institution account

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periodically in an amount equal to the amount of the child support obligation.

- 2) The Department shall, upon adoption, inform each financial institution conducting business in this State that the child support enforcement debit authorization form has been adopted and is ready for use.
 - 3) The child support enforcement debit authorization form shall include instructions concerning the debiting of accounts held on behalf of obligors and the transfer of the debited amount to the State Disbursement Unit.
 - 4) When an obligor does not have a payor, as defined in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], he or she must sign a child support enforcement debit authorization form. The obligor must sign a separate child support enforcement debit authorization form for each financial institution holding an account on his or her behalf in which a child support payment is to be debited and transferred to the State Disbursement Unit.
 - 5) The signing and issuance of a child support enforcement debit authorization form does not relieve the obligor from responsibility for compliance with any requirement under the order for support.
 - 6) It is the responsibility of the obligor to notify the State Disbursement Unit in accordance with the instructions provided on the child support enforcement debit authorization form.
- p) Judicial Registration of Administrative Support Orders [and/or Administrative Paternity Orders](#)
- 1) A final administrative support order [and/or a final administrative paternity order, excluding a voluntary acknowledgment or denial of parentage, which is governed by other provisions of the Public Aid Code \[305 ILCS 5\], the Illinois Parentage Act of 1984 \[750 ILCS 45\] and/or 2015 \[750 ILCS 46\], and the Vital Records Act \[410 ILCS 535\]](#), established by the Department under Article X of the Public Aid Code may be registered in the appropriate circuit court of this State by the Department or by a party to the order by filing:

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- A) Two copies, including one certified copy, of the administrative order to be registered;
 - B) Any subsequent modification of the administrative support order;
 - C) Any voluntary ~~acknowledgment~~acknowledgement of paternity of the child covered by the order;
 - D) Documents showing service of the notice of support obligation or the notice of paternity and support obligation that commenced the procedure for establishment of the administrative support order and/or the administrative paternity order as required by Section 10-4 of the Public Aid Code;
 - E) Documentation showing the amount of ~~past-due~~past due support accrued under the administrative order by a sworn statement by the person requesting registration or a certified copy of the Department payment records; and
 - F) A Notice of Registration containing: the name of the obligor and, if known, the obligor's address and the name of the obligee and the obligee's address unless the obligee alleges in an affidavit or pleading under oath that the health, safety or liberty of the party or child would be jeopardized by the disclosure, in which case the information must be sealed and not disclosed to the other party or public. After a hearing, the court may order the disclosure of information that the court determines to be in the interest of justice.
- 2) Every Notice of Registration must be accompanied by a copy of the registered administrative support order and/or the administrative paternity order and the relevant information accompanying the order as noted in subsection (p)(1).
 - 3) The filing of the administrative support order and/or the administrative paternity order constitutes registration with the circuit court.
 - 4) The Department shall certify the administrative support order and/or the administrative paternity order or payment record by attaching a copy of the Department's certification (HFS 390).

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- 5) The registering party shall serve notice of the registration on the other party by first class mail, unless the administrative support order [and/or the administrative paternity order](#) was entered by default or the registering party is also seeking an affirmative remedy. The registering party shall serve notice on the Department in all cases by first class mail.
- A) If the administrative support order [and/or the administrative paternity order](#) was entered by default against the obligor, the obligor must be served with the registration by any method provided by law for service of summons.
- B) If the petition or comparable pleading seeking an affirmative remedy is filed with the registration, the non-moving party must be served with the registration and the affirmative pleading by any method provided by law for service of summons.
- 6) A Notice of Registration of an administrative support order [and/or an administrative paternity order](#) must provide the following information:
- A) That a registered administrative order is enforceable in the same manner as an order for support [and/or an order for paternity](#) issued by the circuit court.
- B) That a hearing to contest enforcement of the registered administrative support order [and/or the registered administrative paternity order](#) must be requested within 30 days after the date of service of the notice.
- C) That failure to contest, in a timely manner, the enforcement of the registered administrative support order [and/or the registered administrative paternity order](#) shall result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted.
- D) The amount of any alleged arrearages.

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- 7) A non-registering party seeking to contest enforcement of a registered administrative support order [and/or a registered administrative paternity order](#) shall request a hearing within 30 days after the date of service of notice of the registration. The non-registering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered administrative support order [and/or the registered administrative paternity order](#), or to contest the remedies being sought or the amount of any alleged arrearages.
- 8) If the non-registering party fails to contest the enforcement of the registered administrative support order [and/or the registered administrative paternity order](#) in a timely manner, the order shall be confirmed by operation of law.
- 9) If a non-registering party requests a hearing to contest the enforcement of the registered administrative support order [and/or the registered administrative paternity order](#), the circuit court shall schedule the matter for hearing and give notice to the parties and the Department of the date, time and place of the hearing.
- 10) A party contesting the enforcement of a registered administrative support order [and/or a registered administrative paternity order](#) or seeking to vacate the registration has the burden of proving one or more of the following defenses:
 - A) The Department lacked personal jurisdiction over the contesting party.
 - B) The administrative support order [and/or the administrative paternity order](#) was obtained by fraud.
 - C) The administrative support order [and/or the administrative paternity order](#) has been vacated, suspended or modified by a later order.
 - D) The Department has stayed the administrative support order [and/or the administrative paternity order](#) pending appeal.
 - E) There is a defense under the law to the remedy sought.

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- F) Full or partial payment has been made.
- 11) If a party presents evidence establishing a full or partial payment defense, the court may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered administrative support order and/or the registered administrative paternity order may be enforced by all remedies available under State law.
- 12) If the contesting party does not establish a defense to the enforcement of the administrative support order and/or the administrative paternity order, the court shall issue an order confirming the administrative support order and/or the administrative paternity order. Confirmation of the registered administrative support order and/or the registered administrative paternity order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration. Upon confirmation, the registered administrative support order and/or the registered administrative paternity order shall be treated in the same manner as a support order and/or a paternity order entered by the circuit court, including the ability of the court to entertain a petition to modify the administrative support order due to a substantial change in circumstances and/or a petition to modify the administrative paternity order due to clear and convincing evidence regarding paternity, or petitions for visitation or custody of the child or children covered by the administrative support order. Nothing in this Section shall be construed to alter the effect of a final administrative support order and/or a final administrative paternity order, or to restrict judicial review of a final order to the provisions of the Administrative Review Law, as provided in ~~Sections~~ Section 10-11 and 10-17.7 of the Illinois Public Aid Code.
- 13) Notwithstanding the limitations of relief provided for under this Section regarding an administrative paternity order and the administrative relief available from an administrative paternity order under Sections 10-12 through 10-14.1 of the Illinois Public Aid Code, a party may petition for relief from a registered final administrative paternity order entered by consent of the parties, excluding a voluntary acknowledgment or denial of paternity as well as an administrative paternity order entered pursuant to

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genetic testing. The petition shall be filed pursuant to Section 2-1401 of the Code of Civil Procedure [735 ILCS 5/2-1401] based upon a showing of due diligence and a meritorious defense. The court, after reviewing the evidence regarding this specific type of administrative paternity order entered by consent of the parties, shall issue an order regarding the petition. Nothing in this Section shall be construed to alter the effect of a final administrative paternity order, or the restriction of judicial review of such a final order to the provisions of the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 10-17.7 of the Illinois Public Aid Code.

- q) Certification to State Gaming Licensee of ~~Past-Due~~ Past-Due Support
- 1) The Department shall collect past-due support owed by responsible relatives in IV-D cases through certification of the account balance to State Gaming Licensees (as defined in Section 10-17.15 of the Illinois Public Aid Code). This process will be accomplished via an electronic interface between the Department and the State Gaming Licensee. The Department shall provide signage to the State Gaming Licensee in compliance with the law.
 - 2) The Department shall certify past-due support amounts to be withheld to any State Gaming Licensee when the following conditions exist:
 - A) The amount of ~~past-due~~ past-due support is at least \$1,200 and the responsible relative has not made a voluntary payment within 90 days prior to the certification;
 - B) As of the date of certification, the Department has not received notice of a pending bankruptcy case involving the responsible relative; and
 - C) The State Gaming Licensee has notified the Department regarding the winnings of a responsible relative owing past-due support.
 - 3) The State Gaming Licensee shall withhold from winnings required to be reported to the Internal Revenue Service on Form W2-G, or any subsequent amendment or replacement to that form, for licensees covered under the Riverboat Gambling Act [230 ILCS 10] and the Illinois Horse

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Racing Act of 1975 [230 ILCS 5], with the additional requirement that the winnings are subject to withholding for federal tax purposes for licensees covered under the Illinois Horse Racing Act of 1975, up to the full amount of winnings necessary to pay the responsible relative's past-due support.

- A) "Winnings" means any cash award that results from a specific wager connected with limited gaming or pari-mutuel wagering for which the licensee is required to file form W2-G, or a substantially equivalent form, with the Internal Revenue Service (IRS). "Winnings" do not apply to the awarding of merchandise, other non-cash items, promotional awards, loyalty program awards or other cash prize awards not associated with a specific wagering event.
- B) For the withholding of winnings, the State Gaming Licensee shall be entitled to an administrative fee not to exceed the lesser of 4% of the total amount of cash winnings paid the responsible relative or \$150.
- C) The past-due child support required to be withheld under this subsection (q)(3)(C), and the administrative fee under subsection (q)(3)(B), would have priority over any secured or unsecured claim or charitable contribution requested on cash winnings, except claims for federal or State taxes that are required to be withheld under federal or State law.
- D) In no event shall the total amount withheld from the winnings, including the administrative fee, exceed the total cash winnings claimed. If the amount claimed is greater than the amount sufficient to satisfy the past-due support amount, the State Gaming Licensee shall pay the responsible relative the remaining balance of the payout, less the administrative fee, at the time it is claimed.
- E) The State Gaming Licensee shall provide information required by the Department regarding the responsible relative whose winnings may be subject to being withheld pursuant to this subsection (q)(3) at the time the winnings are redeemed or to be paid by the State Gaming Licensee. At the time the winnings are withheld, an agent of the Illinois Racing Board shall be responsible for notifying the

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person identified as being delinquent in child support payments that the Gaming Licensee under the Illinois Horse Racing Act of 1975 is required by law to withhold all or a portion of the winnings. Upon request of a State Gaming Licensee under the Riverboat Gambling Act, an agent of the Illinois Gaming Board shall be responsible for notifying the person identified as being delinquent in child support payments that the Gaming Licensee is required by law to withhold all or a portion of the winnings. These notice requirements may be satisfied by giving the person a copy of the certification the Department submitted to the State Gaming Licensee.

- 4) As part of the Department's annual notice to responsible relatives who owe past-due child support, as provided for in subsection (b)(3), the Department shall include a statement regarding the Department's ability to certify the past-due balance to a State Gaming Licensee. This advance notice shall inform the responsible relative of the following:
 - A) The IV-D case name and identification number;
 - B) The past-due support amount that will be submitted for collection; and
 - C) The type of collection remedies available to the Department.
- 5) Immediately upon receipt of the information required by subsection (q)(3)(E), the Department's certification to the State Gaming Licensee shall provide the following information regarding the responsible relative:
 - A) Name;
 - B) IV-D identification number;
 - C) The ~~past-due~~ support amount to be withheld;
 - D) The amount of the administrative fee that the State Gaming Licensee may retain; and

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- E) The amount, if any, that may be released to the responsible relative.
- 6) The State Gaming Licensee shall provide the responsible relative with a receipt of the withheld winnings and shall transfer those funds to the Department via electronic transfer. The Department shall hold the funds until the expiration of the period in which the responsible relative may request a hearing or, if a hearing has been requested, until a final administrative decision is rendered.
- 7) The responsible relative may contest the certification by the Department to the State Gaming Licensee by a written request for hearing made to the Department within 15 days after the date of the certification.
- 8) The Department shall proceed in accordance with 89 Ill. Adm. Code 104.103 upon receipt of a written request for hearing, except that subsections (b) and (c) of that Section shall not apply.
- 9) The Department shall notify the Clerk of the Court of the county in which the child support order was entered of any amount collected for posting to the court payment record.
- 10) The Department shall:
 - A) Apply any overpayment by the responsible relative pursuant to the certification for collection as a credit against future support obligations; or
 - B) If the current support obligation of the responsible relative has terminated by operation of law or court order, as promptly as possible, refund to the responsible relative any overpayment, pursuant to the certification for collection, that is still in the possession of the Department.
- 11) Confidentiality
Information provided to and accessed by the State Gaming Licensee is considered confidential.
- r) Other Remedies

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The Department shall pursue any other remedies provided for by law to enforce and collect past-due support owed by responsible relatives in IV-D cases.

- s) For all other hearings provided for under this Section, if the Department's hearing officer determines that the Quantitative Standard for Review has been met or that the party or parties requesting the hearing has or have demonstrated the occurrence of a substantial change in circumstances since entry of the last administrative order of support warranting modification of that order, the hearing officer will recommend entry of a final administrative decision resulting in entry of a new administrative order for support. In recommending terms of the new administrative order for support, either for current support or, in the event that a current support obligation is no longer owed and only past-due support remains, and therefore, periodic payments toward the past-due support must be ordered, the hearing officer shall calculate the new support terms in accordance with the provisions of Section 160.60(c)(2).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 160.75 Withholding of Income to Secure Payment of Support

- a) **Definitions**
The definitions contained in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15] shall apply in this Section.
- b) **Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice**
- 1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:
- A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor

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becomes delinquent in paying the order for support; and

- B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and
 - C) the obligor's Social Security Number disclosed to the court as required by law; and
 - D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.
- 2) The income withholding notice prepared by the Department shall:
- A) be in the standard format prescribed by the federal Department of Health and Human Services; and
 - B) state the date of entry of the order for support upon which the income withholding notice is based; and
 - C) direct any payor to withhold the dollar amount required for current support under the order for support; and
 - D) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and
 - E) state the amount of the payor income withholding fee as provided by law; and
 - F) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and

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- G) state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and
 - H) state the rights, remedies, and duties of the obligor, as provided by law; and
 - I) include the Social Security Number of the obligor; and
 - J) contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice; and
 - K) direct any payor to pay over amounts withheld for payment of support to the State Disbursement Unit.
- 3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A), if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.
- c) Service of Income Withholding Notice
- 1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within two business days after the date the order is received if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [820 ILCS 405/1801.1], the Department shall serve an income withholding notice and, where applicable, a National Medical Support Notice, on the payor within two business days after the date

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information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

- 2) The Department may serve the income withholding notice on the payor or its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.
 - 3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A), provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.
 - 4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.
- d) Income Withholding After Accrual of Delinquency
- 1) The Department shall prepare and serve an income withholding notice within two business days after the date the obligor accrues a delinquency if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date

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information regarding the obligor and payor is entered into the Illinois Directory of New Hires.

- 2) An income withholding notice prepared by the Department under subsection (d)(1) shall:
 - A) contain the information required under subsection (b)(2); and
 - B) contain the total amount of the delinquency as of the date of the notice; and
 - C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
 - D) be served on the payor and the obligor in the manner provided in subsection (c)(2).
 - 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
 - A) a dispute concerning the existence or amount of the delinquency; or
 - B) the identity of the obligor.
 - 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A), shall apply only to the initial service of an income withholding notice on a payor of the obligor.
- e) Initiated Withholding
- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of

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whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) no longer ensures payment of support, and the reason or reasons why it does not.

- 2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2).
 - 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):
 - A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) continues to ensure payment of support; or
 - B) the identity of the obligor.
- f) Petitions to Modify, Suspend or Terminate an Order for Withholding
- 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support;
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to

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deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.

- 2) The Department shall serve on the payor, in the manner provided for service of income withholding notices in subsection (c)(2), a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.
 - 3) The Department may serve a notice on the payor to:
 - A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
 - 4) The notice provided for under subsection (f)(3) shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2), and a copy shall be provided to the obligor and the obligee.
- g) **Additional Duties**
The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:
- 1) an offset under federal or State law; or
 - 2) partial payment of the delinquency or arrearage or both.
- h) **Alternative Procedures for Service of an Income Withholding Notice**
- 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:
 - A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b), irrespective of whether a separate order for withholding was

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entered prior to July 1, 1997; and

- B) The obligor has accrued a delinquency after entry of the most recent order for support.
- 2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d), except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.
 - 3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c). In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.
- i) Notice to Payor
Whenever the Department serves an income withholding notice on a payor, notice of the following shall be included in or with the income withholding notice:
 - 1) that the payor must begin deducting no later than the next payment of income that is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor;
 - 2) that the payor must pay the amount withheld to the State Disbursement Unit within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
 - 3) that if the payor knowingly fails to withhold the amount designated in the income withholding notice or to pay any amounts withheld to the State Disbursement Unit within seven business days after the date the amount would have been paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the amount designated in the income

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withholding notice (whether or not withheld by the payor) is not paid to the State Disbursement Unit after the period of seven business days has expired;

- 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
- 5) that for each deduction the payor must provide the State Disbursement Unit at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 6) that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
- 7) that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act (15 USC 1601). Income available for withholding shall be applied first to the current support obligation, then to any premium required for employer, labor union, or trade union-related health insurance coverage ordered under the order for support, and then to payment required on ~~past-due~~past due support obligations. If there is insufficient available income remaining to pay the full amount of the required health insurance premium after withholding of income for the current support obligation, then the remaining available income shall be applied to payments required on ~~past-due~~past due support obligations;
- 8) require that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income withholding notice to the Department and provide the obligor's last known address and the name and address of the obligor's new payor, if known;
- 9) that withholding of income under the income withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
- 10) that the income withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the

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Circuit Court;

- 11) that the payor is subject to a fine of up to \$200 for discharging, disciplining or otherwise penalizing an obligor because of the duty to withhold income;
 - 12) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
 - 13) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments; and
 - 14) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.
- j) Notice to Obligor
- When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:
- 1) that income withholding has commenced;
 - 2) the information provided to the payor under subsection (i);
 - 3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h), as applicable;
 - 4) that at any time the obligor may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or
 - B) modify the amount of income to be withheld to reflect payment in

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full or in part of the delinquency or arrearage by income withholding or otherwise; or

- C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or
 - D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:
 - i) the amount of current support;
 - ii) the amount of the arrearage;
 - iii) the periodic amount for payment of the arrearage; or
 - iv) the periodic amount for payment of the delinquency;
 - 5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days after the change; and
 - 6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.
- k) Penalties
- In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income withholding notice, or otherwise fails to comply with any income withholding duties imposed by law, the Department, through its legal representatives, may request that the court:
- 1) enter judgment against the payor, or an officer or employee of the payor, as provided by law, and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
 - 2) impose a penalty or fine upon the payor or invoke any other remedy

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allowed by law.

l) Administrative Fines Imposed by the Department

- 1) The administrative fines provided for under Section 50.5 of the Income Withholding for Support Act [750 ILCS 28] (Withholding Act) are in addition to any existing fines or penalties against a payor of income provided for in that Act and do not affect who would be entitled to receive those existing fines and penalties. In addition to any fines or penalties provided for in the Withholding Act, when a payor of income willfully fails, after receiving two reminders from the Department to withhold or pay over income pursuant to a properly served income withholding notice or otherwise fails to comply with any duties imposed by the Withholding Act, the Department may impose a fine upon the payor of income not to exceed \$1,000 per payroll period. The fine will be payable to the Department and may be used to defray the costs incurred by the Department in the collection of the past-due support and penalties provided for by the Withholding Act. The Department shall place the fines collected into a special fund created to implement the purposes of Section 50.5 of the Withholding Act and the fines shall be utilized for the purposes provided for in that Section. After deducting the costs incurred by the Department in the collection of the past-due support and penalties provided for in the Withholding Act, the remainder of the fines collected under Section 50.5 shall be distributed proportionally to the counties based on their IV-D population. The counties shall use these funds to assist low income families in defraying the costs associated with seeking parenting time.
- 2) The Department may collect the fine through administrative liens and levies on the real and personal property of the payor of income as provided in Sections 10-25 and 10-25.5 of the Public Aid Code.
- 3) The payor of income may contest the fine as provided in Sections 10-25 and 10-25.5 of the Public Aid Code.

m) Intergovernmental Income Withholding

Within the timeframes specified in subsections (c)(1) and (d)(1), and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is

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receiving income from a payor located in another jurisdiction.

- nm) Use of National Medical Support Notice to Enforce Health Insurance Coverage
- 1) When an order for support is being enforced by the Department under this Section, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice.
 - 2) A National Medical Support Notice shall be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Section, except that an order for support that conditions service of an income withholding notice on the obligor becoming delinquent in paying the order for support shall not prevent immediate service of a National Medical Support Notice by the Department. The Department may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.
 - 3) At the time of service of a National Medical Support Notice on the employer, the Department shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Department shall file a copy of the National Medical Support Notice, together with proofs of service on the employer and the obligor, with the clerk of the circuit court.
 - 4) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to the plan. The employer shall commence the withholding no later than the next payment of income that occurs 14 days after the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer.

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Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of the Income Withholding for Support Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Department.

- 5) If one of the following circumstances exists, an employer served with a National Medical Support Notice shall complete the part of the Notice directed to the employer in accordance with the instructions in the Notice and shall return that part to the Department within 20 business days after the date of the Notice:
 - A) The employer does not maintain or contribute to plans providing dependent or family health insurance coverage.
 - B) The obligor is among a class of employees that is not eligible for family health insurance coverage under any group health plan maintained by the employer or to which the employer contributes.
 - C) Health insurance coverage is not available because the obligor is no longer employed by the employer.
- 6) The administrator of a health insurance plan to whom an employer has transferred the severable notice to plan administrator part of a National Medical Support Notice shall complete that part with the health insurance coverage information required under the instructions in the Notice and shall return that part to the Department within 40 business days after the date of the Notice.
- 7) The obligor may contest withholding under this Section based only on a mistake of fact and may contest withholding by filing a petition with the clerk of the circuit court within 20 days after service of a copy of the National Medical Support Notice on the obligor. The obligor must serve a copy of the petition on the Department at the address stated in the National

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Medical Support Notice. The National Medical Support Notice, including the requirement to withhold any required premium, shall continue to be binding on the employer until the employer is served with a court order resolving the contest or until notified by the Department.

- 8) Whenever the obligor is no longer receiving income from the employer, the employer shall return a copy of the National Medical Support Notice to the Department and shall provide information for the purpose of enforcing health insurance coverage under this Section.
- 9) The Department shall promptly notify the employer when there is no longer a current order for health insurance coverage in effect that the Department is responsible for enforcing.
- 10) Unless stated otherwise in this Section, all of the provisions of this Section relating to income withholding for support shall pertain to income withholding for health insurance coverage under a National Medical Support Notice, including but not limited to, the duties of the employer and obligor, and the penalties contained in Section 35 and Section 50 of the Income Withholding for Support Act. In addition, an employer who willfully fails to transfer the severable notice to plan administrator part of a National Medical Support Notice to the appropriate group health plan providing health insurance coverage for which a child is eligible, within 20 business days after the date of the Notice, is liable for the full amount of medical expenses incurred by or on behalf of the child which would have been paid or reimbursed by the health insurance coverage had the severable notice to plan administrator part of the Notice been timely transferred to the group health insurance plan. This penalty may be collected in a civil action that may be brought against the employer in favor of the obligee or the Department.
- 11) When the administrator of a health insurance plan returns the severable notice to plan administrator portion of a National Medical Support Notice to the Department indicating that there is more than one option available for coverage of the child under the plan, the Department, within 20 days after the date the portion is returned, shall consult with the obligee, select from the available options, and inform the plan administrator of the option selected.

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- 08) Refund of Improperly Withheld Amounts
The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 160.88 State Case Registry

- a) Pursuant to Section 10-27 of the Illinois Public Aid Code [305 ILCS 5/10-27], the Department shall establish an automated State Case Registry to contain records concerning child support orders for:
- 1) all IV-D cases; and
 - 2) all other cases entered or modified on or after October 1, 1998, and pursuant to Sections 10-10 and 10-11 of the Illinois Public Aid Code [305 ILCS 5/10-10 and 10-11], and pursuant to the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5], the Non-Support of Spouse and Children Act [750 ILCS 15], the Uniform Interstate Family Support Act [750 ILCS 22] or the Illinois Parentage Act of 2015 [750 ILCS 46] + 1984 [750 ILCS 45].
- b) For IV-D cases, the Department shall maintain in the Registry the following information (and any such updated information) that is filed with the Department, or filed with a clerk of the circuit court and provided by the clerk to the Department:
- 1) the names of the custodial and non-custodial parents and of the child or children covered by the order;
 - 2) the dates of birth of the custodial and non-custodial parents, and of the child or children covered by the order;
 - 3) Social Security Numbers of the custodial and non-custodial parents and of the child or children covered by the order;
 - 4) the residential and mailing addresses for the custodial and non-custodial parents;

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- 5) the telephone numbers for the custodial and non-custodial parents;
 - 6) the driver's license numbers for the custodial and non-custodial parents;
 - 7) the name, address, and telephone number of each parent's employer or employers;
 - 8) the case identification number;
 - 9) the court docket number and county, for those cases with an order for support entered or modified by the circuit court;
 - 10) the amount of monthly or other periodic support owed under the order and other amounts, including arrearages, interest or late payment penalties, and fees, due or overdue under the order;
 - 11) any amounts described in subsection (b)(10) of this Section that have been collected;
 - 12) the distribution of the collected amounts;
 - 13) the amount of any lien imposed with respect to the order pursuant to Section 10-25 or Section 10-25.5 of the Public Aid Code [305 ILCS 5/10-25 and 10-25.5]; and
 - 14) any other information that may be required under Title IV, Part D, of the Social Security Act or by the federal Department of Health and Human Services.
- c) For all other cases with an order for support entered or modified on or after October 1, 1998, the Department shall maintain in the Registry the following information (and any such updated information) that is filed with the Department, or filed with a clerk of the circuit court and provided by the clerk to the Department:
- 1) the names of the custodial and non-custodial parents, and the child or children covered by the order;
 - 2) the dates of birth of the custodial and non-custodial parents, and of the

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- child or children covered by the order;
- 3) the Social Security Numbers of the custodial and non-custodial parents, and of the child or children covered by the order;
 - 4) the mailing addresses for the custodial and non-custodial parents;
 - 5) the court docket number and county in which the order for support was entered;
 - 6) any other information that may be required under Title IV, Part D, of the Social Security Act or by the federal Department of Health and Human Services.
- d) The Department shall establish, update, maintain, and monitor IV-D case records in the Registry on the bases of:
- 1) information on administrative actions, administrative and judicial proceedings and orders relating to paternity and support;
 - 2) information obtained from comparison with federal, state, and local sources of information;
 - 3) information on support collections and distribution; and
 - 4) any other relevant information.
- e) Information contained in the Registry shall be subject to all federal and State confidentiality laws and regulations pursuant to 42 USC 654(26); 45 CFR 205.50 and 303.21; 42 CFR 431, Subpart F; 305 ILCS 5/11-9, 11-10, and 11-12; and Illinois Rules of Court.
- f) The Department shall exchange data with other federal, state, and local agencies and other sources of information as necessary to maintain the Registry and with the agencies that administer Section IV, Part A, and Title XIX of the Social Security Act, and any other agency as may be required under Section IV, Part D of the Social Security Act, or regulations promulgated thereunder.
- g) The Department shall provide to the Federal Case Registry the case information

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required by the Department of Health and Human Services.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART I: INTERGOVERNMENTAL IV-D CASES

Section 160.200 Provision of Services in Intergovernmental IV-D Cases

- a) The Department's Central Registry for Intergovernmental IV-D Cases shall receive, transmit, and respond to inquiries on all incoming intergovernmental IV-D cases.
- b) Within 10 working days after receipt of an intergovernmental IV-D case, the Central Registry shall:
 - 1) Ensure that the documentation submitted with the case has been reviewed to determine completeness;
 - 2) Forward the case for necessary action either to the State Parent Locator Service for location services or to the appropriate office for processing;
 - 3) Acknowledge receipt of the case and request any missing documentation; and
 - 4) Inform the initiating agency where the case was sent for action.
- c) If the documentation received with an incoming case is incomplete and cannot be remedied by the Central Registry without the assistance of the initiating agency, the Central Registry shall forward the case for any action that can be taken pending necessary action by the initiating agency.
- d) The Central Registry shall respond to inquiries from initiating agencies within 5 working days after receipt of the request for a case status review.
- e) As the responding State IV-D agency, the Department shall:
 - 1) Accept and process an intergovernmental request for services, regardless of whether the initiating agency elected not to use remedies that may be available under the law of that jurisdiction;

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- 2) Within 75 calendar days after receipt of an intergovernmental form and documentation from the Central Registry:
 - A) Provide location services if the request is for location services or the form or documentation does not include adequate location information on the noncustodial parent;
 - B) If unable to proceed with the case because of inadequate documentation, notify the initiating agency of the necessary additions or corrections to the form or documentation;
 - C) If the documentation received with a case is incomplete and cannot be remedied without the assistance of the initiating agency, process the case to the extent possible pending necessary action by the initiating agency;
- 3) Within 10 working days after locating the noncustodial parent in a different state, the Department shall return the forms and documentation, including the new location, to the initiating agency or, if directed by the initiating agency, forward or transmit the forms and documentation to the Central Registry in the state where the noncustodial parent has been located and notify the Department's Central Registry where the case has been sent;
- 4) Within 10 working days after locating the noncustodial parent in a different county within the State, forward or transmit the forms and documentation to the appropriate county and notify the initiating agency and the Department's Central Registry of its action;
- 5) If the initiating agency's request is for a determination of controlling order:
 - A) Cause a controlling order determination to be made within 30 calendar days after receipt of the request or location of the noncustodial parent, whichever occurs later; and
 - B) Notify the initiating state agency, the controlling order state and any state where a support order in the case was issued or registered

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of the controlling order determination and any reconciled arrearages within 30 calendar days after receipt of the determination;

- 6) Provide any necessary services that it would provide in intrastate IV-D cases, including:
 - A) Establishing paternity;
 - B) Establishing a child support obligation;
 - C) Reporting past-due support to consumer reporting agencies;
 - D) Processing and enforcing orders referred by an initiating agency, whether pursuant to UIFSA or other legal processes, using appropriate remedies applied in intrastate cases, and submit the case for federal enforcement techniques as the Department determines to be appropriate, such as administrative offset under 31 CFR 285.1 and passport denial;
 - E) Collecting and monitoring any support payments from the noncustodial parent and forwarding payments to the location specified by the initiating agency. The Department shall include sufficient information to identify the case, indicate the date of collection, and include the Department's case identifier and locator code, as defined in accordance with instructions issued by the federal Office of Child Support Enforcement; and
 - F) Reviewing and adjusting child support orders;
- 7) Provide timely notice to the initiating agency in advance of any court or administrative hearing that may result in establishment or modification of an order;
- 8) Identify any fees or costs deducted from support payments when forwarding payments to the initiating agency;
- 9) Within 10 working days after receipt after instructions for case closure from an initiating state agency, stop the Department's income withholding

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notice and close the intergovernmental IV-D case, unless the Department and the initiating state reach an alternative agreement on how to proceed;

- 10) Notify the initiating agency when a case is closed; and
 - 11) Pay the costs it incurs in processing intergovernmental IV-D cases as the responding IV-D agency, including the costs of genetic testing.
- f) As the initiating Illinois IV-D agency, the Department shall:
- 1) Determine whether there is a support order or orders in effect in a case using the Federal and State Case Registries, State records, information provided by the recipient of services, and other relevant information available to the Department;
 - 2) Determine in which state a determination of controlling order and reconciliation of arrearages may be made when multiple orders exist;
 - 3) Determine whether the noncustodial parent is in another jurisdiction and whether it is appropriate to use the Department's one-state remedies to establish paternity and establish, modify and enforce a support order, including medical support and income withholding;
 - 4) Within 20 calendar days after completing the actions required in subsections (f)(1) through (3) and, if appropriate, receipt of any necessary information needed to process the case:
 - A) Seek through intrastate judicial or administrative action, or refer the case to the appropriate responding state IV-D agency, determination of the controlling order and a reconciliation of arrearages if such a determination is necessary; and
 - B) Refer any intergovernmental IV-D case to the appropriate State Central Registry, Tribal IV-D program, or Central Authority of a country for action, if one-state remedies are not appropriate;
 - 5) Provide the responding agency sufficient, accurate information to act on the case by submitting with each case any necessary documentation and intergovernmental forms required by the responding agency;

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- 6) Within 30 calendar days after receipt of the request for information, provide the responding agency with an updated intergovernmental form and any necessary additional documentation, or notify the responding agency when the information will be provided;
 - 7) Notify the responding agency at least annually, and upon request in an individual case, of interest charges, if any, owed on ~~past-due~~past-due support under an initiating state order being enforced in the responding jurisdiction;
 - 8) Submit all past-due support amounts owed in IV-D cases that meet the certification requirements under Section 160.70(b) for federal tax refund intercept;
 - 9) Send a request for review of a child support order to another state in accordance with the provisions of Section 160.65(j);
 - 10) Distribute and disburse any support collections received in accordance with the provisions of Subpart F;
 - 11) Notify the responding agency within 10 working days after case closure that the Department has closed its case pursuant to the provisions of 45 CFR 303.11 and the basis for case closure;
 - 12) Instruct the responding agency to close its interstate case and to stop any withholding order or notice the responding agency has sent to an employer before the Department transmits a withholding notice, with respect to the same case, to the same or another employer unless the Department and the responding agency reach an alternative agreement on how to proceed; and
 - 13) If the Department has closed its case pursuant to at 45 CFR 303.11 and has not notified the responding agency to close its corresponding case, make a diligent effort to locate the obligee, including use of the Federal Parent Locator Service and the State Parent Locator Service, and accept, distribute and disburse any payment received from a responding agency.
- g) General responsibilities. The Department shall:

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- 1) Periodically review program performance or intergovernmental IV-D cases to evaluate effectiveness of procedures established under this Section;
- 2) Use federally-approved forms in intergovernmental IV-D cases, unless a country has provided alternative forms as part of its chapter in the federal publication titled A Caseworker's Guide to Processing Cases with Foreign Reciprocating Countries. The Department shall provide the number of complete sets of required documents needed by the responding agency, if one is not sufficient under the responding agency's law;
- 3) Transmit requests for information and provide requested information electronically to the greatest extent possible;
- 4) Within 30 working days after receiving a request, provide any order and payment record information requested by a state IV-D agency for a controlling order determination and reconciliation of arrearages, or notify the state IV-D agency when the information will be provided;
- 5) Notify the other agency within 10 working days after receipt of new information on an intergovernmental case; ~~and~~
- 6) Cooperate with requests for the following limited services:
 - A) Quick locate;
 - B) Service of process;
 - C) Assistance with genetic testing;
 - D) Teleconferenced hearings;
 - E) Administrative reviews;
 - F) High-volume automated administrative enforcement in interstate cases under Section 160.70(i); and
 - G) Providing copies of court and administrative orders and payment records; ~~and~~

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- 7) Within 5 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of notice in a record from an initiating, responding or registering tribunal, send a copy of the notice to the petitioner; and
- 8) Within 5 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner.
- h) The provisions for Registration and Modification of Foreign Child-Support Order contained in Section 616 of the Uniform Interstate Family Support Act (UIFSA) [750 ILCS 22/616] shall apply to this Section.
- i) Support Proceeding Under Convention
- 1) The definitions contained in UIFSA Section 701 shall apply to this Section.
- 2) This subsection (i) applies only to a support proceeding under the Convention. In such a proceeding, if a provision of this subsection (i) is inconsistent with subsections (a) through (h) of this Section, this subsection (i) controls.
- 3) The Department is recognized as the agency designated by the United States central authority (i.e., the U.S. Department of State) to perform specific functions under the Convention.
- 4) Initiation by the Department of a support proceeding under the Convention
- A) In a support proceeding, the Department shall:
- i) transmit and receive applications; and
- ii) initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this State.
- B) The following support proceedings are available to an obligee under the Convention:

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- i) recognition or recognition and enforcement of a foreign support order;
 - ii) enforcement of a support order issued or recognized in this State;
 - iii) establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;
 - iv) establishment of a support order if recognition of a foreign support order is refused under the provisions of subsection (i)(7);
 - v) modification of a support order of a tribunal of this State; and
 - vi) modification of a support order of a tribunal of another state or a foreign country.
- C) The following support proceedings are available under the Convention to an obligor against which there is an existing support order:
- i) recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this State;
 - ii) modification of a support order of a tribunal of this State; and
 - iii) modification of a support order of a tribunal of another state or foreign country.
- D) A tribunal of this State may not require security, bond or deposit, however described, to guarantee the payment of costs and expenses in a proceeding under the Convention.
- 5) Direct Request. The provisions contained in UIFSA Section 705 shall apply to this subsection (i).

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- A) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this State applies.
- B) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement.
- 6) The provisions for registration of a Convention support order contained in UIFSA Section 706 shall apply to this subsection (i).
- 7) The provisions for the contest of a registered Convention support order contained in UIFSA Section 707 shall apply to this subsection (i).
 - A) Except as otherwise provided in UIFSA Article 7, UIFSA Sections 605 through 608 apply to a contest of a registered Convention support order.
 - B) A party contesting a registered Convention support order shall file a contest not later than 30 days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed no later than 60 days after notice of the registration.
 - C) A contesting party must file in the appropriate tribunal.
 - D) If the nonregistering party fails to contest the registered Convention support order by the time specified in subsection (i)(7)(B), the order is enforceable.
 - E) The contesting party bears the burden of proof.
 - F) In a contest of a registered Convention support order, a tribunal of this State:
 - i) is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and
 - ii) may not review the merits of the order.

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- G) A tribunal of this State deciding a contest of a registered Convention support order shall promptly notify the parties of its decision.
- H) A challenge or appeal, if any, does not stay the enforcement of a Convention support order unless there are exceptional circumstances.
- 8) The provisions for recognition and enforcement of registered Convention support orders contained in UIFSA Sections 708 through 710 shall apply to this subsection (i).
- 9) The provisions for modification of a Convention child-support order contained in UIFSA Section 711 shall apply to this subsection (i).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel
- 2) Code Citation: 41 Ill. Adm. Code 141
- 3) Section Number: 141.20 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 8 and 11 of the Fire Protection Training Act [50 ILCS 740/8] and the Peace Officer Fire Investigation Act [20 ILCS 2910].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking updates the incorporations by reference in Section 141.20. National Fire Protection Association (NFPA) standards used by the Division of Personnel Standards and Education are being added and updated and typographical errors to previously incorporated standards are corrected.
- 6) Published studies or 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? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed rulemaking does not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. 30 ILCS 805/3(b). The provisions of 41 Ill. Adm. Code Part 141 establish the procedures for approval of certification programs and courses by the Office of the State Fire Marshal. The objective of this rulemaking, which is the first phase of updates to Part 141, is to update outdated NFPA standards on which these programs and courses are based to allow for use of new standards by providers while maintaining the prior standards for a transition period to be established in the succeeding phases of updates to Part 141.

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

Deborah J. Williams
Division of Legal Counsel
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield IL 62703-4259

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking may impact small municipalities and fire protection districts that elect to participate in the Office of the State Fire Marshal's voluntary certification program by updating the standards on which training and certification requirements are based.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

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

PART 141
POLICY AND PROCEDURES MANUAL
FOR FIRE PROTECTION PERSONNEL

SUBPART A: GENERAL

Section	
141.10	Purpose
141.15	Definitions
141.20	Incorporations by Reference
141.30	Advisory Committees
141.40	Requirements for Participation in Training, Certification and Reimbursement
141.50	Appeal Process
141.60	Reciprocity

SUBPART B: TRAINING FACILITIES

Section	
141.100	Resources Required for Certification as a Provisionally Approved Training Facility
141.110	Resources Required for Certification as an Unlimited Training Facility or Regional Training Center
141.115	Course Approval
141.120	Course Approval Equivalency
141.125	Course Approval Standards

SUBPART C: EXAMINATION

Section	
141.200	State Examinations
141.210	Invalidation of a Student's State Examination Score
141.220	Certificates Earned by Bypass Examination
141.230	Examination Procedures for End-of-Course Examinations Not Administered by the Office
141.240	Bypass Examination

OFFICE OF THE STATE FIRE MARSHAL

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SUBPART D: CERTIFICATION

Section

141.300	Firefighter II
141.301	Basic Operations Firefighter
141.302	Airport Firefighter
141.303	Advanced Technician Firefighter
141.304	Firefighter III
141.306	Fire Apparatus Engineer
141.308	Fire Officer I
141.310	Fire Service Executive Support
141.312	Fire Department Incident Safety Officer
141.314	Fire Officer II
141.316	Fire Officer III
141.318	Fire Service Instructor I
141.320	Fire Service Instructor II
141.322	Fire Service Instructor III
141.324	Training Program Manager
141.326	Fire Prevention Officer
141.327	Fire Inspector I
141.328	Juvenile Firesetter Intervention Specialist
141.330	Public Fire and Life Safety Educator II
141.332	Public Fire and Life Safety Educator III
141.334	Fire Investigator
141.336	Arson Investigator
141.338	Fire Inspector II and Plan Examiner I
141.340	Fire Inspector III and Plan Examiner II
141.342	Hazardous Materials Awareness
141.344	Hazardous Materials First Responder – Operations
141.346	Hazardous Materials Technician
141.348	Hazardous Materials Incident Command
141.350	Technical Rescue Awareness
141.352	Rescue Specialist – Confined Space
141.354	Trench Operations
141.356	Trench Technician
141.358	Rescue Specialist – Vertical II
141.360	Structural Collapse Operations
141.362	Structural Collapse Technician
141.364	Vehicle and Machinery Operations

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141.366	Vehicle and Machinery Technician
141.367	Rope Operations
141.368	Motorsports Safety Technician
141.369	High Angle Rope Operations
141.370	Fire Service Vehicle Operator
141.371	Rope Technician
141.372	Water Operations
141.373	Ice Technician
141.374	Swiftwater Technician
141.375	Watercraft Technician
141.376	Dive Technician
141.377	Ice Dive Technician
141.380	Invalidation of Certification

SUBPART E: REIMBURSEMENT

Section	
141.400	Rules and Regulations for Reimbursement
141.405	Prerequisites for Participation for Reimbursement
141.410	Requirements
141.415	Claim Forms
141.420	Claim Deadline
141.425	Amount of Reimbursement
141.450	Appropriations
141.460	Advanced Training Programs

SUBPART F: FEES

Section	
141.500	Fees
141.505	Waiver of Fees

AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Officer Fire Investigation Act [20 ILCS 2910].

SOURCE: Adopted at 31 Ill. Reg. 8672, effective June 5, 2007; amended at 33 Ill. Reg. 5780, effective April 2, 2009; amended at 34 Ill. Reg. 8297, effective June 8, 2010; amended at 40 Ill. Reg. _____, effective _____.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

SUBPART A: GENERAL

Section 141.20 Incorporations by Reference

- a) All incorporations by reference in this Section are incorporated as of the date specified and contain no later editions or amendments.
- b) The following national standards and regulations are incorporated by reference in this Part:
 - 1) National Fire Protection Association
1 Batterymarch Park
Quincy MA 02169-7471
www:nfpa.org
 - NFPA 472: Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents (2013)
~~Professional Competence of Responders to Hazardous Materials Incidents (2002)~~
 - ~~NFPA 610: Guide for Emergency and Safety Operations at Motorsports Venues (2003)~~
 - NFPA 921: Guide for Fire and Explosion Investigations (2014~~2004~~)
 - NFPA 1001: Standard for Fire Fighter Professional Qualifications (2013)~~2002~~
 - NFPA 1002: Standard for Fire Apparatus Driver/Operator Professional Qualifications (2014)~~2003~~
 - NFPA 1003: Standard for Airport Fire Fighter Professional Qualifications
~~Airport Firefighter Professional Qualifications (2015)~~~~2005~~
 - NFPA 1006: Standard for Technical Rescuer Professional Qualifications
~~Technical Rescuer Professional Qualifications (2013)~~~~2002~~

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- NFPA 1021: [Standard for Fire Officer Professional Qualifications \(2003 or 2014\) \(until 7/1/19, either the 2003 or the 2014 edition of NFPA 1021 can be applied; after that date, the 2014 revision must be utilized\)](#)
- NFPA 1031: [Standard for Professional Qualifications for Fire Inspector and Plan Examiner \(2014~~2003~~\)](#)
- NFPA 1033: [Standard for Professional Qualifications for Fire Investigator \(2014~~2003~~\)](#)
- NFPA 1035: [Standard on Professional Qualifications for Public Fire and Life Safety Educator, Public Information Officer, Youth Firesetter Intervention Specialist and Youth Firesetter Program Manager Professional Qualifications \(2015~~2005~~\)](#)
- NFPA 1041: [Standard for Fire Service Instructor Professional Qualifications \(2012~~2002~~\)](#)
- NFPA 1403: [Standard on Live Fire Training Evolutions \(2012~~2002~~\)](#)
- NFPA 1451: [Standard for a Fire and Emergency Service Vehicle Operations Training Program \(2013~~2002~~\)](#)
- NFPA 1500: [Standard on Fire Department Occupational Safety and Health Program \(2013~~2007~~\)](#)
- NFPA 1521: [Standard for Fire Department Safety Officer Professional Qualifications \(2015~~2002~~\)](#)
- [NFPA 1561: Standard on Emergency Services Incident Management System and Command Safety \(2014\)](#)
- NFPA 1670: [Standard on Operations and Training for Technical Search and Rescue Incidents \(2014~~2004~~\)](#)
- NFPA 1901: [Standard for Automotive Fire Apparatus \(2016~~2003~~\)](#)

OFFICE OF THE STATE FIRE MARSHAL

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NFPA 1971: [Standard on Protective Ensembles for Structural Fire Fighting](#) and Proximity [Fire Fighting](#) (2013~~2007~~)

[NFPA 1981: Standard on Open-Circuit Self-Contained Breathing Apparatus \(SCBA\) for Emergency Services \(2013\)](#)

NFPA 1983: [Standard on Fire Service Life Safety Rope and Equipment for Emergency Services \(2012~~2006~~\)](#)

2) Code of Federal Regulations

A) US Department of Labor – Occupational Safety and Health Administration

29 CFR 1910.120 (2013~~2006~~)

29 CFR 1910.146 (2011~~1998~~)

29 CFR 1926, subpart P (1994)

B) US Environmental Protection Agency

40 CFR 311 (1990)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
515.220	Amendment
515.500	Amendment
515.725	Amendment
515.825	Amendment
515.830	Amendment
515.950	Amendment
515.975	Amendment
515.995	Amendment
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements PA 99-480, which requires Regional Emergency Medical Services (EMS) Systems to include administration of opioid antagonists in their standing medical orders. The Act also requires EMS personnel to be educated and trained in the administration and use of opioid antagonists. The amendments outline the requirements to fulfill the intention of the Act.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency 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? Yes

Section Numbers: Proposed Actions: Illinois Register Citations:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

515.100	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.210	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.220	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.250	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.255	New Section	39 Ill. Reg. 14321; November 6, 2015
515.330	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.445	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.830	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.3090	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.4000	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.4010	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.4020	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5000	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5002	New Section	39 Ill. Reg. 14321; November 6, 2015
515.5004	New Section	39 Ill. Reg. 14321; November 6, 2015
515.5010	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5015	New Section	39 Ill. Reg. 14321; November 6, 2015
515.5016	New Section	39 Ill. Reg. 14321; November 6, 2015
515.5017	New Section	39 Ill. Reg. 14321; November 6, 2015
515.5020	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5030	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5040	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5050	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5060	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5070	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5080	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.5083	New Section	39 Ill. Reg. 14321; November 6, 2015
515.5085	New Section	39 Ill. Reg. 14321; November 6, 2015
515.5087	New Section	39 Ill. Reg. 14321; November 6, 2015
515.5090	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.APPENDIX K	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.APPENDIX L	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.APPENDIX N	Amendment	39 Ill. Reg. 14321; November 6, 2015
515.APPENDIX O	Amendment	39 Ill. Reg. 14321; November 6, 2015
515. APPENDIX P	Amendment	39 Ill. Reg. 14321; November 6, 2015

- 11) Statement of Statewide Policy Objective: This rulemaking creates a State mandate on units of local government and private profit and not-for-profit EMS providers.

DEPARTMENT OF PUBLIC HEALTH

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- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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

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

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: All EMS service providers who employ First Responders and Basic EMS personnel will need to purchase opioid antagonists and educate their staff. This will extend into law enforcement and fire departments that employ First Responders and Basic EMS personnel.
- B) Reporting, bookkeeping or other procedures required for compliance: All EMS service providers, law enforcement and fire departments that employ First Responders and Basics will need policies created, purchase and storage of opioid antidotes and to conduct education pertaining to opioid antagonist and its use.
- C) Types of professional skills necessary for compliance: All EMS service providers, law enforcement and fire department that employ First Responders and Basics will need to conduct education pertaining to opioid antagonists.

- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES, TRAUMA CENTER, PRIMARY STROKE
CENTER AND EMERGENT STROKE READY HOSPITAL CODE

SUBPART A: GENERAL PROVISIONS

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Facility, System and Equipment Violations, Hearings and Fines
515.165	Suspension, Revocation and Denial of Licensure
515.170	Employer Responsibility
515.180	Administrative Hearings
515.190	Felony Convictions

SUBPART B: EMS REGIONS

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

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

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

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

DEPARTMENT OF PUBLIC HEALTH

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Section

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

SUBPART F: VEHICLE SERVICE PROVIDERS

Section

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

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

Section

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

DEPARTMENT OF PUBLIC HEALTH

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515.955	Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960	Aircraft Communications and Dispatch Center
515.963	Flight Program Safety Standards
515.965	Watercraft Requirements
515.970	Watercraft Vehicle Specifications and Operation
515.975	Watercraft Medical Equipment and Drugs
515.980	Watercraft Communications and Dispatch Center
515.985	Off-Road SEMSV Requirements
515.990	Off-Road Vehicle Specifications and Operation
515.995	Off-Road Medical Equipment and Drugs
515.1000	Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section

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

SUBPART I: EMS ASSISTANCE FUND

Section

515.3000	EMS Assistance Fund Administration
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SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

Section

515.3090	Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical
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- Section
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- 515.APPENDIX O Pediatric Critical Care Center Plan
- 515.APPENDIX P Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

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

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012; amended at 36 Ill. Reg. 2296, effective January 25, 2012; amended at 36 Ill. Reg. 3208, effective February 15, 2012; amended at 36 Ill. Reg. 11196, effective July 3, 2012; amended at 36 Ill. Reg. 17490, effective December 3, 2012; amended at 37 Ill. Reg. 5714, effective April 15, 2013; amended at 37 Ill. Reg. 7128, effective May 13, 2013; amended at 37 Ill. Reg. 10683, effective June 25, 2013; amended at 37 Ill. Reg. 18883, effective November 12, 2013; amended at 37 Ill. Reg. 19610, effective November 20, 2013; amended at 38 Ill. Reg. 9053, effective April 9, 2014; amended at 38 Ill. Reg. 16304, effective July 18, 2014; amended at 39 Ill. Reg. 13075, effective September 8, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART B: EMS REGIONS

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Section 515.220 EMS Regional Plan Content

- a) *The EMS Medical Directors Committee portion of the Regional Plan shall address at least the following:*
- 1) *Protocols for inter-System/inter-Region patient transports, including protocols for pediatric patients and pediatric patients with special health care needs, identifying the conditions of emergency patients which may not be transported to the different levels of emergency department, based on their department classifications and relevant Regional considerations (e.g., transport times and distances);*
 - 2) *Regional standing medical orders;*
 - 3) *Patient transfer patterns, including criteria for determining whether a patient needs the specialized service of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or Regional trauma center, Primary Stroke Center or Emergent Stroke Ready Hospital, which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal;*
 - 4) *Protocols for resolving Regional or inter-System conflict;*
 - 5) *An EMS disaster preparedness plan which includes the actions and responsibilities of all EMS participants within the Region for care and transport of both the adult and pediatric population;*
 - 6) *Regional standardization of continuing education requirements;*
 - 7) *Regional standardization of Do Not Resuscitate (DNR) policies, and protocols for power of attorney for health care;*
 - 8) *Protocols for disbursement of Department grants (Section 3.30(a)(1-8) of the Act);*
 - 9) *Protocols for the triage, treatment, and transport of possible acute stroke patients developed jointly with the Regional Stroke Advisory Subcommittee (Section 3.30(a)(9) of the Act);*

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- 10) *Regional standing medical orders shall include the administration of opioid antagonists. (Section 3.30(a)(10) of the Act);*
- 1140) Protocols for stroke screening;
- 1244) Development of protocols to improve and integrate EMS for children (or EMSC) into the current delivery of emergency services within the Region; and
- 1342) Development of a policy in regard to incidents involving school buses, which shall include, but not be limited to:
- A) Assessment of the incident, including mechanism and extent of damage to the vehicle;
 - B) Passenger assessment/extent of injuries;
 - C) A provision for transporting all children with special healthcare needs and those with communication difficulties;
 - D) Age specific issues; and
 - E) Use of a release form for nontransports.
- b) *The Trauma Center Medical Directors or Trauma Center Medical Directors Committee portion of the Regional Plan shall address at least the following:*
- 1) *The identification of Regional Trauma Centers and identification of trauma centers that specialize in pediatrics;*
 - 2) *Protocols for inter-System and inter-Region trauma patient transports, including identifying the conditions of emergency patients which may not be transported to the different levels of emergency department, based on their department classifications and relevant Regional considerations (e.g., transport times and distances);*
 - 3) *Regional trauma standing medical orders;*
 - 4) *Trauma patient transfer patterns, including criteria for determining*

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whether a patient needs the specialized services of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or Regional trauma center which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal (These policies must include the criteria of Section 515.Appendix C.);

- 5) *The identification of which types of patients can be cared for by Level I and Level II Trauma Centers;*
- 6) *Criteria for inter-hospital transfer of trauma patients, including the transfer of pediatric patients;*
- 7) *The treatment of trauma patients in each trauma center within the Region;*
- 8) *The establishment of a Regional trauma quality assurance and improvement subcommittee, consisting of trauma surgeons, which shall perform periodic medical audits of each trauma center's trauma services, and forward tabulated data from such reviews to the Department; and*
- 9) *A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients. (Section 3.30(b)(1-9) of the Act)*
 - A) This shall include but not be limited to all cases that have been deemed potentially preventable or preventable in the trauma center review using Resources for Optimal Care of the Injured Patient. This review should exclude trauma patients who were dead on arrival.
 - B) In addition, the review shall include all patients who were transferred more than two hours after time of arrival at the initial institution and who meet one or more of the following criteria at the receiving trauma center:
 - i) Admitted to an intensive care unit;
 - ii) Admitted to a bed with telemetry monitoring;

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- iii) Went directly to the operating room;
 - iv) Went to the operating room from the emergency department;
 - v) Discharged to a rehabilitation or skilled care facility;
 - vi) Died following arrival.
- C) The Region shall include a review of morbidity/audit filters that have been determined by the Region.
- D) Cumulative Regional reports will be made available upon request from the Department.
- c) The Regional Stroke Advisory Subcommittee portion of the Region Plan shall address at least the following:
- 1) The identification of Primary Stroke Centers and Emergent Stroke Ready Hospitals and their incorporation in the Region Plan and the System Program Plan;
 - 2) In conjunction with the EMS Medical Directors, development of protocols for identifying and transporting acute stroke patients to the nearest appropriate facility capable of providing acute stroke care. These protocols shall be consistent with individual System bypass or diversion protocols and protocols for patient choice;
 - 3) Regional stroke transport protocols recommended by the Regional Stroke Advisory Subcommittee and approved by the EMS Medical Directors Committee; and
 - 4) With the EMS Medical Directors, joint development of acute stroke patient transfer patterns, including criteria for determining whether a patient needs the specialized services of a Primary Stroke Center or Emergent Stroke Ready Hospital, along with protocols for the bypassing of, or diversion to, any hospital, which are consistent with individual inter-system bypass or diversion protocols and protocols for patient choice or

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refusal.

- d) *The Director shall coordinate with and assist the EMS System Medical Directors and Regional Stroke Advisory Subcommittee within each EMS Region to establish protocols related to the assessment, treatment, and transport of possible acute stroke patients by licensed emergency medical services providers. These protocols shall include regional transport plans for the triage and transport of possible acute stroke patients to the most appropriate Primary Stroke Center or Emergent Stroke Ready Hospital, unless circumstances warrant otherwise. (Section 3.118.5(f) of the Act)*
- e) *The Region's EMS Medical Directors and Trauma Center Medical Directors Committees shall appoint any subcommittees which they deem necessary to address specific issues concerning Region activities. (Section 3.30(c) of the Act)*
- f) Internal Disaster Plans
 - 1) Each System hospital shall submit an internal disaster plan to the EMS Medical Directors Committee and the Trauma Center Medical Directors Committee.
 - 2) The hospital internal disaster plan shall be coordinated with, or a part of, the hospital's overall disaster plan.
 - 3) The plan shall be coordinated with local and State disaster plans.
 - 4) The hospital internal disaster plan shall be developed by a hospital committee and shall at a minimum:
 - A) Identify the authority to implement the internal disaster plan, including the chain of command and how notification shall be made throughout the hospital;
 - B) Identify the critical operational elements required in the hospital in an internal disaster;
 - C) If the facility needs to go on bypass or resource limitation status, identify the person responsible for notification and the persons both outside and within the hospital who should be notified;

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- D) Identify a person or group responsible for ensuring that needed resources and supplies are available;
- E) Identify a person to communicate with representatives from other agencies, organizations, and the EMS System;
- F) Identify a person who is responsible for procuring all supplies required to manage the facility and return the facility to the pre-incident status;
- G) Identify the plan and procedure for educating facility employees on their role and responsibilities during the disaster;
- H) Designate a media spokesperson;
- I) Establish a method for resource coordination between departments and individuals to address management of staff, patients and patient flow patterns;
- J) Designate a person (safety officer) with responsibility for establishing safety policies to include, but not be limited to, decontamination operations, safety zones, site safety plans, evacuation parameters, and traffic patterns;
- K) Designate a location where personnel, not actually committed to the incident, will report for assignments, as needed (i.e., a staging area);
- L) Include notification procedures to EMS Systems, area ambulances, both public and private, and police and fire authorities of the type of incident that caused the hospital to implement its internal disaster plan and of any special instructions, e.g., use of a different driveway or entrance;
- M) Establish a designated form of communication, both internal and external, to maintain two-way communication (e.g., Mobile Emergency Communications of Illinois (MERC I), ham radio, walkie talkies);

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- N) Include a policy to call in additional nursing staff when an identified staffing shortage exists;
- O) Include the policy developed pursuant to Section 515.315(f);
- P) *Include contingency plans for the transfer of patients to other facilities if an evacuation of the hospital becomes necessary due to a catastrophe, including but not limited to a power failure* (Section 3.30 of the Act); and
- Q) Address biological and chemical incidents and the availability of decontamination.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section 515.500 Emergency Medical Technician-Basic Training

- a) Applications for approval of EMT-B Training Programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of the training program, and name and signature of EMS MD.
- b) Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days before the first scheduled class. A description of the clinical requirements, textbook being used and passing score for the class shall be included with the application.
- c) The EMS MD shall attest on the application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum (minimum sections shall include #1 through #7 of the National Curriculum for EMT Basic), and that all instructors are knowledgeable in the material and capable of instructing at the EMT-B level. The curriculum shall include, at a minimum, training in the use of epinephrine for both adults and children for application in the treatment of allergic reactions and anaphylaxis, and in the administration and use of opioid antagonists.

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- d) The EMT-B training program shall designate an EMS Lead Instructor who, shall be responsible for the overall management of the training program, shall be approved by the Department based on requirements of Section 515.700.
- e) The lead Instructor for the training class shall be responsible for ensuring that no EMT training class begins until after the Department issues its formal written pre-approval, which shall be in the form of a numeric site approval code.
- f) The lead instructor for the training class shall be responsible for ensuring that all materials presented to EMT students conform to all curriculum requirements of both the Department and the EMS System granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented.
- g) Any change, except for an emergency change (e.g., weather or instructor illness) in the EMT-B training program's EMS MD or EMS Lead Instructor, shall require an amendment to be filed with the Department.
- h) Questions for all quizzes and tests to be given during the EMT-B training program shall be prepared by the EMS Lead Instructor and available upon the Department's request.
- i) Each approved training program shall submit a student roster within 10 days after the first class as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.
- j) All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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

Section 515.725 First Responder/Emergency Medical Responder

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- a) A First Responder/Emergency Medical Responder training program shall be pre-approved by the Department and conducted only by an EMS System or a community college under the direction of the EMS System.
- b) Applications for approval of First Responder/Emergency Medical Responder training programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, dates of training program, and names and signatures of the EMS Medical Director (EMS MD) and EMS System Coordinator.
- c) Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days in advance of the first scheduled class.
- d) The EMS MD of the EMS system shall attest on the application form that the training program shall be conducted according to the National EMS Educational Curriculum. The First Responder or Emergency Medical Responder training program shall include all components of the National EMS Educational Curriculum [and education and training in the administration and use of opioid antagonists](#). The course hours shall minimally include ~~5240~~ hours of didactic education.
- e) The First Responder/Emergency Medical Responder training program shall designate an EMS Lead Instructor who shall be responsible for the overall management of the training program and shall be approved by the Department based on requirements of Section 515.700.
- f) The EMS MD shall electronically submit to the Department approval for licensure for a First Responder/Emergency Medical Responder candidate who is at least 18 years of age and has completed and passed all components of the training program, has passed the Final Examination, and has paid the appropriate initial licensure fee. The initial licensure fee may be waived pursuant to Section 515.460(c).
- g) All approved programs shall maintain class and student records for seven years, which shall be made available to the Department upon request.

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- h) Continuing education classes, seminars, workshops, or other types of programs shall be approved by the Department before being offered to First Responder/Emergency Medical Responder candidates. An application for approval shall be submitted to the Department on a form prescribed, prepared and furnished by the Department at least 60 days prior to the scheduled event.
- i) Approval will be granted provided that the application is complete and the content of the program is based on topics or materials from the National EMS Educational Curriculum for the Emergency Medical Responder.
- j) A First Responder/Emergency Medical Responder shall be responsible for submitting written proof of continuing education attendance to the EMS System Coordinator or, for independent renewals, to the Department Regional EMS Coordinator. The EMS System Coordinator or Department Regional EMS Coordinator shall verify whether specific continuing education hours submitted by the First Responder/Emergency Medical Responder qualify for renewal.
- k) A First Responder/Emergency Medical Responder shall maintain copies of all documentation concerning continuing education programs that he or she has completed.
- l) A First Responder/Emergency Medical Responder license shall be valid for a period of four years. To be re-licensed as a First Responder/Emergency Medical Responder, the First Responder/Emergency Medical Responder shall submit an application for renewal with the Department, on a form prescribed by the Department, and the \$20 licensure renewal fee at least 30 days prior to the license expiration date. The renewal licensure fee may be waived pursuant to Section 515.460(c).
 - 1) The submission of an electronic transaction by the EMS MD will satisfy the renewal application requirement for a First Responder/Emergency Medical Responder who has been recommended for re-licensure by the EMS MD.
 - 2) A First Responder/Emergency Medical Responder who has not been recommended for re-licensure by the EMS MD shall independently submit to the Department an application for renewal. The EMS MD shall provide the First Responder/Emergency Medical Responder with a copy of the application form.

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- m) A written recommendation signed by the EMS MD shall be provided to the Department regarding completion of the following requirements:
- 1) 24 hours of continuing education every four years. The System shall define in the EMS Program Plan the number of continuing education hours to be accrued each year for re-licensure; and
 - 2) Current certification in CPR for Healthcare Providers in accordance with the standards of a nationally recognized organization such as the American Heart Association or American Red Cross, which includes both a didactic and clinical skills station.
- n) A First Responder/Emergency Medical Responder whose licensure has expired may, within 60 days after licensure expiration, submit all re-licensure material as required in this Part and a fee of \$50 in the form of a certified check or money order (cash or personal check will not be accepted). If all material is in compliance with this Section and there is no disciplinary action pending against the First Responder/Emergency Medical Responder, the Department will re-license the First Responder/Emergency Medical Responder.
- o) First Responders who are not affiliated with an EMS system shall have equipment immediately available to provide the standard of care established by the National EMS Educational Curriculum for the First Responder.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.825 Alternate Response Vehicle

- a) Ambulance assistance vehicles
Ambulance assistance vehicles are dispatched simultaneously with an ambulance and assist with patient care prior to the arrival of the ambulance. These assistance vehicles include fire engines, trucks, squad cars or chief's cars that contain the staff and equipment required by this Section. These vehicles shall not function as assist vehicles if staff and equipment required by this Section are not available. The agency shall identify these vehicles as a program plan amendment outlining the type and level of response that is planned. The vehicle shall not transport or

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be a primary response vehicle but a supplementary vehicle to support EMS services. The vehicle shall be dispatched only if needed. Ambulance assistance vehicles shall be classified as either:

- 1) Advanced ambulance assistance vehicles. These vehicles shall be staffed with a minimum of one EMT-P and shall have all of the required equipment; or
 - 2) Intermediate ambulance assistance vehicles. These vehicles shall be staffed with a minimum of one EMT-I and shall have all of the required equipment; or
 - 3) Basic ambulance assistance vehicles. These vehicles shall be staffed with a minimum of one EMT-B and shall have all of the required equipment; or
 - 4) First Responder assistance vehicles. These vehicles shall be staffed with a minimum of one First Responder and shall have all of the required equipment.
- b) Non-transport vehicles
Non-transport vehicles are dispatched prior to dispatch of a transporting ambulance. These vehicles include ambulances and fire engines that contain the staff and equipment required by this Section. The vehicle service provider shall identify these vehicles as a program plan amendment outlining the type and level of response that is planned. These vehicles shall be staffed 24 hours per day, every day of the year.
- 1) ALS/ILS non-transport vehicles. These vehicles shall have a minimum of either one EMT-P, or one EMT-I and one other EMT-B, and shall have all of the required equipment.
 - 2) BLS non-transport vehicles. These vehicles shall have a minimum of two EMT-Bs and have all of the required equipment.
- c) Equipment requirements
Each vehicle used as an alternate response vehicle shall meet the following equipment requirements, as determined by the Department by an inspection.
- 1) Full portable oxygen cylinder, with a capacity of not less than 350 liters

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- 2) Dial flowmeter/regulator for 15 liters per minute
- 3) Delivery tubes
- 4) Adult, child and infant masks
- 5) Adult squeeze bag and valve, with adult and child masks
- 6) Child squeeze bag and valve, with child, infant and newborn size masks
- 7) Airways, oropharyngeal – adult, child and infant (sizes 00-5)
- 8) Airways, nasopharyngeal with lubrication (sizes 12-30F)
- 9) Manually operated suction device
- 10) Triangular bandages or slings
- 11) Roller bandages, self-adhering (4" by 5 yds)
- 12) Trauma dressings
- 13) Sterile gauze pads (4" by 4")
- 14) Vaseline gauze (3" by 8")
- 15) Bandage shears
- 16) Adhesive tape rolls
- 17) Blanket
- 18) Long backboard
- 19) Cervical collars – adult, child and infant
- 20) Extremity splints – adult/child, long/short

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- 21) Adult/child/infant blood pressure cuffs and gauge
 - 22) Stethoscope
 - 23) Burn sheet, individually wrapped
 - 24) Sterile saline or water solution (1,000ml), plastic bottles or bags
 - 25) Obstetrical kit, sterile – minimum one, pre-packaged with instruments, bulb syringe and cord clamps
 - 26) Thermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one
 - 27) Cold packs
 - 28) EMS run reports
 - 29) Nonporous disposable gloves
 - 30) Eye/nose/mouth protection or face shields
 - 31) Flashlight
 - 32) Equipment to allow reliable communications with hospital
 - 33) ILS/ALS System-approved equipment
 - A) Drug box
 - B) Airway equipment, including laryngoscope and assorted blades
 - C) Monitor/defibrillator, equipped with pediatric size defibrillation pads or paddles
 - 34) Opioid antagonist, including, but not limited to, Naloxone, with administration equipment appropriate for the licensed level of care
- e) Registration of non-transport agencies

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Each non-transport provider shall complete and submit to the Department one of the following: the First Responder Provider Initial EMS System Application (Form First 10/97), the Non-Transport Provider EMS System Application (Form NT 5/97), or the Non-Transport Provider Application (Form NT 6/99).

- f) **Inspection of non-transport EMS providers**
The Regional EMS Coordinator will perform initial inspections. Thereafter, non-transport ambulance assist providers shall perform annual self-inspections, using forms provided by the Department, and shall submit the form to the Department upon completion of the inspection. The Regional EMS Coordinator will perform inspections randomly or as the result of a complaint.
- g) **Issuance and renewal of license**
Upon payment of the appropriate fee, qualifying non-transport providers shall be issued a provider license that lists a number for each level of care approved. Licenses will not be issued for individual non-transport vehicles. Providers shall inform the EMS System and the Department of any modifications to the application, using the System Modification forms (sys-mod). Licenses will be issued for one year and will be renewed upon completion of the self-inspection.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.830 Ambulance Licensing Requirements

- a) **Vehicle Design**
- 1) Each new vehicle used as an ambulance shall comply with the criteria established by the U.S. General Services Administration's Specification for Ambulance (KKK-A-1822F), with the exception of Section 3.16.2, Color, Paint and Finish.
 - 2) *A licensed vehicle shall be exempt from subsequent vehicle design standards or specifications required by the Department in this Part, as long as the vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until the vehicle's title of ownership is transferred. (Section 3.85(b)(8) of the Act)*
 - 3) The following requirements listed in Specification KKK-A-1822F shall be

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considered mandatory in Illinois even though they are listed as optional in that publication:

- A) 3.7.7.1 Each vehicle will be equipped with either a battery charger or battery conditioner (see 3.15.3 item 7).
 - B) 3.8.5.2 Patient compartment checkout lights will be provided (see 3.15.3 item 9).
 - C) 3.12.1 An oxygen outlet will be provided above the secondary patient (see 3.15.4 M9).
 - D) 3.15.4M3 Electric clock with sweep second hand will be provided.
- b) Equipment Requirements – Basic Life Support Vehicles
Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:
- 1) Stretchers, Cots and Litters
 - A) Primary Patient Cot
Shall meet the requirements of sections 3.11.5, 3.11.8.1 of KKK-A-1822F.
 - B) Secondary Patient Stretcher
Shall meet the requirements of sections 3.11.5, 3.11.5.1, 3.11.8.1 of KKK-A-1822F.
 - 2) Oxygen, portable
Shall meet the operational requirements of section 3.12.2 of KKK-A-1822-F.
 - 3) Suction, portable
 - A) Shall meet the operational requirements of section 3.12.4 of KKK-A-1822F.
 - B) A manually operated suction device is acceptable if approved by the Department.

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- 4) Medical Equipment
 - A) Squeeze bag-valve-mask ventilation unit with adult size transparent mask and child size bag-valve-mask ventilation unit with child, infant and newborn size transparent masks
 - B) Lower-extremity traction splint, adult and pediatric sizes
 - C) Blood pressure cuff, one each, adult, child and infant sizes and gauge
 - D) Stethoscopes, two per vehicle
 - E) Pneumatic counterpressure trouser kit, adult size, optional
 - F) Long spine board with three sets of torso straps, 72" x 16" minimum
 - G) Short spine board (32" x 16" minimum) with two 9-foot torso straps, one chin and head strap or equivalent vest type (wrap around) per vehicle; extrication device optional
 - H) Airway, oropharyngeal – adult, child, and infant, sizes 00-5
 - I) Airway, nasopharyngeal with lubrication, sizes 12-34F
 - J) Two adult and two pediatric sized non-rebreather oxygen masks per vehicle
 - K) Two infant partial re-breather oxygen masks per vehicle
 - L) Three nasal cannulas, adult and child size, per vehicle
 - M) Bandage shears, one per vehicle
 - N) Extremity splints, adult, two long and short per vehicle
 - O) Extremity splints, pediatric, two long and short per vehicle

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- P) Rigid cervical collars – one pediatric, small, medium, and large sizes or adjustable size collars per vehicle. Shall be made of rigid material to minimize flexion, extension, and lateral rotation of the head and cervical spine when spine injury is suspected
 - Q) Patient restraints, arm and leg, sets
 - R) Pulse oximeter with pediatric and adult probes
 - S) AED or defibrillator that includes pediatric capability
- 5) Medical Supplies
- A) Trauma dressing – six per vehicle
 - B) Sterile gauze pads – 20 per vehicle, 4 inches by 4 inches
 - C) Bandages, soft roller, self-adhering type, 10 per vehicle, 4 inches by 5 yards
 - D) Vaseline gauze – two per vehicle, 3 inches by 8 inches
 - E) Adhesive tape rolls – two per vehicle
 - F) Triangular bandages or slings – five per vehicle
 - G) Burn sheets – two per vehicle, clean, individually wrapped
 - H) Sterile solution (normal saline) – four per vehicle, 500 cc or two per vehicle, 1,000 cc plastic bottles or bags
 - I) Thermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one
 - J) Obstetrical kit, sterile – minimum one, pre-packaged with instruments and bulb syringe
 - K) Cold packs, three per vehicle

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- L) Hot packs, three per vehicle, optional
- M) Emesis basin – one per vehicle
- N) Drinking water – one quart, in non-breakable container; sterile water may be substituted
- O) Ambulance emergency run reports – 10 per vehicle, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form as described in Section 515. Appendix E or electronic documentation with paper backup
- P) Pillows – two per vehicle, for ambulance cot
- Q) Pillowcases – two per vehicle, for ambulance cot
- R) Sheets – two per vehicle, for ambulance cot
- S) Blankets – two per vehicle, for ambulance cot
- T) Opioid antagonist, including, but not limited to, Naloxone, with administration equipment appropriate for the licensed level of care~~CPR mask – one per vehicle, with safety valve to prevent backflow of expired air and secretions~~
- U) Urinal
- V) Bedpan
- W) Remains bag, optional
- X) Nonporous disposable gloves
- Y) Impermeable red biohazard-labeled isolation bag
- Z) Face protection through any combination of masks and eye protection and field shields

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- AA) Suction catheters – sterile, single use, two each, 6, 8, 10, 12, 14 and 18F, plus three tonsil tip semi-rigid pharyngeal suction tip catheters per vehicle; all shall have a thumb suction control port
 - BB) Child and infant or convertible car seats
 - CC) Current equipment/drug dosage sizing tape or pediatric equipment/drug age/weight chart
 - DD) Flashlight, two per vehicle, for patient assessment
 - EE) Current Illinois Department of Transportation Safety Inspection sticker in accordance with Section 13-101 of the Illinois Vehicle Code
 - FF) Illinois Poison Center telephone number
 - GG) Department of Public Health Central Complaint Registry telephone number posted where visible to the patient
 - HH) Medical Grade Oxygen
- c) Equipment Requirements – Intermediate and Advanced Life Support Vehicles
Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsections (b) and (d) and shall also comply with the equipment and supply requirements as determined by the EMS Medical Director in the System in which the ambulance and its crew participate. Drugs shall include both adult and pediatric dosages. These vehicles shall have a current pediatric equipment/drug dosage sizing tape or pediatric equipment/drug dosage age/weight chart.
- d) Equipment Requirements – Rescue and/or Extrication
The following equipment shall be carried on the ambulance, unless the ambulance is routinely accompanied by a rescue vehicle:
- 1) Wrecking bar, 24"
 - 2) Goggles for eye safety

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- 3) Flashlight – one per vehicle, portable, battery operated
- 4) Fire Extinguisher – two per vehicle, ABC dry chemical, minimum 5-pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment
- e) Equipment Requirements – Communications Capability
Each ambulance shall have reliable ambulance-to-hospital radio communications capability and meet the requirements provided in Section 515.400 of this Part.
- f) Equipment Requirements – Epinephrine
A person currently licensed as an EMT-B, EMT-I, or EMT-P who has successfully completed a Department-approved course in the administration of epinephrine shall be required to carry epinephrine (both adult and pediatric doses) with him or her in the ambulance or drug box as part of the EMT medical supplies whenever he or she is performing the duties of an emergency medical technician, within the context of the EMS System plan. (Section 3.55(a-7) of the Act)
- g) Personnel Requirements
 - 1) Each Basic Life Support ambulance shall be staffed by a minimum of one EMT Basic, Intermediate, Paramedic or Pre-Hospital RN and one other EMT Basic, Intermediate, Paramedic, Pre Hospital RN or physician on all responses.
 - 2) Each ambulance used as an Intermediate Life Support vehicle shall be staffed by a minimum of one Intermediate, Paramedic or Pre-Hospital RN and one other EMT Basic, Intermediate, Paramedic, Pre-Hospital RN or physician on all responses.
 - 3) Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one Paramedic or Pre-Hospital RN and one other EMT Basic, Intermediate, Paramedic, Pre-Hospital RN or physician on all responses.
- h) Alternate Rural Staffing Authorization
 - 1) A Vehicle Service Provider *that serves a rural or semi-rural population of*

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10,000 or fewer inhabitants and exclusively uses volunteers or paid-on-call personnel or a combination to provide patient care may apply for alternate rural staffing authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle to be staffed by one EMT licensed at or above the level at which the vehicle is licensed, plus one First Responder/Emergency Medical Responder when two licensed Emergency Services Personnel are not available to respond. (Section 2.85(b)(3) of the Act)

- 2) The EMT licensed at or above the level at which the ambulance is licensed shall be the primary patient care provider in route to the health care facility.
- 3) The Vehicle Service Provider shall obtain the prior written approval for alternate rural staffing from the EMS MD. The EMS MD shall submit to the Department a request for an amendment to the existing EMS System plan that clearly demonstrates the need for alternate rural staffing in accordance with subsection (h)(4) and that the alternate rural staffing will not reduce the quality of medical care established by the Act and this Part.
- 4) A Vehicle Service Provider requesting alternate rural staffing authorization shall clearly demonstrate all of the following:
 - A) That it has undertaken extensive efforts to recruit and train licensed EMS personnel;
 - B) That, despite its exhaustive efforts, licensed EMS personnel are not available; and
 - C) That, without alternate rural staffing authorization, the rural or semi-rural population of 10,000 or fewer inhabitants served will be unable to meet staffing requirements as specified in subsection (g).
- 5) The alternate rural staffing authorization and subsequent authorizations shall include beginning and termination dates not to exceed 48 months. The EMS MD shall re-evaluate subsequent requests for authorization for compliance with subsections (h)(4)(A) through (C). Subsequent requests for authorization shall be submitted to the Department for approval in accordance with this Section.

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- 6) Alternate rural staffing authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate rural staffing authorization may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate rural staffing authorization presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing.
 - 7) Vehicle Service Providers that cannot meet the alternate rural staffing authorization requirements of this Section may apply through the EMS MD to the Department for a staffing waiver pursuant to Section 515.150.
- i) Alternate Response Authorization
- 1) A Vehicle Service Provider that exclusively uses volunteers or paid-on-call personnel or a combination to provide patient care who are not required to be stationed with the vehicle may apply to the Department for alternate response authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department to travel to the scene of an emergency staffed by at least one licensed Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic or Pre-Hospital RN ("Emergency Services Personnel").
 - 2) A Vehicle Service Provider operating under alternate response authorization shall ensure that a second licensed Emergency Services Personnel is on scene or in route to the emergency response location.
 - 3) The Vehicle Service Provider shall demonstrate to the Department that it has safeguards to ensure that no patient will be transported with fewer than two EMTs, at least one of whom shall be licensed at or above the level of the license for the vehicle, unless the Vehicle Service Provider is approved for alternate rural staffing authorization.
 - 4) Alternate response authorization may be suspended or revoked, after an

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opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate response authorization presents an immediate threat to the health or safety of the public. After summary suspension, the licensee shall have the opportunity for an expedited hearing (see Section 515.180).

- j) Alternate Response Authorization – Secondary Response Vehicles
- 1) A Vehicle Service Provider that uses volunteers or paid-on-call personnel or a combination to provide patient care, and staffs its primary response vehicle with personnel stationed with the vehicle, may apply for alternate response authorization for its secondary response vehicles. The secondary or subsequent ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department at the BLS, ILS or ALS level, when personnel are not stationed with the vehicle, may respond to the scene of an emergency when the primary vehicle is on another response. The vehicle shall be staffed by at least one licensed Emergency Services Personnel.
 - 2) A Vehicle Service Provider operating under the alternate response authorization shall ensure that a second licensed Emergency Services Personnel provider is on the scene or in route to the emergency response location.
 - 3) The Vehicle Service Provider shall demonstrate to the Department that it has written safeguards to ensure that no patient will be transported with fewer than two EMTs, at least one of whom shall be licensed at or above the level of the license for the ambulance, unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h).
 - 4) Alternate response authorization for secondary response vehicles may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization for secondary response vehicles may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the

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alternate response authorization for secondary vehicles presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing (see Section 515.180).

k) Operational Requirements

- 1) An ambulance that is transporting a patient to a hospital shall be operated in accordance with the requirements of the Act and this Part.
- 2) A licensee shall operate its ambulance service in compliance with this Part, 24 hours a day, every day of the year. Except as required in this subsection (k), each individual vehicle within the ambulance service shall not be required to operate 24 hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS vehicle can be used to provide coverage at either an ALS, ILS or BLS level, and the coverage shall meet the requirements of this Section.
 - A) At the time of application for initial or renewal licensure, and upon annual inspection, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.
 - i) A current roster shall also be submitted that lists the EMS Personnel, Pre-Hospital RNs and physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, license expiration date and daytime telephone number, and shall state whether the person is scheduled to be on site or on call.
 - ii) An actual or proposed four-week staffing schedule shall also be submitted, which covers all vehicles, includes staff names from the submitted roster, and states whether each staff member is scheduled to be on site or on call during each work shift.
 - B) Licensees shall obtain the EMS MD's approval of their vehicles' hours of operation prior to submitting an application to the

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Department. An EMS MD may require specific hours of operation for individual vehicles to assure appropriate coverage within the System.

- C) A Vehicle Service Provider that advertises its service as operating a specific number of vehicles or more than one vehicle shall state in the advertisement the hours of operation for those vehicles, if individual vehicles are not available 24 hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate 24 hours a day.
- 3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the information required in Section 515. Appendix E.
- 4) A Vehicle Service Provider shall provide emergency service within the service area on a per-need basis without regard to the patient's ability to pay for the service.
- 5) A Vehicle Service Provider shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. (See Section 515.810(h).)
- 6) A Vehicle Service Provider shall not operate its ambulance at a level exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless the vehicle is operated pursuant to an EMS System-approved in-field service level upgrade or ambulance service upgrades – rural population.
- 7) The Department will inspect ambulances each year. If the Vehicle Service Provider has no violations of this Section that threaten the health or safety of patients or the public for the previous five years and has no substantiated complaints against it, the Department will inspect the Vehicle Service Provider's ambulances in alternate years, and the Vehicle Service Provider may, with the Department's prior approval, self-inspect its ambulances in the other years. The Vehicle Service Provider shall use the Department's inspection form for self-inspection. Nothing contained in this subsection (k)(7) shall prevent the Department from conducting

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unannounced inspections.

- l) A licensee may use a replacement vehicle for up to 10 days without a Department inspection, provided that the Department is notified of the use of the vehicle by the second working day.
- m) *Patients, individuals who accompany a patient, and emergency services personnel may not smoke while inside an ambulance or SEMSV. The Department of Public Health shall impose a civil penalty on an individual who violates this subsection (m) in the amount of \$100. (Section 3.155(h) of the Act)*
- n) Any provider may request a waiver of any requirements in this Section under the provisions of Section 515.150.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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

Section 515.950 Aircraft Medical Equipment and Drugs

- a) Each helicopter or fixed-wing aircraft shall be equipped with medical equipment and drugs that are appropriate for the various types of missions to which it will be responding, as specified by the SEMSV Medical Director.
- b) The SEMSV Medical Director shall submit for approval to the Department a list of medical equipment and drugs to be taken on any particular mission based on patient type (adult, child, infant), medical condition (high risk infant, cardiac, burn, etc.) and anticipated treatment needs en route. This shall include, but not be limited to:
 - 1) Cardiac monitor with extra battery;
 - 2) Defibrillator that is adjustable for all age groups;
 - 3) External pacemaker;
 - 4) Advanced airway equipment, including laryngoscope and tracheal intubation supplies for all age ranges;

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- 5) Mechanical ventilator available;
- 6) Two suction sources; one must be portable;
- 7) Pulse oximeter;
- 8) End tidal CO₂ – electronic or chemical;
- 9) Automatic blood pressure monitor;
- 10) Doppler with dual capacity to obtain fetal heart tones as well as systolic blood pressure;
- 11) Invasive pressure monitor;
- 12) Intravenous pumps with adjustable rates for appropriate age groups;
- 13) Two sources of oxygen; one must be portable;
- 14) A stretcher that is large enough to carry the 95th percentile adult, full length in supine position, and that is rigid enough to support effective cardiopulmonary resuscitation and has the capability of raising the head 30°;
- 15) Electrical power source provided by an inverter or appropriate power source of sufficient output to meet the requirements of the complete specialized equipment package without compromising the operation of any electrical aircraft equipment;
- 16) If the patient weighs less than 60 lbs. (27 kg.), an appropriate (for height and weight) restraint device shall be used, which shall be secured by a device approved by the Federal Aviation Administration (14 CFR 135); ~~and~~
- 17) An isolette if the service mission profile includes neonate transports; ~~and~~;
- 18) Opioid antagonist, including, but not limited to, Naloxone, with administration equipment appropriate for the licensed level of care of the

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SEMSV.

- c) The Department's approval shall be based on, but not limited to:
- 1) Length of time of the mission;
 - 2) Possible environmental or weather hazards;
 - 3) Number of individuals served; and
 - 4) Medical condition of individuals served.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.975 Watercraft Medical Equipment and Drugs

- a) Each watercraft shall be equipped with medical equipment and drugs that are appropriate for the various types of missions to which it will be responding, as specified by the SEMSV Medical Director.
- b) Opioid antagonist, including, but not limited to, Naloxone, appropriate for the licensed level of care of the SEMSV.
- cb) For ALS operations, the SEMSV Medical Director shall submit for approval a list of supplies available for each mission used. The SEMSV Medical Director shall decide on the medical equipment and drugs taken on any particular mission based on patient type (adult, child, infant), medical condition (high risk infant, cardiac, burn, etc.) and anticipated treatment needs en route.
- de) The Department's approval shall be based on, but not limited to:
- 1) length of time of the mission;
 - 2) possible environmental or weather hazards;
 - 3) number of individuals served; and
 - 4) medical condition of individuals served.

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 515.995 Off-Road Medical Equipment and Drugs

- a) Each off-road SEMSV shall be equipped with medical equipment and drugs for the various types of missions to which it will be responding, as specified by the SEMSV Medical Director.
- b) Opioid antagonist, including, but not limited to, Naloxone, appropriate for the licensed level of care of the SEMSV.
- ~~c~~b) For Advanced Life Support (ALS) operations, the SEMSV Medical Director shall submit for approval a list of supplies available for each mission. The SEMSV Medical Director shall decide what medical equipment and drugs are taken on any particular mission based on patient type (adult, child, infant), medical condition (high risk infant, cardiac, burn, etc.) and anticipated treatment needs en route.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: AIDS Drug Assistance Program
- 2) Code Citation: 77 Ill. Adm. Code 692
- 3) Section Number: 692.Appendix A Proposed Action: Amendment
- 4) Statutory Authority: Ryan White HIV/AIDS Treatment Extension Act of 2009 [Public Law 111-87]; Section 314 of the Civil Administrative Code of Illinois [20 ILCS 2310/315]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates Appendix A with respect to the federal poverty level changing from the 2015 federal poverty level to the 2016 federal poverty level.
- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: Federal poverty level, issued by the US Department of Health and Human Services
- 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.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of the issue of the *Illinois Register* to:

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Springfield IL 62761

217/782-2043

dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692
AIDS DRUG ASSISTANCE PROGRAM

Section

692.5	Definitions
692.6	Incorporated and Referenced Materials
692.10	Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection
692.15	Application Requirements
692.16	Non-Discrimination
692.APPENDIX A	2016 2015 Poverty Income Guidelines
692.APPENDIX B	Ryan White HIV/AIDS Treatment Extension Act of 2009 Sliding Fee Scale

AUTHORITY: Implementing the Ryan White HIV/AIDS Treatment Extension Act of 2009 (P.L. 111-87) and authorized by Section 315 of the Civil Administrative Code of Illinois [20 ILCS 2310/315].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 7531, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days; emergency expired November 1, 1996; amended at 21 Ill. Reg. 1203, effective January 10, 1997; amended at 22 Ill. Reg. 14468, effective July 24, 1998; amended at 24 Ill. Reg. 11876, effective August 1, 2000; emergency amendment at 35 Ill. Reg. 16105, effective September 26, 2011, for a maximum of 150 days; amended at 36 Ill. Reg. 3909, effective February 22, 2012; peremptory amendment at 37 Ill. Reg. 2563, effective February 15, 2013; emergency amendment at 37 Ill. Reg. 3899, effective March 18, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 11371, effective July 2, 2013; emergency amendment at 38 Ill. Reg. 7997, effective March 28, 2014, for a maximum of 150 days; amended at 38 Ill. Reg.

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17363, effective August 1, 2014; amended at 39 Ill. Reg. 9978, effective July 2, 2015; amended at 40 Ill. Reg. _____, effective _____.

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Section 692.APPENDIX A ~~2016~~2015 Poverty Income Guidelines

~~2016~~2015 Health and Human Services Poverty Guidelines

Persons in Family	100% Poverty Guideline	Maximum Gross Annual Income ADAP 300% Eligibility
1	\$11,880 11,770	\$35,640 35,310
2	16,020 15,930	48,060 47,790
3	20,160 20,090	60,480 60,270
4	24,300 24,250	72,900 72,750
5	28,440 28,410	85,320 85,230
6	32,580 32,570	97,740 97,710
7	36,730	110,190
8	40,890	122,670
For additional persons, add	4,160	12,480

See: Federal Register: ~~81 FR 4036, January 25, 2016~~80 FR 3236, January 22, 2015, pp-
3236-3237, Document Number 2015-01120

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 77 Ill. Adm. Code 2500
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2500.10	Repealed
2500.20	Repealed
2500.30	Repealed
- 4) Statutory Authority: Illinois Health Finance Reform Act [20 ILCS 2215]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed because the Illinois Health Finance Reform Act data is now collected under the Health Care Data Collection and Submission Code, 77 Ill. Adm. Code 1010. The repeal of this Part will remove the redundancy.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 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 will not create a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not known at the time the latest Regulatory Agendas were drafted.

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

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2500

GENERAL PROVISIONS (REPEALED)

Section

2500.10	Purpose and Objectives
2500.20	Definitions
2500.30	Gender and Number

AUTHORITY: Implementing and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/2-3].

SOURCE: Adopted at 9 Ill. Reg. 12760, effective August 5, 1985; amended at 25 Ill. Reg. 2070, effective January 19, 2001; repealed at 40 Ill. Reg. _____, effective _____.

Section 2500.10 Purpose and Objectives

Parts 2500 through 2550 are established to accomplish the general purposes of the Illinois Health Finance Reform Act [20 ILCS 2215] and in particular the stabilization of the cost of hospitalization and measurement of utilization by the achievement of the following objectives:

- a) development of measures which will increase hospital and licensed ambulatory surgical treatment center productivity and better control utilization, while continuing to provide quality health care services to all sectors of the citizenry, education and training of health care professionals, and research and development of improved and cost effective methods of treatment of ailments and management of facilities and operations;
- b) the study, recommendation and implementation of measures to contain health care costs;
- c) the encouragement of new and innovative methods of financing health care; and
- d) limitation of the increase in the cost of hospital care to no more than the rate of increase in prices in the general economy.

Section 2500.20 Definitions

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

As used in this Chapter XI, 77 Ill. Adm. Code 2500 through 2550:

"Act" means the Illinois Health Finance Reform Act [20 ILCS 2215].

"Ambulatory Surgical Treatment Center" or "ASTC" has the meaning ascribed to that term under Section 3 of the Ambulatory Surgical Treatment Center Act [210 ILCS 5/3].

"Confidential Information" means that information which the Council has defined to be confidential in 77 Ill. Adm. Code 2510.80.

"Council" means the Illinois Health Care Cost Containment Council created by the Act.

"Executive Director" means the chief operating officer of the Council.

"File", "filed", "filing" means, with respect to reports, statements and documents required to be filed with the Council:

delivery to the principal office of the Council by the close of business of the prescribed filing date;

delivery to the branch office of the Council by the close of business of the prescribed filing date; or

deposit with the United States Postal Service, postage prepaid, addressed to either the principal or branch office of the Council, in sufficient time so that the mailed documents will arrive by the close of business of the prescribed filing date.

"Governor" means the Governor of Illinois.

"Hospital" means any institution, place, building, agency, public or private, whether organized for profit or not-for-profit, which is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act [210 ILCS 85], and the University of Illinois Hospital as defined in the University of Illinois Hospital Act [110 ILCS 330].

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

"Member" means a person appointed by the Governor to the Council created by the Act.

"Outpatient" means any health care service provided in a hospital to a patient who is not admitted as an inpatient to the hospital or in a licensed ambulatory surgical treatment center.

"Outpatient surgery" means specific procedures performed on an outpatient basis in a hospital or licensed ambulatory surgical treatment center that are listed in the Current Procedural Terminology (CPT) 1999 surgery section, codes 10000 through 69999, maintained and distributed by the American Medical Association (515 North State Street, Chicago IL 60610), no later amendments or additions; or those listed in the International Classification of Diseases, 9th edition, Clinical Modification (ICD-9-CM), Volume 3 procedures 01 through 86.99, maintained and distributed by the U.S. Department of Health and Human Services (available through HCIA, 5400 Data Court, Ann Arbor, Michigan 48108), no later amendments or additions.

Section 2500.30 Gender and Number

All terms used in any one gender or number shall be construed to include any other gender or number.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Data Collection
- 2) Code Citation: 77 Ill. Adm. Code 2510
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2510.10	Repealed
2510.20	Repealed
2510.30	Repealed
2510.40	Repealed
2510.50	Repealed
2510.55	Repealed
2510.60	Repealed
2510.70	Repealed
2510.80	Repealed
2510.85	Repealed
2510.90	Repealed
2510.Appendix A	Repealed
2510.Appendix B	Repealed
2510.Appendix C	Repealed
2510.Appendix D	Repealed
2510.Appendix E	Repealed
2510.Appendix F	Repealed
2510.Appendix G	Repealed
2510.Appendix H	Repealed
2510.Appendix I	Repealed
- 4) Statutory Authority: Illinois Health Finance Reform Act [20 ILCS 2215]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed because the Illinois Health Finance Reform Act data is now collected under the Health Care Data Collection and Submission Code, 77 Ill. Adm. Code 1010. The repeal of this Part will remove the redundancy.

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

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

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: 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 will not create a state mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not known at the time the latest Regulatory Agendas were drafted.

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

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TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510

DATA COLLECTION (REPEALED)

Section

2510.10	Purpose
2510.20	Outside Contractor
2510.30	Collection and Submission of Hospital Financial Data
2510.40	Submission of Medicaid Cost Reports (Repealed)
2510.50	Collection of Billing Forms Information
2510.55	Report of Discharges
2510.60	Quarterly Reports
2510.70	Special Studies and Analysis
2510.80	Confidentiality
2510.85	Format of the Financial Data Report
2510.90	Provider Review
2510.APPENDIX A	Illinois Health Care Cost Containment Council Annual Financial Data Report
2510.APPENDIX B	UB-82 Magnetic Media Record Format
2510.APPENDIX C	UB-82 Uniform Bill Data Fields
2510.APPENDIX D	UB-92 Magnetic Media Record Format
2510.APPENDIX E	UB-92 Uniform Bill Data Fields
2510.APPENDIX F	Ambulatory Surgical Magnetic Media Record Format Option 1/UB92 Form
2510.APPENDIX G	Ambulatory Surgical Data Fields Option 1/UB92 Form and Paper Format
2510.APPENDIX H	Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form
2510.APPENDIX I	Ambulatory Surgical Data Fields Option 2 and Paper Format

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. IV and 2-3].

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334,

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effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 9896, effective June 10, 1993; emergency amendment at 17 Ill. Reg. 14112, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5300, effective March 21, 1994; emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16810, effective November 4, 1994; amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; emergency amendment at 19 Ill. Reg. 15097, effective October 11, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16046, effective November 17, 1995; amended at 20 Ill. Reg. 4727, effective March 6, 1996; emergency amendment at 21 Ill. Reg. 3277, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 8964, effective July 1, 1997; emergency amendment at 21 Ill. Reg. 12661, effective September 2, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1325, effective December 23, 1997; amended at 25 Ill. Reg. 2017, effective January 19, 2001; repealed at 40 Ill. Reg. _____, effective _____.

Section 2510.10 Purpose

The purpose of this Part is to insure that data are available to make valid comparisons among health care providers of prices and utilization of services provided and to support ongoing analysis of the health care delivery system so that the Illinois Health Care Cost Containment Council ("the Council") can fulfill its mandate. [20 ILCS 2215/4-1].

Section 2510.20 Outside Contractor

The Council may enter into any agreement with any corporation, association or other entity it deems appropriate to undertake the process described in Article IV of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1984 Supp., ch. 111½, pars. 6504-1 et seq.) ("The Act") for the compilation and analysis of data collected by the Council and to conduct or contract for studies on health-related questions carried out in pursuance of the purposes of Article IV. The agreement may provide for the corporation, association or entity to prepare and distribute or make available data to health care providers, health care subscribers, third-party payors, government and the general public, in accordance with the rules of confidentiality of the data and review of the Council as stated in this Part. (Ill. Rev. Stat. 1984 Supp., ch. 111½, par. 6504-2).

Section 2510.30 Collection and Submission of Hospital Financial Data

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- a) Each hospital under the jurisdiction of the Council shall notify the Executive Director of the Council in writing of the date its fiscal year ends. By July 1, 1995 and within 60 days of the effective date of any change in the fiscal year end date for a hospital, the hospital shall inform the Council or its Agent by means of a certified letter signed by the hospital chief executive officer.
- b) Hospitals shall file with the Council or its Agent the hospital specific financial information on a form prescribed by the Council using definitions set forth in Appendix A of this Part no later than one hundred twenty (120) days after the end of its fiscal year. This requirement shall be deemed satisfied if the hospital files with the Council or its Agent, during the hospital's fiscal year, four consecutive reports of the Illinois Hospital and HealthSystems Association's current Quarterly Financial Data Set. The information shall be based upon audited financial statements of the appropriate corporate entity for which such statements are issued and shall be attested to by the chief executive officer of the hospital. Hospitals whose fiscal year ends after July 1, 1995, shall file the information on the form prescribed in subsection (d) below within one hundred twenty (120) days after the end of its fiscal year. Hospitals may submit the required financial data to the Council or its Agent on a quarterly basis.
- c) The hospital specific financial data collected by and furnished to the Council or designated corporation, association or entity pursuant to this Part shall not be a public record under the Freedom of Information Act [5 ILCS 140] except that total gross revenue, total deductions from gross revenue and gross inpatient revenue as defined in subsection (d) below shall be released on a hospital specific basis. *All financial data collected by the Council from publicly available sources such as the HCFA Electronic Medicare Reports is releasable by the Council on a hospital specific basis when appropriate.* (Section 4-2(c) of the Illinois Health Finance Reform Act) It is the intent of the Act and of this Part to protect the proprietary information of hospitals.
- d) Hospitals shall file hospital specific financial information on the form prescribed by the Council, including all data elements set forth in Appendix A to this Part.
- e) Nothing in this Part shall be construed so as to prohibit a hospital from using the services of an agent for the submission of financial data to the Council or its Agent, provided that the agent submits the data to the Council within 48 hours after receipt from the hospital, in the same form as it was submitted by the

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hospital. Hospitals using the services of an agent are not to be construed as complying with the provisions of the Illinois Health Finance Reform Act or the Illinois Administrative Code until the data are received at the Council and pass validity checks established by the Council.

Section 2510.40 Submission of Medicaid Cost Reports (Repealed)**Section 2510.50 Collection of Billing Forms Information**

- a) Adoption of Uniform Billing Form/HCFA 1450
Effective January 1, 1985, all hospitals shall adopt a uniform system for submitting patient charges for payment from public and private payors. This system shall be based upon the adoption of the Uniform Hospital Billing Form Uniform Billing 82/Health Care Financing Administration 1450 (UB-82/HCFA 1450) ("UB-82") hereinafter developed by the National Uniform Billing Committee. Section 4-2 of the Illinois Health Finance Reform Act [20 ILCS 2215/4-2].
AGENCY NOTE: For purposes of this Part, the terms Uniform Billing Form, Uniform Billing, and Uniform Bills each refer to the Uniform Hospital Billing Form UB-82/HCFA 1450, UB-92/HCFA 1450 and any successor forms hereinafter developed by the National Uniform Billing Committee.
- b) Acceptance of Uniform Billing Form
Effective January 1, 1985, the Department of Insurance shall require all third-party payors, including but not limited to, licensed insurers, medical and hospital service corporations, health maintenance organizations, and self-funded employee health plans, to accept the Uniform Hospital Billing Form UB-82, without attachment; provided, however, nothing in this Chapter shall prevent all such third-party payors from requiring additional information, including but not limited to itemized bills, necessary to determine eligibility for benefits or liability for reimbursement for services provided. The Illinois Department of Public Aid shall not be required to accept the Uniform Hospital Billing Form UB-82 prior to October 1, 1985. Section 4-2 of the Illinois Health Finance Reform Act [20 ILCS 2215/4-2].
AGENCY NOTE: Effective October 1, 1993, Hospitals may file Uniform Billing information with the Council consistent with either the UB-82 or UB-92 formats. Effective 1 January, 1994, Hospitals must file Uniform Billing information with the Council consistent with the UB-92 format. c) Filing of Uniform Billing Information with the Council

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Extracts of Uniform Bills for inpatient services shall be prepared by hospitals according to the following regulations.

- 1) All hospitals may file Uniform Billing discharge data with the Council for discharges occurring during the first calendar quarter of 1985 on hard copy. Subsequent to that period, only hospitals not having data processing equipment capable of producing data in one of the acceptable magnetic formats specified in subsection (c)(2) below shall file hard copy Uniform Billing information with the Council. Such information shall be filed with the Council on a Uniform Billing Form or a facsimile of a Uniform Billing Form with the confidential fields specified in subsection (e) below deleted.
- 2) Data Submission Standards
 - A) After the first quarter of 1985, Uniform Billing data extracts shall be submitted in a magnetic format. Acceptable magnetic and electronic formats for submission of data will be determined by the Council. The Council shall make no changes to the media-acceptable standards without a minimum of 30 days notification to the affected hospitals except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.
 - B) Until January 1, 1994, the data may be submitted in records formatted as indicated in Appendix B of this Part. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.
 - i) Beginning October 1, 1993, the data may be submitted in records formatted as indicated in Appendix D of this Part. Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.
 - ii) Effective 1 January 1994, the data shall be submitted in records formatted as indicated in Appendix D of this Part.

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Physical and logical descriptions of the media, blocks and records shall be as defined and modified by the Council from time to time.

- C) Revisions of data originally filed on a magnetic or electronic format must be filed on a magnetic or electronic format reporting the entire logical record for each record changed.
- D) For each patient, the data elements described in subsection (d) below form a record as described in the Appendices of this Part.
- E) All claims transactions submitted to the Council must be covered by one or more properly completed Transmittal Forms as defined by the Council. The form shall contain at least the following information:
 - i) **Submitter Information**
Information about the hospital name and address, hospital ID number, contact name and phone number, and other information as may be useful in identifying the submission and contacting other parties responsible for resolving errors;
 - ii) **Batch/Record Identification**
Information regarding the means or media of submission, indication of date submitted, and other information required by the Council to process the submission;
 - iii) **Actual Number of Discharges**
Information regarding the number of discharges occurring at the reporting hospital during a given month. The form shall be prepared and registered as required by Public Act 80-1338 as amended November 27, 1985. The Council may change the format and content of the form from time to time within limits which do not impair consistency with the content enumerated above, but in no case shall reject submissions using an obsolete form without at least 30 calendar days notice to the affected hospitals.

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- F) The Council may allow for the submission of claims data by Electronic Data Interchange as an optional data submission mechanism for hospitals who are equipped to participate. Using record formats as defined elsewhere in this rule and providing for transmittals to be received either physically or by facsimile, the Council may, as budget permits, identify and publish standards for compression, telecommunications rates and protocols, sign-on, file transfer and other EDI-related methodologies using such a method and applying such standards to allow hospitals and their agents to submit Uniform Billing data over telephone lines and through commercial bulletin board services as determined feasible and desirable by the Council. The Council shall develop such standards with regard to the capabilities of hospitals to use the optional method, and such capability is to be determined by a census taken prior to the implementation of any such submission mechanism. The Council shall make no changes to the EDI-related standards without a minimum of 30 days notification to the affected hospitals except where errors or omissions in published standards and procedures make impossible the submission of data by the means described in the published standard. In such cases, the Council may immediately publish changes and immediately put them into effect.
- 3) For quarters ending before July 1, 1992, hospitals shall file complete Uniform Billing data for 95% of all discharges within 60 calendar days after the last day of the calendar month in which the patient was discharged or died. The complete Uniform Billing data for the remaining 5% of all discharges must be filed within 180 calendar days after the last day of the calendar month in which the patient was discharged or died. Hospitals will be allowed 20 calendar days to correct any Uniform Billing data submission errors identified by the Council. For quarters beginning July 1, 1992, hospitals shall file complete Uniform Billing data for 95% of all discharges within 60 calendar days after the last day of the calendar month in which the patient was discharged or died. The complete Uniform Billing data for the remaining 5% of all discharges must be filed within 90 calendar days after the last day of the calendar month in which the patient was discharged or died. Hospitals will be allowed 20 calendar days to correct any Uniform Billing data submission errors identified by the Council.

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- 4) Hospitals will not be required to file Uniform Billing information on patients for whom a bill is generated exclusively for the Illinois Department of Public Aid until October 1, 1985. The Illinois Department of Public Aid shall report to the Council the data listed in subsection (d) below for the discharges occurring during the period January 1, 1985, through September 30, 1985.
- d) **Required Uniform Billing Data**
The Council, in cooperation with the State Departments of Public Aid, Insurance, and Public Health, shall establish a system for the collection of the following information from hospitals utilizing the raw data available on the hospital Uniform Billing Form. Such data determined as necessary by the Council shall be filed for every discharge regardless of payor and shall include the Uniform Billing data fields coded according to the Council's requirements as found in the Appendices of this Part.
- e) **Confidential Uniform Billing Data**
The following Uniform Billing data fields have been determined to be confidential by the Council and may not under any circumstances be filed with the Council:
- Description
Patient's Name
Patient's Address (except zip code)
Responsible Party Name and Address
Insured's Name
Insured's Certificate Number, Social Security Number, Health Insurance, Identification Number
Employee Identification Number
Remarks.
- f) **Hospital Identification Number**
The Medicaid identification number assigned by the Medical Assistance Program of the Illinois Department of Public Aid is the required hospital identification number and shall be recorded in field 5 on all Uniform Billing records filed with the Council. Hospitals not participating in the Medical Assistance Program shall immediately request a number be assigned by the Council. The request shall be made to the Executive Director.

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- g) **Self Administered Insurance Plan Identification Number**
Self administered insurance plans and health and welfare funds may request an identification number from the Council. The request shall be made to the Executive Director. The identification number must be obtained and used if the plan or fund desires to obtain reports on its members from the Council.
- h) **Small Hospital Exemption**
The Council shall exempt hospitals with fewer than 50 beds licensed under the Hospital Licensing Act [210 ILCS 85] from the filing of Uniform Billing data with the Council if the Council finds that compliance would impose undue economic hardship on the hospital and if the Council determines that the data from these hospitals are not essential to its data base and its concomitant health care cost comparison efforts. In determining whether compliance will constitute an undue economic hardship the Council will consider the cost to the hospital, both in relation to initial costs to obtain the capability to generate data in this format, and the routine cost of generating such data compared to the ability of the hospital to absorb the added cost of such production. Hospitals with less than 50 beds licensed under the Hospital Licensing Act anticipating compliance to impose an undue economic hardship may file with the Council a request for an exemption. Such request must document the undue economic hardship.
- i) **Sample Size**
Hospitals shall file the required Uniform Billing data specified in this Part for each discharge.
- j) **Payment for Submission of Uniform Billing Data**
Beginning with the payment to be made after July 1, 1993, for hospital discharges occurring between July 1, 1992 and December 31, 1992, and payments thereafter, each hospital that has submitted 95% correct of all discharges shall be reimbursed at a semi-annual rate of \$420. In the event that appropriations for the line item are inadequate, the payments will be reduced proportionately. Hospitals that do not meet the threshold percentage of correct discharges shall not be reimbursed.
- k) **Filing of Outpatient Surgical Billing Information with the Council**
Extracts of outpatient surgical billing forms shall be prepared by hospitals and licensed ambulatory surgical treatment centers according to the following regulations.

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- 1) Beginning the first calendar quarter of 2001, all hospitals and licensed ambulatory surgical treatment centers shall file outpatient surgical billing discharge data with the Council or a corporation, association, or entity designated by the Council as defined in subsection (k)(3). Electronic submissions of data shall be encouraged. For both hospitals and licensed ambulatory surgical treatment centers unable to submit extracts in electronic format, the Council must determine an alternative method for submission of data. The alternative method that the Council has determined is to receive extracts in hard copy format. Hospitals or licensed ambulatory surgical treatment centers unable to submit such extracts electronically shall submit hard copy paper extracts of outpatient surgical billing forms. Hospitals and licensed ambulatory surgical treatment centers capable of submitting data electronically shall file with the Council using one of the acceptable magnetic formats specified in subsection (k)(2). Hospitals and licensed ambulatory surgical treatment centers unable to submit electronically shall file hard copy submissions of acceptable formats as defined in subsection (k)(2) with the Council according to the submission requirements defined in subsection (k)(3). All billing data shall have all confidential fields specified in subsection (m) below omitted before submission to the Council.
- 2) Data Submission Standards
 - A) Acceptable electronic and paper formats for submission of data can be found in Appendices F through I of this Part. The Council shall make no changes to Appendices F through I of this Part without a minimum of 30 calendar days notification to the affected hospitals and licensed ambulatory surgical treatment centers, except where errors or omissions in these appendices make impossible the submission of data.
 - B) Effective January 1, 2001, the data shall be submitted in records formatted as indicated in Appendices F and H of this Part or in hard copy paper extracts of outpatient surgical billing forms as indicated in Appendices G and I. Physical and logical descriptions of the media, blocks and records shall be on a 3 1/2 inch diskette or CDROM (ASCII format), 1/2 inch 9-Track Tape of 3480 cartridge. Both the 1/2 inch tape and the 3480 cartridge must be EBCDIC encoded with a blocking factor of 10. Data may also be submitted

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using CAPS Direct software. If paper copies of bills are submitted, confidential elements must be omitted as defined in subsection (m).

- C) Revisions of data originally filed must be resubmitted in the same format as the original submission, unless otherwise agreed to by the agency, and include all required data elements for each record changed.
- D) The data elements described in Appendices F through I of this Part form a record for each patient.
- E) All claims transactions submitted to the Council must be labeled with at least the following information:

Facility ID#

Facility Name

Facility City

Service Bureau (if applicable)

Indicate "outpatient"

If appropriate, mark media "test" or "PKZip file"

The Council may change the format and content of the label from time to time within limits that do not impair consistency with the content enumerated above, but in no case shall reject submissions using an obsolete label without at least 30 calendar days notice to the affected facilities.

- F) The actual total number of hospital and licensed ambulatory surgical treatment center outpatient discharges with a surgical procedure for a calendar month, as defined in Section 2500.20, shall be reported using the Council's automated systems.
- G) Using record formats as defined in this Part, the Council will allow for the submission of outpatient surgery claims data by electronic transmission as the preferred data submission mechanism for hospitals and licensed ambulatory surgical treatment centers. The Council shall make no changes to the submission standards without a minimum of 30 calendar days notification to the affected

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hospitals and licensed ambulatory surgical treatment centers except where errors or omissions in Appendices F and H make impossible the submission of data.

- 3) From January 1, 2001 through December 31, 2002, hospitals and licensed ambulatory surgical treatment centers shall file complete and accurate outpatient surgical billing data to the Council as follows:
 - A) Surgical billing data for at least 60% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for first and second quarter 2001.
 - B) Surgical billing data for at least 70% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for third and fourth quarter 2001.
 - C) Surgical billing data for at least 80% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for first and second quarter 2002.
 - D) Surgical billing data for at least 90% of all discharges within 90 calendar days after the last day of the calendar month in which the patient was discharged or died for third and fourth quarter 2002.
 - E) For quarters beginning with January 1, 2003, hospitals and licensed ambulatory surgical treatment centers shall file complete and accurate outpatient surgical billing data for at least 95% of all discharges within 60 calendar days after the last day of the calendar month in which the patient was discharged or died. The complete and accurate outpatient surgical billing data for the remaining 5% of all discharges must be filed within 90 calendar days after the last day of the calendar month in which the patient was discharged or died. Prior to the close of the 90 day submission period, hospitals and licensed ambulatory surgical treatment centers will be required to correct any outpatient surgical billing data submission errors identified by the Council.
- 1) Required Billing Data
The Council, in cooperation with the State Departments of Public Aid, Insurance,

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and Public Health, shall establish a system for the collection of information for each outpatient surgery performed utilizing the raw data available on outpatient surgical billing forms submitted by hospitals and licensed ambulatory treatment centers to payors. Such data shall be filed for every outpatient surgery discharge regardless of payor and shall include the billing data fields coded according to the Council's requirements as found in Appendices F and H of this Part.

m) Confidential Billing Data

The following billing data fields have been determined to be confidential by the Council and shall not under any circumstances be filed with the Council:

Description

Patient's Name

Patient's Address (except zip code)

Responsible Party Name and Address

Insured's Name

Insured's Certificate Number, Social Security Number, Health

Insurance, Identification Number

Employee Identification Number

Remarks

n) Facility Identification Number

The Medicaid identification number assigned by the Medical Assistance Program of the Illinois Department of Public Aid is the required hospital and licensed ambulatory surgical treatment center facility identification number on all outpatient surgical billing records filed with the Council. Hospitals and licensed ambulatory surgical treatment centers not participating in the Medical Assistance Program shall be issued a facility identification number by the Council.

o) Self Administered Insurance Plan Identification Number

Self administered insurance plans and health and welfare funds may request a self administered insurance plan identification number from the Council.

p) Outpatient Provider Exemption

Upon Council approval, exemptions from the outpatient data filing requirements of this Part may be granted if the hospital or licensed ambulatory surgical treatment center proves to the Council's satisfaction that these requirements would impose undue economic hardship and if the Council determines that the data submitted from those hospitals and licensed ambulatory surgical treatment centers

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are not essential to the Council's database and its concomitant health care comparison efforts.

- q) **Sample Size**
Hospitals and licensed ambulatory surgical treatment centers shall file the required outpatient surgical billing data specified in this Part for each outpatient surgery discharge.
- r) **Payment for Submission of Outpatient Billing Data**
Beginning with the payment to be made after July 2001 for ambulatory surgical discharges occurring as of January 1, 2001 and payments thereafter, each hospital and licensed ambulatory surgical treatment center that submitted complete and accurate abstracts of all outpatient surgery discharges reported each month as defined in subsection (k)(3) shall be reimbursed at a semiannual rate of \$525. In the event that appropriations for the line item are inadequate, the payments will be reduced proportionately. Hospitals and licensed ambulatory surgical treatment centers that do not meet the data submission threshold shall not be reimbursed.

Section 2510.55 Report of Discharges

- a) Effective within 30 days after the effective date of this Section, each hospital shall provide, in writing to the Executive Director, a list by calendar month of the total number of hospital inpatient discharges including new born discharges for the calendar months of April 1985 through December 1986 (in the case of multiple births, each child is counted as a discharge).
- b) Effective with the filing of Uniform Billing discharge data on or after the effective date of this Section each hospital shall be required to file with each submission of data, the transmittal form as defined by the Council pursuant to the authority given in Section 2510.50(c)(2)(E).
- c) Effective beginning with calendar month January 1989, each hospital shall, within 30 calendar days following the last day of a calendar month, submit the actual total number of hospital inpatient discharges for that calendar month as defined by the Council pursuant to the authority given in Section 2510.50(c)(2)(E).
- d) A hospital may submit the actual number of hospital inpatient discharges either in conjunction with or separately from the submission of Uniform Billing discharge data as defined by the Council pursuant to the authority in Section

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2510.50(c)(2)(E).

- e) Effective 30 calendar days after February 1, 2001 and beginning with calendar month January 2001, each hospital and licensed ambulatory surgical treatment center shall, within 30 calendar days following the last day of each calendar month, submit the actual total number of hospital and licensed ambulatory surgical treatment center outpatient discharges with a surgical procedure for that calendar month as defined in 77 Ill. Adm. Code 2500.20 and Section 2510.50(k)(2)(F) of this Part.
- f) All filings required in subsections (a) through (e) shall be reported using the Council's automated systems.

Section 2510.60 Quarterly Reports

The Council shall require and the designated corporation, association or entity, if applicable, shall prepare quarterly basic reports in the aggregate on health care costs and utilization and trends in Illinois. The Council shall provide these reports to the public, if requested. These shall include, but not be limited to, comparative information on average charges, total and ancillary charge components, length of stay on diagnosis specific and procedure specific cases, and number of discharges, compiled in aggregate by hospital, by licensed ambulatory surgical treatment center, by diagnosis, and by primary payor category.

Section 2510.70 Special Studies and Analysis

- a) In addition to the quarterly reports, the Council shall respond to requests by agencies of government and organizations in the private sector for special studies and analysis (hereafter referred to as a "compilation of data") collected pursuant to Sections 2510.30 and 2510.50 of this Part.
- b) For purposes of this Part, a compilation of data is defined as a magnetic tape, diskette, CD-ROM, cartridge, or a hard copy report containing selected non-confidential data elements.
- c) The Council shall not release any information for special studies and analysis which is not permitted to be released for other purposes by the Act. No patient identifiable information shall be released. No hospital specific financial information shall be released except as provided in Section 2510.30 of this Part. Only the information which can be released under the requirements of the Act

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shall be released. Special studies and analysis shall not be subject to the Freedom of Information Act.

- d) All requests for compilations of data shall be made in writing to the Executive Director. The written request shall at least contain the name, address, and telephone number of the requester; a description of the requested compilation of data; a short, plain statement of the reason for the request; the relationship of the requested compilation to a legitimate purpose; and an identification of the parties to whom data requestors intend to re-release and/or sell the requested data (or any subset thereof) and the format of such re-release or sale. A "legitimate purpose" is a purpose consistent with the intent, policies, and purposes of the Act.
- e) The Council shall review each request for a compilation of data and determine whether to approve or deny the request. The Council shall notify the public of requests made for compilations by listing the requester, and providing a short description of the request on its official meeting agenda. Such requests shall be approved only by the vote of a majority of the members of the Council who shall designate the form in which the information shall be made available. The approval or denial by the Council of requests for compilations of data shall be within the discretion of the Council. The Council may deny a request for a compilation of data for reasons including, but not limited to, unavailability of data; the requested compilation of data is already available from the Council or another source; the requested compilation of data would endanger patient confidentiality; or the request is not related to a legitimate purpose. No person or group may request such compilation of data concerning another person or group.
- f) The Council shall notify the requester in writing of its decision. Denial of a request shall include a brief explanation of the reason for the denial. If a request is approved, delivery of the data shall be subject to receipt by the Council of a signed confidentiality and release agreement in form and substance satisfactory to the Council.
- g) The Council shall also determine a fee to be charged to the requesting entity which will cover at a minimum the direct and indirect costs of acquiring the information and of developing and producing the data product reports or special analyses. The Council shall establish prices by rule (see subsection (g)(4)) for each category of purchasers for each product and for the various terms under which such purchasers may wish to acquire products.

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- 1) Definition of Terms
 - A) Public Release Product
Products which the Council has determined may be released by staff without specific Council action on each order are referred to as Public Release Data Products. These products are said to be "ordered" by the customer.
 - B) Controlled Release Product
Products which the Council has determined may not be released by staff without specific Council action on each order are to be referred to as Controlled Release Data Products. These products are said to be "applied for" by the customer.
 - C) Data Products are to be made available in units covering a time period to which the data are applicable. Orders, applications, prices and release conditions shall be specific to the unit of product concerned. Unit or product for Public DataSet, Universal DataSet, and Research Oriented DataSet shall be calendar quarter. Unit of product for the Patient Origin DataSet shall be calendar year.
 - D) Purchase
Data Products may be acquired for the single purpose and for the sole use of the ordering or applying entity. The Council filling an order or granting an application to a given entity shall be construed as giving permission for use only for the unit of product requested and, in the case of Controlled Release products, only for the purposes originally applied for. In granting such approval, the Council shall not be construed as giving permission for the ordering or applying entity to use the data released on behalf of any client, member, organization or other entity not specified in the original order or application.
- 2) Council Data Product Categories
 - A) Public Release Products
For the purposes of this Part, the Public DataSet, Patient Origin DataSet, and Custom Reports or DataSets based upon them are to be regarded as Public Release Products.

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- B) **Controlled Release Products**
For the purposes of this Part, the Universal DataSet, Research Oriented DataSet, and Custom Reports or DataSets based upon them are to be regarded as Controlled Release Products.
- 3) **Categories of Purchasers and the Terms of Payment**
- A) **Category I: Commercial**
Any corporation, association, coalition, person, entity or individual, regardless of whether that individual would also fit any of the other categories listed in this subsection (g)(3), that resells or redistributes any of the data or products (or any subset thereof) obtained from the Council for any revenue is engaged in commercial use of the data or products and shall pay for the data or products at the commercial-reselling rate. Any corporation, association, coalition, person, entity or individual seeking to obtain data or products (or any subset thereof) from the Council is presumed to be acquiring the data or products for a commercial use unless the requestor can prove otherwise to the satisfaction of the Council. If non-commercial use is proven to the satisfaction of the Council, the requestor shall be classified into Category II through Category V for the purpose of fee determination.
- B) **Category II: Private and For-Profit Organizations**
Corporations, associations, coalitions, and other entities which are not chartered by State or Federal government to fulfill general or specific government functions and which function in whole or in part for the benefit of the owners, members, or sponsors of the corporation or organization shall fall into this category.
- C) **Category III: Illinois General Assembly and the Executive Office of the Governor**
In consideration of the public information mandate of the Council and the contribution of the General Revenue Fund to the activities of the Council, this category of purchaser shall receive Council reports and data products free of charge.
- D) **Category IV: Illinois Government and Educational Institutions**

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Other units of Illinois State government, Illinois county and local government, and Illinois public and private educational institutions shall be deemed to fall into this category. An exception to this policy is that State of Illinois agencies (IDPA, IDPH, IDOI, etc.) shall receive existing data products free of charge. Other exceptions to this policy may be made when there is a working agreement between the Council and a requesting entity entered under subsection (g)(9)(B). When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

E) Category V: Non-Illinois Government, Non-Illinois Educational Institutions, All Non-Profit Organizations, and All Graduate Students

The Federal government, governments of other states, other political subdivisions outside of the State of Illinois, non-Illinois educational institutions, all non-profit organizations, and all graduate students requesting data for research purposes shall be deemed to fall into this category. Non-profit organizations that purchase data materials:

- i) on behalf, either in whole or in part, or
- ii) for the substantial benefit,

of for-profit entities shall not be deemed to be included in this category. Rather, such entities will be included in Category I. Exceptions to this policy may be made when there is a working agreement between the Council and a requesting entity entered under subsection (g)(9)(B). When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

F) Category VI: Hospitals

Illinois hospitals requesting access to final edited claims information from the Council, for purposes other than the hospital review process as required by statute, rule, and agreement, may purchase this data from the Council. Prices for hospitals for these other products shall be as put forth for Category II, except in cases

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in which other agreements may be in place.

If such non-commercial use is proven to the satisfaction of the Council, the requestor shall be classified into Category II through Category V for the purposes of fee determination. The Council, acting upon the evidence presented and the completion of all questions on the data subscription request form, shall determine the category in which any given customer shall be placed.

- 4) Category Prices
Customers shall pay all or part of the fees set forth in the table below in accordance with the customer's category as outlined in subsection (g)(3).

		PRICE PER QUARTER	PRICE PER YEAR
Category I – Commercial			
Product:	Public Dataset	\$3,000	\$ 9,000
Product:	Universal DataSet	\$6,000	\$18,000
Product:	DRG Analyst	\$2,400	\$ 7,200
Category II – Private and For-Profit Organizations			
Product:	Public DataSet	\$2,000	\$6,000
Product:	Universal DataSet	\$3,000	\$9,000
Product:	DRG Analyst	\$ 800	\$2,400
Product:	Quarterly Reports	\$ 100	\$ 300
Category III – Illinois General Assembly and the Executive Office of the Governor			
Product:	Public DataSet	Free	Free
Product:	Universal DataSet	Free	Free
Product:	Research Oriented DataSet	Free	Free
Product:	Quarterly Reports	Free	Free

Category IV – Illinois Government and Educational Institutions

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Product:	Public DataSet	\$ 75	\$225
Product:	Universal DataSet	\$100	\$300
Product:	Research Oriented DataSet	\$200	\$600
Product:	State Inpatient DataSet	---	\$400
Product:	DRG Analyst	\$ 50	\$150
Product:	Quarterly Reports	\$ 30	\$ 90

Category V – Non-Illinois Government, Non-Illinois Educational Institutions,
All Non-Profit Organizations, and All Graduate Students

Product:	Public DataSet		
	Non-Profit	\$1,500	\$4,500
	Non-IL Gov/Ed	\$ 300	\$ 900
	Grad Students	\$ 20	\$ 60
Product:	Universal DataSet		
	Non-Profit	\$2,000	\$6,000
	Non-IL Gov/Ed	\$ 400	\$1,200
	Grad Students	\$ 25	\$ 75
Product:	Research Oriented DataSet		
	Non-Profit	\$ 500	\$1,500
	Non-IL Gov/Ed	\$ 50	\$ 150
Product:	State Inpatient DataSet		
	Non-Profit	---	\$800
	Non-IL Gov/Ed	---	\$800
	Grad Students	---	\$200
Product:	DRG Analyst		
	Non-Profit	\$600	\$1,800
	Non-IL Gov/Ed	\$200	\$ 600
	Grad Students	\$ 15	\$ 45
Product:	Quarterly Reports		
	Non-Profit	\$75	\$225
	Non-IL Gov/Ed	\$70	\$210

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Grad Students	\$10	\$ 30
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- 5) **Use for Additional Purpose Requires Additional Approval and Fee**
The prices and discounts set forth in this Part pertain to all applications for use as specified in the data subscription request form. A purchaser having once paid the appropriate fee for a particular use must re-apply for use for any other purpose and make payment as shown in this Part for the additional use.
- 6) **Revisions in Pricing**
The Council will, from time to time, examine and may modify the prices set forth in this Part. All data products for the discharge time periods 1987 and beyond shall be priced according to this Part.
- 7) **Payment Terms**
Payment by check or money order is required at the time the order or application is filed with the Council. The Council shall refund payments to applicants to which the Council votes not to release the data which were applied for.
- 8) **Council Not Required to Perform Studies**
While this Part allows for applicants to request specific file formats and report layouts, the Council shall not accept applications to provide such unless it deems that it is in the best interest of the Council to do so, and analysis shall be provided by the Council only when appropriate.
- 9) **Special Data Request Fee Structure**
Data requests accepted by the Council will be processed as follows:
 - A) **Simple Requests**
These are "no fee" inquiries that take less than three hours to complete, are reasonable in length and can be retrieved by staff from existing reports on their computers. Subject to other resource constraints, such requests shall be completed for consumers for personal use and for commercial entities as a one-time report.
 - B) **Complex Requests**
These are "for fee" inquiries that exceed guidelines for Simple Requests, require programmer time to extract the information

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requested and are subject to other resource constraints. A \$50 non-refundable application fee must be submitted with each application. The \$50 application fee will be deducted from the final cost of the data should the applicant agree to accept IHCCCC's charge proposal. The Council may grant exceptions to this policy when there is a working agreement between the Council and a requesting entity. When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity. The charges for compiling the data will be based on the resources required to produce the request and are based on the table below.

Resources	Hours/Units	Cost Per Hour
Programming	1-5	\$100
Research	1	\$62
Administrative	1	\$25
Media*	1	\$12
CPU Usage**	1	\$320

*Media: 1 unit=diskettes, CD-ROM, cartridge, tape

**CPU: 1 unit=CPU seconds to process 1 quarter of data (approximately 0.75 million records)

- h) Basis of Charge for Other Services and Products of the Council
- 1) Seminars, Colloquia, and Other Meetings
In order to offset the costs of presenting informational programs to the public and to Council constituencies, the Council may charge a fee to participants covering the reasonable costs of presentation materials and equipment, guest presenters expenses, travel expenses of Council Staff, and meeting facilities. At the request of participants, the Council may also negotiate group rates for accommodations and amenities at such meetings and pass the cost and overhead along to participants in the fee charged for attendance.
 - 2) DRG Analyst
All categorical prices shall apply to this product.

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- 3) **Other Services and Products**
To the extent that the General Assembly appropriates to the Council from the Special Studies Revolving Fund moneys sufficient to perform other services and provide other products not conflicting with the intent of the Health Finance Reform Act and this Chapter XI, the Council may provide such products and services for a fee. The fees to be assessed shall be reasonable in view of the value of services performed, shall be collected by methods and procedures approved by the Executive Director, and shall cover the full cost of providing the goods and services.

Section 2510.80 Confidentiality

- a) All steps necessary under State and Federal law to protect patient confidentiality shall be undertaken by the Council to prevent the identification of individual patient records. The Council will assure the confidentiality of patient records when gathering and submitting data to the Council or designated corporation, association or entity.
- b) Information filed with the Council or designated corporation, association or entity by hospitals or licensed ambulatory surgical treatment centers pursuant to this Part shall be privileged and confidential, and shall not be disclosed in any manner unless otherwise permitted or required by law. The foregoing includes, but shall not be limited to, disclosure, inspection or copying under the Freedom of Information Act [5 ILCS 140], the State Records Act [5 ILCS 160] and Section 404(1) of the Illinois Insurance Code [215 ILCS 5/404(1)]. However, the prohibitions stated in this Section shall not apply to the quarterly reports of the Council or the provider data verification process provided for under the Act and pursuant to Section 2510.60 of this Part and those data elements specified in Section 2510.30(d) of this Part.

Section 2510.85 Format of the Financial Data Report

- a) The Council or its Agent shall develop and distribute, on or near the fiscal year end date of record at the Council, a personal computer program which will allow hospitals to respond to questions asked by the computer program regarding the reported elements defined in this Part, as well as any other elements which hospitals or their agents volunteer to submit. The answers to these questions, entered by hospitals from the personal computer keyboard, edited by the appropriate software, and recorded on a computer diskette, when returned to the

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Council or its Agent and satisfying validity edits, constitute compliance with applicable provisions of the Illinois Health Finance Reform Act and with the provisions of this Part for all hospitals other than those permitted to file a paper form. The diskette distributed to hospitals shall be sent by certified mail to the Chief Financial Officer of the hospital. The final report will be submitted to the Council or its Agent by mail under cover of an attestation signed by the Chief Executive Officer of the hospital. This form will be provided by the Council or its Agent in the package containing the diskette.

- b) Hospitals which do not have personal computer equipment capable of operating under the MS, PC, or DR DOS operating systems, and so attesting to the Council or its Agent, will be permitted to file the financial report on paper on the condition that the hospital submits an attestation form provided by the Council, signed by the Chief Executive Officer of the hospital and sent to the Council or its Agent. Upon receipt of such an attestation, the Council or its Agent will provide the hospital Chief Financial Officer with a paper form for completion of the report by way of certified mail.

Section 2510.90 Provider Review

- a) Prior to the close of a quarter, the Council shall provide a copy of that quarter's data, upon request of the hospitals and licensed ambulatory surgical treatment centers, at no charge. The requested data shall be provided in an electronic or paper format that is compatible to that submitted by the hospital or licensed ambulatory surgical treatment center. The medium shall include all complete and accurate data.
- b) During the period in which review of a closed quarter's data is conducted, the Council shall provide hospitals and licensed ambulatory surgical treatment centers with either a machine readable or paper aggregation of their data, together with derived elements for review. Hospitals and licensed ambulatory surgical treatment centers shall have 10 business days after the date of the receipt of the data to review and file comments with the Council. Following closure of a quarter's submission time frame, the data submitted by hospitals and licensed ambulatory surgical treatment centers shall not be subject to change. However, errors in Council-derived fields shall be open for change in accordance with conditions and practice established between hospitals, licensed ambulatory surgical treatment centers and the Council.

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- c) Hospitals and licensed ambulatory surgical treatment centers shall be assessed a charge if they elect to use the Council-derived data elements for a purpose other than verification of the accuracy of the Council's data reports and releases. This charge shall be the same as that established in Section 2510.70 of this Part.

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Section 2510.APPENDIX A Illinois Health Care Cost Containment Council Annual Financial Data Report

At a minimum, hospitals or their agents will submit the following data elements to the Council or its Agent on the electronic or hard copy instrument designated:

OPERATING REVENUES

- 1) Net patient service revenue - The estimated net realizable amounts from patients, third party payers and others for services rendered, including estimated retroactive adjustments under reimbursement agreements with third-party payers.
- 2) Other revenue - Revenue from services other than health care provided to patients, sales and services to non-patients and operations restricted contributions; including, but not limited to, the following: (i) tax appropriations that include all revenue received from local taxing bodies (e.g., city, township, county, district) which are designed for hospital operations; (ii) contributions (operations restricted) received from endowments, grants, etc., which are restricted and support operating expenditures of the hospital if the costs associated with them are included in operating expenses; and (iii) all other revenue generated from non-patient sources that are of an operating nature (i.e., cafeteria, parking lot, etc.) and operating gains.
- 3) Total operating revenue - The total of net patient service revenue and other revenue (i.e., the sum of items 1 and 2).

OPERATING EXPENSES

- 4) Bad debt expense - Amounts deemed uncollectible primarily because of a patient's unwillingness to pay as determined after collection efforts.
- 5) Total operating expenses - The sum of the following: (i) salary and wages; (ii) employee fringe benefits; (iii) professional medical fees paid to professionals for medical services; (iv) depreciation expense based on historical costs; (v) interest expense; (vi) drugs, films, solutions and medical care supplies; (vii) utility expense for fuel, water, heat, light, power and telephone service; (viii) malpractice insurance expense excluding general liability insurance or contributions to a self-insurance fund for professional liability; (ix) bad debt expense; and (x) all other operating expenses.

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NON-OPERATING GAINS/LOSSES

- 6) Total non-operating gains - The classification of activities as non-operating depends on the individual health care provider. In general, activities generate non-operating gains to the extent that they result from a provider's peripheral or incidental transactions and from other events stemming from the environment that may be largely beyond the control of the provider and its management. Non-operating gains include, but are not limited to, the following: (i) investment income, such as funded depreciation, contributions and endowments; (ii) all contributions, gifts and bequests which are not non-restricted; and (iii) all other non-operating gains, including extraordinary gains, that are not a result of investments or contributions.
- 7) Total non-operating losses - All losses that are classified as non-operating to the extent that they result from a provider's peripheral or incidental transactions and from other events stemming from the environment that may be largely beyond the control of the provider and its management.

PATIENT CARE REVENUES

- 8) Gross inpatient revenue - Full hospital charges to inpatients for hospital services before considering any deductions for charity care or contractual allowances, including, but not limited to, the following: (i) revenue derived from the daily room charge for inpatient services such as room, board and nursing care in routine areas (e.g., medical, surgical, pediatrics, rehabilitative, etc.) and special care units (e.g., intensive care, coronary care, burn units, neonatal intensive care); and (ii) revenue derived from ancillary inpatient hospital services such as lab, x-ray, cardiology.
- 9) Gross outpatient revenue - Hospital services revenue derived from non-inpatient activities, including, but not limited to, all outpatient, clinic, day surgery, day psychiatric care, emergency room care, etc.
- 10) Other patient care revenue - Any revenue classified as patient-related which does not belong in the above inpatient or outpatient categories (e.g., home health care, in-home hospice care, etc.).
- 11) Total patient revenue - Any revenue that constitutes "total gross patient revenue"

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as defined in item 12 below.

- 12) Total gross patient care revenue - The total of gross inpatient revenue, gross outpatient revenue and other patient care revenue (i.e., the sum of items 8 through 10).
- 13) Medicare gross revenue - Full hospital charges derived from Medicare, before considering any deductions, including revenue resulting from routine and special care, and ancillary and outpatient service. This figure may be estimated.
- 14) Medicaid gross revenue - Full hospital charges derived from Medicaid (MAG and MANG), before considering any deductions, including revenue resulting from routine and special care, and ancillary and outpatient service. This figure may be estimated.
- 15) Total other gross revenue - Full hospital charges derived from any other source, before considering any deductions, including, but not limited to, Blue Cross/Blue Shield, commercial insurance, health maintenance organizations and preferred provider organizations, revenue resulting from routine and special care, and ancillary and outpatient service. This figure may be estimated.

DEDUCTIONS FROM REVENUE

- 16) Charity care - These revenue deductions represent the aggregate of the accounts written off when it is determined that a patient is unable to pay. Charity care results from the facility's policy to provide health care services free of charge to individuals who meet certain financial criteria. Do not include costs associated with community benefits or other non-patient related services.
- 17) Medicare allowance - Revenue deductions incurred in treating Medicare patients. This figure may be estimated.
- 18) Medicaid allowance - Revenue deductions incurred in treating Medicaid patients. This figure may be estimated.
- 19) Other contractual allowances - Revenue deductions incurred in treating patients covered by Blue Cross/Blue Shield plans, commercial insurance plans, HMO/PPO contracts or other revenue deductions other than charity care, Medicare allowances and Medicaid allowances. This figure may be estimated.

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- 20) Other allowances - All other deductions from revenue for items such as courtesy allowances, employee discounts, administrative writeoffs, etc.
- 21) Total deductions - The sum of charity care, Medicare allowances, Medicaid allowances, other contractual allowances and other deductions (i.e., the sum of items 16 through 20.)

ASSETS

- 22) Operating cash and short-term investments - The total of cash on hand and in banks and (unrestricted) investments estimated to be held no longer than one year.
- 23) Estimated patient accounts receivable - Patient accounts receivable adjusted for allowances and bad debts.
- 24) Other current assets - The value of all other current assets.
- 25) Total current assets - The total current assets of the hospital. This amount should include the sum of operating cash and short-term investments, estimated patient accounts receivable (net of allowances and bad debts) and other current assets (i.e., the sum of items 22 through 24).
- 26) Total other assets - The sum of (i) the amounts included in the hospital's designated funded depreciation account; (ii) the value of property, plant, and equipment recorded on the hospital's books; (iii) any other unrestricted assets; and (iv) any restricted assets (donor or legally restricted only); less accumulated depreciation on fixed assets such as property, plant, and equipment.
- 27) Total assets - The sum of total current assets and total other assets (i.e., the sum of items 25 and 26).

LIABILITIES AND FUND BALANCES

- 28) Total current liabilities - The sum of all current liabilities using generally-accepted accounting principles as a guide including, but not limited to, the following: (i) vendor accounts payable (excluding reconciliation payments due to third party payers); (ii) current year's principal payments on long-term debt; and (iii) other current liabilities.

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- 29) Long term debt - Debt whose anticipated maturity (liquidation) is in excess of one year (net of the current maturities).
- 30) Other liabilities - The value of any other non-current liabilities or deferred revenue.
- 31) Total liabilities - The sum of total current liabilities, long term debt and other liabilities.
- 32) Total liabilities and fund balances - The sum of total liabilities (item 31) and all fund balances (equity) of the hospital - including restricted as well as unrestricted funds.

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Section 2510.APPENDIX B UB-82 Magnetic Media Record Format

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HEADER RECORD

Data Element	Data Element Description	Position		Length	Picture	Format
		From	To			
1	Hospital ID Number (Medicaid Provider Number)	1	12	12	A	
2	Hospital Name	13	52	40	A	
3	Hospital Street Address	53	92	40	A	
4	Hospital City	93	112	20	A	
5	Hospital Zip Code	113	117	5	N	
6	Contact Person	118	157	40	A	
7	Telephone Number	158	167	10	N	(XXX) XXX-XXXX
8	Period Covered First Day	168	173	6	N	MMDDYY
9	Last Day	174	179	6	N	MMDDYY
10	Filler	180	767	588	A	

LOGICAL RECORD FORMAT

Data Element	Data Element Description	UB-82 Item	Position		Length	Picture	Format
			From	To			
1	Patient Date of Birth	12	1	8	8	N	MMDDCCYY
2	Patient Sex	13	9	9	1	A	
3a	Patient Zip Code	11 (part)	10	14	5	N	Unknown = 00000 Foreign = 99999
3b	Filler	N/A	15	18	4	A	Blank Fill
4a	Individual Payer ID Number	57A	19	27	9	A	Left justify, space fill right
4b	Individual Payer						Left justify,

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Data Element	Data Element Description	UB-82 Item	Position From	Position To	Length	Picture	Format
	ID Number	57B	28	36	9	A	space fill right
4c	Individual Payer ID Number	57C	37	45	9	A	Left justify, space fill right
5	Date of Admission	15	46	51	6	N	MMDDYY
6	Source of Admission	18	52	52	1	N	
7	Type of Admission	17	53	53	1	N	
8a	Discharge Date (type of bill)	4	54	56	3	N	
8b	Discharge Date (part)	22	57	62	6	N	MMDDYY
9a	Principal Diagnosis	77	63	67	5	A	Left justify, space fill right; do not include decimal
9b	Other Diagnosis	78	68	72	5	A	Left justify, space fill right; do not include decimal
9c	Other Diagnosis	79	73	77	5	A	Left justify, space fill right; do not include decimal
9d	Other Diagnosis	80	78	82	5	A	Left justify, space fill right; do not include decimal
9e	Other Diagnosis	81	83	87	5	A	Left justify, space fill right; do not include decimal
10a	Coding Method Used	82	88	88	1	N	
10b	Principal Procedure	84a	89	93	5	A	ICD-9-CM = 99V99 CPT-4 = 99999

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Data Element	Data Element Description	UB-82 Item	Position From	Position To	Length	Picture	Format
10c	Principal Procedure Date	84b	94	97	4	N	MMDD
11	Patient Status	21	98	99	2	N	
12a	Other Procedure	85a	100	104	5	N	ICD-9-CM = 99V99 CPT-4 = 99999
12b	Other Procedure Date	85b	105	108	4	N	MMDD
12c	Other Procedure	86a	109	113	5	N	ICD-9-CM = 99V99 CPT-4 = 99999
12d	Other Procedure Date	86b	114	117	4	N	MMDD
13a	Revenue Code	51a	118	120	3	A	Left justify
13a	Units of Service	52a	121	123	3	N	Right justify, zero fill left
13a	Charges	53a	124	132	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13b	Revenue Code	51b	133	135	3	A	Left justify
13b	Units of Service	52b	136	138	3	N	Right justify, zero fill left
13b	Charges	53b	139	147	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position

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Data Element	Data Element Description	UB-82 Item	Position From To	Length	Picture	Format
13c	Revenue Code	51c	148 150	3	A	Left justify
13c	Units of Service	52c	151 153	3	N	Right justify, zero fill left
13c	Charges	53c	154 162	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13d	Revenue Code	51d	163 165	3	A	Left justify
13d	Units of Service	52d	166 168	3	N	Right justify, zero fill left
13d	Charges	53d	169 177	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13e	Revenue Code	51e	178 180	3	A	Left justify
13e	Units of Service	52e	181 183	3	N	Right justify, zero fill left
13e	Charges	53e	184 192	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13f	Revenue Code	51f	193 195	3	A	Left justify
13f	Units of Service	52f	196 198	3	N	Right justify, zero fill left

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Data Element	Data Element Description	UB-82 Item	Position From To	Length	Picture	Format
13f	Charges	53f	199 207	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13g	Revenue Code	51g	208 210	3	A	Left justify
13g	Units of Service	52g	211 213	3	N	Right justify, zero fill left
13g	Charges	53g	214 222	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13h	Revenue Code	51h	223 225	3	A	Left justify
13h	Units of Service	52h	226 228	3	N	Right justify, zero fill left
13h	Charges	53h	229 237	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13i	Revenue Code	51i	238 240	3	A	Left justify
13i	Units of Service	52i	241 243	3	N	Right justify, zero fill left
13i	Charges	53i	244 252	9	N	S9(7)V99- May be negative (credit)

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Data Element	Data Element Description	UB-82 Item	Position From	Position To	Length	Picture	Format
							Right justify zero fill left; if credit amount multi punch (11) over units position
13j	Revenue Code	51j	253	255	3	A	Left justify
13j	Units of Service	52j	256	258	3	N	Right justify, zero fill left
13j	Charges	53j	259	267	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13k	Revenue Code	51k	268	270	3	A	Left justify
13k	Units of Service	52k	271	273	3	N	Right justify, zero fill left
13k	Charges	53k	274	282	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13l	Revenue Code	51l	283	285	3	A	Left justify
13l	Units of Service	52l	286	288	3	N	Right justify, zero fill left
13l	Charges	53l	289	297	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi

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Data Element	Data Element Description	UB-82 Item	Position From To	Length	Picture	Format
						punch (11) over units position
13m	Revenue Code	51m	298 300	3	A	Left justify
13m	Units of Service	52m	301 303	3	N	Right justify, zero fill left
13m	Charges	53m	304 312	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13n	Revenue Code	51n	313 315	3	A	Left justify
13n	Units of Service	52n	316 318	3	N	Right justify, zero fill left
13n	Charges	53n	319 327	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13o	Revenue Code	51o	328 330	3	A	Left justify
13o	Units of Service	52o	331 333	3	N	Right justify, zero fill left
13o	Charges	53o	334 342	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13p	Revenue Code	51p	343 345	3	A	Left justify

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Data Element	Data Element Description	UB-82 Item	Position From To	Length	Picture	Format
13p	Units of Service	52p	346 348	3	N	Right justify, zero fill left
13p	Charges	53p	349 357	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13q	Revenue Code	51q	358 360	3	A	Left justify
13q	Units of Service	52q	361 363	3	N	Right justify, zero fill left
13q	Charges	53q	364 372	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13r	Revenue Code	51r	373 375	3	A	Left justify
13r	Units of Service	52r	376 378	3	N	Right justify, zero fill left
13r	Charges	53r	379 387	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13s	Revenue Code	51s	388 390	3	A	Left justify
13s	Units of Service	52s	391 393	3	N	Right justify, zero fill left
13s	Charges	53s	394 402	9	N	S9(7)V99-

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NOTICE OF PROPOSED REPEALER

Data Element	Data Element Description	UB-82 Item	Position		Length	Picture	Format
			From	To			
							May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13t	Revenue Code	51t	403	405	3	A	Left justify
13t	Units of Service	52t	406	408	3	N	Right justify, zero fill left
13t	Charges	53t	409	417	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13u	Revenue Code	51u	418	420	3	A	Left justify
13u	Units of Service	52u	421	423	3	N	Right justify, zero fill left
13u	Charges	53u	424	432	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
13v	Revenue Code	51v	433	435	3	A	Left justify
13v	Units of Service	52v	436	438	3	N	Right justify, zero fill left
13v	Charges	53v	439	447	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit

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NOTICE OF PROPOSED REPEALER

Data Element	Data Element Description	UB-82 Item	Position From To	Length	Picture	Format
						amount multi punch (11) over units position
13w	Revenue Code	51W	448 450	3	A	Left justify
13w	Units of Service	52w	451 453	3	N	Right justify, zero fill left
13w	Charges	53w	454 462	9	N	S9(7)V99- May be negative (credit) Right justify zero fill left; if credit amount multi punch (11) over units position
14	Attending Physician ID number	92	463 472	10	A	
15	Hospital ID Number	8	473 484	12	A	
16	Patient Control Number	3	485 501	17	A	
17a	Insured's Group Number	70a	502 518	17	A	
17b	Insured's Group Number	70b	519 535	17	A	
17c	Insured's Group Number	70c	536 552	17	A	
18	Other Physician ID	93	553 562	10	A	
	Filler		563 572	10	A	Blank Filler
19	Remarks	94	573 767	195	A	

If there are more than twenty-three (23) entries in the charge fields on a patient's bill, file two (2) or more records for the patient's bill, as necessary, and code data elements 1, 2, 5, 8b, 11, 15 and 16 on all records.

TRAILER RECORD

Data Element	Data Element Description	Position From To	Length	Picture	Format
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ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

1	Hospital ID Number (Medicaid Provider Number)	1	12	12	A	
2	Number of Records (Logical Records contained in the file excluding the Header and Trailer Records)	13	17	5	N	
3	Filler	18	767	750	A	Blank Filler

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NOTICE OF PROPOSED REPEALER

Section 2510.APPENDIX C UB-82 Uniform Bill Data Fields

Data Element		Required Field(s)	Requirements
1. Patient date of birth	12		As stated in UB-82 For Illinois manual.
2. Patient sex	13		As stated in UB-82 For Illinois manual.
3. Patient zip code	11		Only the zip code portion of this field is required. Code as stated in UB-82 For Illinois manual.
4. Third-party Coverage	57		<p>Illinois Department of Insurance numbers are required for commercial insurers. The Blue Cross codes listed in the UB-82 manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request as provided in subsection (g) of Section 2510.40 and hospitals are required to use such numbers where applicable in field 57.</p> <p>If any hospital has less than one-half of one percent (0.05%) of its discharges for a particular payor identification number in the prior quarter, it may report these discharges to the Council as "other". However, if the payor ID number presented by a patient is presented on an individual identification card shown by the patient at the time of admission the discharge information must be reported to the Council for that patient using the identification number.</p>
5. Date of admission	15		As stated in UB-82 For Illinois manual.
6. Source of admission	18		As stated in UB-82 For Illinois manual.
7. Type of admission	17		As stated in UB-82 For Illinois manual.

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8.	Discharge date	4,22	As stated in UB-82 For Illinois manual.
9.	Principal and up to four other diagnoses	77-81	As stated in UB-82 For Illinois manual.
10.	Principal procedure and date	82,84	As stated in UB-82 For Illinois manual.
11.	Patient status	21	As stated in UB-82 For Illinois manual.
12.	Other procedures and dates	85,86	As stated in UB-82 For Illinois manual.
13.	Total charges and components of those charges	51-53	The number of units is required where applicable. Code as stated in UB-82 For Illinois manual.
14.	Attending physician ID number	92	Physician's state license number is the required ID number. If the attending physician does not have a valid license number, enter the Chief of Service's ID.
15.	Hospital ID number	8	The Medicaid number is the required hospital ID number. Hospitals not participating in Medicaid will be assigned a number as provided in subsection (f) of Section 2510.40.
16.	Patient control number	3	As stated in UB-82 For Illinois Manual. This field may not contain the patient's social security number.
17.	Insured's group number	70	Required where applicable. As stated in UB-82 For Illinois Manual.
18.	Other physician ID	93	If applicable and if known the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID.

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NOTICE OF PROPOSED REPEALER

Section 2510.APPENDIX D UB-92 Magnetic Media Record Format

HEADER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION		LENGTH	PICTURE	FORMAT
		FROM	TO			
1	Hospital ID Number (Medicaid Provider Number)	1	12	12	A	
2	Hospital Name	13	52	40	A	
3	Hospital Street Address	53	92	40	A	
4	Hospital City	93	112	20	A	
5	Hospital Zip Code	113	117	5	A	
6	Contact Person	118	157	40	A	
7	Telephone Number	158	167	10	A	(XXX)XXX-XXXX
8	Period Covered First Day	168	173	6	N	MMDDYY
9	Last Day	174	179	6	N	MMDDYY
10	Filler	180	800	621	A	Blank Fill

LOGICAL RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB-92 ITEM	POSITION		LENGTH	PICTURE	FORMAT
			FROM	TO			
1	Patient Date of Birth	14	1	8	8	N	MMDDCCYY
2	Patient Sex	15	9	9	1	A	
3a	Patient Zip Code	13	10	14	5	N	Unknown-00000 Foreign-99999
3b	ZIP PLUS 4	13	15	18	4	A	Blank Fill IF NO NUMBER
4a	1 st Individual Payer ID Number	50a	19	27	9	A	Left Justify, space fill right

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4b	2 nd Individual Payer ID Number	50b	28	36	9	A	Left justify, space fill right
4c	3 rd Individual Payer ID Number	50c	37	45	9	A	Left justify, space fill right
5	Date of Admission	17	46	51	6	N	MMDDYY
6	Source of Admission	20	52	52	1	N	
7	Type of Admission	19	53	53	1	N	
8a	Type of Bill	4	54	56	3	N	
8b	Discharge Date	6	57	62	6	N	MMDDYY
9a	Principal Diagnosis	67	63	68	6	A	Left justify, space fill right no decimal
9b	1 st Other Diagnosis	68	69	74	6	A	Left justify, space fill right no decimal
9c	2 nd Other Diagnosis	69	75	80	6	A	Left justify, space fill right no decimal
9d	3 rd Other Diagnosis	70	81	86	6	A	Left justify, space fill right no decimal
9e	4 th Other Diagnosis	71	87	92	6	A	Left justify, space fill right no decimal
9f	5 th Other Diagnosis	72	93	98	6	A	Left justify, space fill right no decimal
9g	6 th Other Diagnosis	73	99	104	6	A	Left justify, space fill right no decimal
9h	7 th Other Diagnosis	74	105	110	6	A	Left justify, space fill right no decimal

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9i	8 th Other Diagnosis	75	111	116	6	A	Left justify space fill right no decimal
10a	Procedure Coding Method Used	79	117	117	1	N	
10b	Principal Procedure	80	118	124	7	A	ICD-9-CM= 99V99bbb
10c	Principal Procedure Date	80	125	130	6	N	MMDDYY
11	Patient Status	22	131	132	2	N	
12a	1 st Other Procedure	81a	133	139	7	A	ICD-9-CM= 99V99bbb
12b	1 st Other Procedure Date	81a	140	145	6	N	MMDDYY
12c	2 nd Other Procedure	81b	146	152	7	A	ICD-9-CM= 99V99bbb
12d	2 nd Other Procedure Date	81b	153	158	6	N	MMDDYY
12e	3 rd Other Procedure	81c	159	165	7	A	ICD-9-CM= 99V99bbb
12f	3 rd Other Procedure Date	81c	166	171	6	N	MMDDYY
12g	4 th Other Procedure	81d	172	178	7	A	ICD-9-CM= 99V99bbb
12h	4 th Other Procedure Date	81d	179	184	6	N	MMDDYY
12i	5 th Other Procedure	81e	185	191	7	A	ICD-9-CM= 99V99bbb
12j	5 th Other Procedure Date	81e	192	197	6	N	MMDDYY
13a	1 st Revenue Code	42a	198	201	4	N	Right justify, zero fill left

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13a	Units of Service	46a	202	208	7	N	Right justify, zero fill left
13a	Charges	47a	209	218	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13b	2 nd Revenue Code	42b	219	222	4	N	Right justify, zero fill left
13b	Units of Service	46b	223	229	7	N	Right justify, zero fill left
13b	Charges	47b	230	239	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13c	3 rd Revenue Code	42c	240	243	4	N	Right justify, zero fill left
13c	Units of Service	46c	244	250	7	N	Right justify, zero fill left
13c	Charges	47c	251	260	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13d	4 th Revenue Code	42d	261	264	4	N	Right justify, zero fill left

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13d	Units of Service	46d	265	271	7	N	Right justify, zero fill left
13d	Charges	47d	272	281	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13e	5 th Revenue Code	42e	282	285	4	N	Right justify, zero fill left
13e	Units of Service	46c	286	292	7	N	Right justify, zero fill left
13e	Charges	47c	293	302	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13f	6 th Revenue Code	42f	303	306	4	N	Right justify, zero fill left
13f	Units of Service	46f	307	313	7	N	Right justify, zero fill left
13f	Charges	47f	314	323	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

13g	7 th Revenue Code	42g	324	327	4	N	Right justify, zero fill left
13g	Units of Service	46g	328	334	7	N	Right justify, zero fill left
13g	Charges	47g	335	344	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13h	8 th Revenue Code	42h	345	348	4	N	Right justify, zero fill left
13h	Units of Service	46h	349	355	7	N	Right justify
13h	Charges	47h	356	365	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13i	9 th Revenue Code	42i	366	369	4	N	Right justify, zero fill left
13i	Units of Service	46i	370	376	7	N	Right justify, zero fill left
13i	Charges	47i	377	386	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation

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13j	10 th Revenue Code	42j	387	390	4	N	Right justify, zero fill left
13j	Units of Service	46j	391	397	7	N	Right justify, zero fill left
13j	Charges	47j	398	407	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13k	11 th Revenue Code	42k	408	411	4	N	Right justify, zero fill left
13k	Units of Service	46k	412	418	7	N	Right justify, zero fill left
13k	Charges	47k	419	428	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13l	12 th Revenue Code	42l	429	432	4	N	Right justify, zero fill left
13l	Units of Service	46l	433	439	7	N	Right justify, zero fill left
13l	Charges	47l	440	449	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation

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NOTICE OF PROPOSED REPEALER

13m	13 th Revenue Code	42m	450	453	4	N	Right justify, zero fill left
13m	Units of Service	46m	454	460	7	N	Right justify, zero fill left
13m	Charges	47m	461	470	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13n	14 th Revenue Code	42n	471	474	4	N	Right justify, zero fill left
13n	Units of Service	46n	475	481	7	N	Right justify, zero fill left
13n	Charges	47n	482	491	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13o	15 th Revenue Code	42o	492	495	4	N	Right justify, zero fill left
13o	Units of Service	46o	496	502	7	N	Right justify, zero fill left
13o	Charges	47o	503	512	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation

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NOTICE OF PROPOSED REPEALER

13p	16 th Revenue Code	42p	513	516	4	N	Right justify, zero fill left
13p	Units of Service	46p	517	523	7	N	Right justify, zero fill left
13p	Charges	47p	524	533	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13q	17 th Revenue Code	42q	534	537	4	N	Right justify, zero fill left
13q	Units of Service	46q	538	544	7	N	Right justify, zero fill left
13q	Charges	47q	545	554	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13r	18 th Revenue Code	42r	555	558	4	N	Right justify, zero fill left
13r	Units of Service	46r	559	565	7	N	Right justify, zero fill left
13r	Charges	47r	566	575	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation

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NOTICE OF PROPOSED REPEALER

13s	19 th Revenue Code	42s	576	579	4	N	Right justify, zero fill left
13s	Units of Service	46s	580	586	7	N	Right justify, zero fill left
13s	Charges	47s	587	596	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13t	20 th Revenue Code	42t	597	600	4	N	Right justify, zero fill left
13t	Units of Service	46t	601	607	7	N	Right justify, zero fill left
13t	Charges	47t	608	617	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13u	21 st Revenue Code	42u	618	621	4	N	Right justify, zero fill left
13u	Units of Service	46u	622	628	7	N	Right justify, zero fill left
13u	Charges	47u	629	638	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation

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13v	22 nd Revenue Code	42v	639	642	4	N	Right justify, zero fill left
13v	Units of Service	46v	643	649	7	N	Right justify, zero fill left
13v	Charges	47v	650	659	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
13w	23 rd Revenue Code	42w	660	663	4	N	Right justify, zero fill left
13w	Units of Service	46w	664	670	7	N	Right justify, zero fill left
13w	Charges	47w	671	680	10	N	S9(8)99-May be negative (credit) Right justify, zero fill left; when including sign, use zoned decimal representation
14	Attending Physician ID Number	82	681	690	10	A	
15	Hospital ID Number	5	691	702	12	A	
16	Patient ID Number	3	703	722	20	A	
17a	1 st Insur Grp Number	62a	723	739	17	A	
17b	2 nd Insur Grp	62b	740	756	17	A	
17c	3 rd Insur Grp Number	62c	757	773	17	A	

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18a	Other Physician ID Number	83a	774	783	10	A
18b	Other Physician ID	83b	784	793	10	A
Filler		794	800	7	A	Blank Filler

UB-92 Magnetic Media Record Format

TRAILER RECORD FIELD DESCRIPTION

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION		LENGTH	PICTURE	FORMAT
		FROM	TO			
1	Hospital ID Number (Medicaid Provider Number)	1	12	12	A	
2	Number of Records (Logical Records contained in the file excluding the Header and Trailer Records)	13	17	5	N	
3	Filler	18	800	783	A	Blank filler

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

Section 2510.APPENDIX E UB-92 Uniform Bill Data Fields

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

DATA ELEMENT		Required Field(s)	Requirements
1. Patient date of birth	14		As stated in UB-92 For Illinois manual.
2. Patient Sex	15		As stated in UB-92 For Illinois manual.
3. Patient zip code	13		As stated in UB-92 For Illinois manual.
4. Third-party	50		Illinois Department of Insurance numbers are required for commercial insurers. The Blue Cross codes listed in the UB-92 manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request as provided in subsection (g) of Section 2510.50 and hospitals are required to use such numbers where applicable in field 50.
5. Date of admission	17		As stated in UB-92 For Illinois manual.
6. Source of admission	20		As stated in UB-92 For Illinois manual.
7. Type of admission	19		As stated in UB-92 For Illinois manual.
8. Type of bill	4		As stated in UB-92 For Illinois manual.
9. Discharge Date	6		As stated in UB-92 for Illinois manual.
10. Principal and up to eight other diagnoses	67-75		As stated in UB-92 For Illinois manual.
11. Principal procedure and date	80		As stated in UB-92 For Illinois manual.
12. Patient status	22		As stated in UB-92 For Illinois manual.
13. Other procedures and dates	81a-e		As stated in UB-92 For Illinois manual.
14. Total charges and components of those charges	42,46-47		The number of units is required where applicable. Code as stated in UB-92 For Illinois manual.
15. Attending physician ID number	82		Physician's state license number is the required ID number. UPINs are allowed for all claims.
16. Hospital ID number	5		The Medicaid number is the required hospital ID number.

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17.	Patient Control	3	Hospitals not participating in Medicaid will be assigned a number as provided in subsection (f) of Section 2510.50. As stated in UB-92 For Illinois manual. This field may not contain the patient's social security number.
18.	Insured's group	62a-c	Required where applicable. As stated in UB-92 For Illinois manual.
19.	Other physician ID	83a-b	If applicable and if known the physician's state license number is the required ID number. UPINs are allowed for all claims.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

Section 2510.APPENDIX F Ambulatory Surgical Magnetic Media Record Format Option 1/UB92 Form**HEADER RECORD**

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION		LENGTH	PICTURE	FORMAT
		FROM	TO			
1	MEDICAID ID OR IHCCCC ASSIGNED NUMBER	1	12	12	A	
2	PROVIDER NAME	13	52	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
3	PROVIDER STREET ADDRESS	53	92	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
4	PROVIDER CITY	93	112	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
5	PROVIDER ZIP CODE	113	117	5	A	
6	CONTACT PERSON	118	157	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
7	TELEPHONE NUMBER	158	167	10	A	XXXXXXXXXX
8	PERIOD COVERED FIRST DAY	168	173	6	N	MMDDYY
9	LAST DAY	174	179	6	N	MMDDYY
10	SURGICAL SITE ID	180	181	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
11	FILLER	182	800	619	A	BLANK FILL

AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 1/UB92 FORM**LOGICAL RECORD**

DATA ELEMENT	DATA ELEMENT DESCRIPTION	UB92 ITEM	POSITION		LENGTH	PICTURE	FORMAT
			FROM	TO			
1	PATIENT DATE OF BIRTH	14	1	8	8	N	MMDDCCYY
2	PATIENT SEX	15	9	9	1	A	
3a	PATIENT ZIP CODE	13	10	14	5	N	UNKNOWN=00000 FOREIGN=99999
3b	ZIP PLUS 4	13	15	18	4	A	OPTIONAL, BLANK FILL IF NO

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

							NUMBER
4a	1ST INDIVIDUAL PAYER ID NUMBER	50a	19	27	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
4b	2ND INDIVIDUAL PAYER ID NUMBER	50b	28	36	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
4c	3RD INDIVIDUAL PAYER ID NUMBER	50c	37	45	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
5	DATE OF ADMISSION	17	46	51	6	N	MMDDYY
6	SOURCE OF ADMISSION	20	52	52	1	N	
7	E OF ADMISSION	19	53	53	1	N	
8a	TYPE OF BILL	4	54	56	3	N	
8b	DISCHARGE DATE	6	57	62	6	N	MMDDYY
9a	PRINCIPAL DIAGNOSIS	67	63	68	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9b	1ST OTHER DIAGNOSIS	68	69	74	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9c	2ND OTHER DIAGNOSIS	69	75	80	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9d	3RD OTHER DIAGNOSIS	70	81	86	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9e	4TH OTHER DIAGNOSIS	71	87	92	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9f	5TH OTHER DIAGNOSIS	72	93	98	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9g	6TH OTHER DIAGNOSIS	73	99	104	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9h	7TH OTHER DIAGNOSIS	74	105	110	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
9i	8TH OTHER DIAGNOSIS	75	111	116	6	A	LEFT JUSTIFY, SPACE FILL RIGHT NO DECIMAL
10a	PROCEDURE CODING	79	117	117	1	N	USE 9 FOR ICD-9-

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

METHOD USED							CM PROC. USE 8 FOR CPT PROC
10b	PRINCIPAL PROCEDURE	80	118	124	7	A	ICD-9-CM:99V99b: CPT:9999999:LEFT JUSTIFY,SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
10c	PRINCIPAL PROCED DATE	80	125	130	6	N	MMDDYY
11	PATIENT STATUS	22	131	132	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
12a	1ST OTHER PROCEDURE	81a	133	139	7	A	ICD-9-CM:99V99b: CPT9999999: LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
12b	1ST OTHER PROCED DATE	81a	140	145	6	N	MMDDYY
12c	2ND OTHER PROCEDURE	81b	146	152	7	A	ICD-9-CM:99V99b: CPT: 9999999: LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
12d	2ND OTHER PROCED DATE	81b	153	158	6	N	MMDDYY
12e	3RD OTHER PROCEDURE	81c	159	165	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
12f	3RD OTHER PROCED DATE	81c	166	171	6	N	MMDDYY
12g	4TH OTHER PROCEDURE	81d	172	178	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
12h	4TH OTHER PROCED DATE	81d	179	184	6	N	MMDDYY
12i	5TH OTHER PROCEDURE	81e	185	191	7	A	ICD-9-CM:99V99b: CPT:9999999: LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
12j	5TH OTHER PROCED DATE	81e	192	197	6	N	MMDDYY
13a	1ST FILLER	42a	198	201	4	A	Space or Zero fill
14a	FILLER	46a	202	208	7	A	Space or Zero

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

							fill
15a	FILLER		209	218	10	A	BLANK FILL
13b	2ND FILLER	42b	219	222	4	A	Space or Zero fill
14b	FILLER	46b	223	229	7	A	Space or Zero fill
15b	FILLER		230	239	10	A	BLANK FILL
13c	3RD FILLER	42c	240	243	4	A	Space or Zero fill
14c	FILLER	46c	244	250	7	A	Space or Zero fill
15c	FILLER		251	260	10	A	BLANK FILL
13d	4TH FILLER	42d	261	264	4	A	Space of Zero fill
14d	FILLER	46d	265	271	7	A	Space or Zero fill
15d	FILLER		272	281	10	A	BLANK FILL
13e	5TH FILLER	42e	282	285	4	A	Space or Zero fill
14e	FILLER	46e	286	292	7	A	Space or Zero fill
15e	FILLER		293	302	10	A	BLANK FILL
13f	6TH FILLER	42f	303	306	4	A	Space of Zero fill
14f	FILLER	46f	307	313	7	A	Space or Zero fill
15f	FILLER		314	323	10	A	BLANK FILL
13g	7TH FILLER	42g	324	327	4	A	Space or Zero fill
14g	FILLER	46g	328	334	7	A	Space or Zero fill
15g	FILLER		335	344	10	A	BLANK FILL
13h	8TH FILLER	42h	345	348	4	A	Space or Zero fill
14h	FILLER	46h	349	355	7	A	Space or Zero fill

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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15h	FILLER		356	365	10	A	BLANK FILL
13i	9TH FILLER	42i	366	369	4	A	Space or Zero fill
14i	FILLER	46i	370	376	7	A	Space of Zero fill
15i	FILLER		377	386	10	A	BLANK FILL
13j	10TH FILLER	42j	387	390	4	A	Space or Zero fill
14j	FILLER	46j	391	397	7	A	Space or Zero fill
15j	FILLER		398	407	10	A	BLANK FILL
13k	11TH FILLER	42k	408	411	4	A	Space or Zero fill
14k	FILLER	46k	412	418	7	A	Space or Zero fill
15k	FILLER		419	428	10	A	BLANK FILL
13l	12TH FILLER	42l	429	432	4	A	Space or Zero fill
14l	FILLER	46l	433	439	7	A	Space or Zero fill
15l	FILLER		440	449	10	A	BLANK FILL
13m	13TH FILLER	42m	450	453	4	A	Space or Zero fill
14m	FILLER	46m	454	460	7	A	Space or Zero fill
15m	FILLER		461	470	10	A	BLANK FILL
13n	14TH FILLER	42n	471	474	4	A	Space or Zero fill
14n	FILLER	46n	475	481	7	A	Space or Zero fill
15n	FILLER		482	491	10	A	BLANK FILL
13o	15TH FILLER	42o	492	495	4	A	Space or Zero fill
14o	FILLER	46o	496	502	7	A	Space or Zero fill
15o	FILLER		503	512	10	A	BLANK FILL
13p	16TH FILLER	42p	513	516	4	A	Space or Zero

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NOTICE OF PROPOSED REPEALER

							fill
14p	FILLER	46p	517	523	7	A	Space or Zero fill
15p	FILLER		524	533	10	A	BLANK FILL
13q	17TH FILLER	42q	534	537	4	A	Space or Zero fill
14q	FILLER	46q	538	544	7	A	Space or Zero fill
15q	FILLER		545	554	10	A	BLANK FILL
13r	18TH FILLER	42r	555	558	4	A	Space or Zero fill
14r	FILLER	46r	559	565	7	A	Space or Zero fill
15r	FILLER		566	575	10	A	BLANK FILL
13s	19TH FILLER	42s	576	579	4	A	Space or Zero fill
14s	FILLER	46s	580	586	7	A	Space or Zero fill
15s	FILLER		587	596	10	A	BLANK FILL
13t	20TH FILLER	42t	597	600	4	A	Space or Zero fill
14t	FILLER	46t	601	607	7	A	Space or Zero fill
15t	FILLER		608	617	10	A	BLANK FILL
13u	21ST FILLER	42u	618	621	4	A	Space or Zero fill
14u	FILLER	64u	622	628	7	A	Space or Zero fill
15u	FILLER		629	638	10	A	BLANK FILL
13v	22ND FILLER	42v	639	642	4	A	Space or Zero fill
14v	FILLER	46v	643	649	7	A	Space or Zero fill
15v	FILLER		650	659	10	A	BLANK FILL
13w	23RD FILLER	42w	660	663	4	A	Space or Zero fill
14w	FILLER	46w	664	670	7	A	Space or Zero

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

						fill	
15w	FILLER		671	680	10	A	BLANK FILL
16	ATTENDING PHYSICIAN ID NUMBER	82	681	690	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
17	MEDICAID ID OR IHCCCC ASSIGNED NUMBER	5	691	702	12	A	
18	PATIENT ID NUMBER	3	703	722	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
19a	1ST INSUR GRP NUMBER	62a	723	739	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
19b	2ND INSUR GRP NUMBER	62b	740	756	17	A	LEFT, JUSTIFY, SPACE FILL RIGHT
19c	3RD INSUR GRP NUMBER	62c	757	773	17	A	LEFT JUSTIFY, SPACE FILL RIGHT
20a	OTHER PHYSICAN ID NUMBER	83a	774	783	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
20b	OTHER PHYSICAN	83b	784	793	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
21	SURGICAL SITE ID		794	795	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
22	FILLER		796	800	5	A	BLANK FILLER

AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 1/UB92 FORM

TRAILER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION		LENGTH	PICTURE	FORMAT
		FROM	TO			
1	MEDICAID ID NUMBER or IHCCCC ASSIGNED NUMBER	1	12	12	A	
2	NUMBER OF RECORDS LOGICAL RECORDS IN THE FILE EXCLUDING THE HEADER AND TRAILER RECORDS	13	17	5	N	RIGHT JUSTIFY, ZERO FILL LEFT
3	SURGICAL SITE ID	18	19	2	N	
4	FILLER	20	800	781	A	BLANK FILL

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

Section 2510.APPENDIX G Ambulatory Surgical Data Fields Option I/UB92 Form and Paper Format

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S)	REQUIREMENTS
1	Patient Date of Birth	As stated in the Council's Provider Manual.	
2	Patient Sex	As stated in the Council's Provider Manual.	
3a-3b	Patient Zip Code	As stated in the Council's Provider Manual.	
4a-4c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in Section 2510.50(g) and the use of these codes is required where applicable.	
5	Date of Admission	As stated in the Council's Provider Manual.	
6	Source of Admission	As stated in the Council's Provider Manual.	
7	Type of Admission	As stated in the Council's Provider Manual.	
8a	Type of Bill	As stated in the Council's Provider Manual.	
8b	Discharge Date	As stated in the Council's Provider Manual.	
9a-9i	Principal Diagnosis and Up to Eight Other Diagnosis Codes	As stated in the Council's Provider Manual.	
10a	Principal Procedure Coding Method Used	As stated in the Council's Provider Manual.	
10b	Principal Procedure	As stated in the Council's Provider Manual.	
10c	Principal Procedure Date	As stated in the Council's Provider Manual.	

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

11	Patient Status	As stated in the Council's Provider Manual.
12a-12j	Other Procedures and Dates	As stated in the Council's Provider Manual.
13a-13w	Filler	As stated in the Council's Provider Manual.
14a-14w	Filler	As stated in the Council's Provider Manual.
15a-15w	Filler	As stated in the Council's Provider Manual.
16	Attending Physician ID Number	Physician's state license number is the required ID number. UPINs are allowed for all claims.
17	Provider ID Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
18	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
19a-19c	Insurance Group Number	As stated in the Council's Provider Manual. Required where applicable.
20a-20b	Other Physician ID Number	If applicable, and if known, the physician's state license number is the required ID number. If the other physician does not have a valid license number, enter the Chief of Service's ID number. UPINs are allowed for all claims.
21	Surgical Site ID Number	This two-digit number identifies the outpatient surgical site location. This ID along with the type of bill will be used to identify outpatient claims .
22	Filler	As stated in the Council's Provider Manual.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

Section 2510.APPENDIX H Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form**HEADER RECORD**

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION		LENGTH	PICTURE	FORMAT
		FROM	TO			
1	MEDICAID ID OR IHCCCC ASSIGNED NUMBER	1	12	12	A	
2	PROVIDER NAME	13	52	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
3	PROVIDER STREET ADDRESS	53	92	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
4	PROVIDER CITY	93	112	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
5	PROVIDER ZIP CODE	113	117	5	A	
6	CONTACT PERSON	118	157	40	A	LEFT JUSTIFY, SPACE FILL RIGHT
7	TELEPHONE NUMBER	158	167	10	A	XXXXXXXXXX
8	PERIOD COVERED FIRST DAY	168	173	6	N	MMDDYY
9	LAST DAY	174	179	6	N	MMDDYY
10	SURGICAL SITE ID IHCCCC ASSIGNED	180	181	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
11	FILLER	182	300	119	A	BLANK FILL

AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 2/1500 FORM**LOGICAL RECORD**

DATA ELEMENT	DATA ELEMENT DESCRIPTION	1500 ITEM	POSITION		LENGTH	PICTURE	FORMAT
			FROM	TO			

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

1	MEDICAID ID OR IHCCCC ASSIGNED NUMBER	25	1	12	12	A	
2	PATIENT ID NUMBER	26	13	32	20	A	LEFT JUSTIFY, SPACE FILL RIGHT
3	PATIENT DATE OF BIRTH	3a	33	40	8	N	MMDDCCYY
4	PATIENT SEX	3b	41	41	1	A	M=MALE, F=FEMALE
5	PATIENT ZIP CODE	5	42	46	5	N	UNKNOWN=00000 FOREIGN=99999
5b	ZIP PLUS 4	5	47	50	4	A	OPTIONAL, BLANK FILL IF NO NUMBER
6	1ST INDIVIDUAL PAYER ID NUMBER	1	51	59	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
6a	2ND INDIVIDUAL PAYER ID NUMBER	1	60	68	9	A	LEFT JUSTIFY, SPACE FILL RIGHT
7a	ATTENDING PHYSICIAN	33	69	78	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
7b	REFER PHYSICIAN	17a	79	88	10	A	LEFT JUSTIFY, SPACE FILL RIGHT
8a	1ST FROM PROCED DATE	24a	89	94	6	N	MMDDYY
9a	1ST THRU PROCED DATE	24a	95	100	6	N	MMDDYY
10a	1ST PROCEDURE	24d	101	107	7	A	LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

11a	1ST DIAGNOSIS CODE	24e	108	113	6	A	NO DECIMAL OR HYPHEN
12a	1ST Filler	24g	114	120	7	A	Space Filled
8b	2ND FROM PROCED DATE	24a	121	126	6	N	MMDDYY
9b	2ND THRU PROCED DATE	24a	127	132	6	N	MMDDYY
10b	2ND PROCEDURE	24d	133	139	7	A	LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
11b	2ND DIAGNOSIS CODE	24e	140	145	6	A	NO DECIMAL OR HYPHEN
12b	2ND Filler	24g	146	152	7	A	Space Filled
8c	3RD FROM PROCED DATE	24a	153	158	6	N	MMDDYY
9c	3RD THRU PROCED DATE	24a	159	164	6	N	MMDDYY
10c	3RD PROCEDURE	24d	165	171	7	A	LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
11c	3RD DIAGNOSIS CODE	24e	172	177	3	A	NO DECIMAL OR HYPHEN
12c	3RD Filler	24g	178	184	7	A	Space Filled
8d	4TH FROM PROCEDURE DATE	24a	185	190	6	N	MMDDYY
9d	4TH THRU PROCEDURE DATE	24a	191	196	6	N	MMDDYY
10d	4TH PROCEDURE	24d	197	203	7	A	LEFT JUSTIFY, SPACE FILL

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

							RIGHT. NO DECIMAL OR HYPHEN
11d	4TH DIAGNOSIS CODE	24e	204	209	6	A	NO DECIMAL OR HYPHEN
12d	4TH Filler	24g	210	216	7	A	Space Filled
8e	5TH FROM PROCED DATE	24a	217	222	6	N	MMDDYY
9e	5TH THRU PROCED DATE	24a	223	228	6	N	MMDDYY
10e	5TH PROCEDURE	24d	229	235	7	A	LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
11e	5TH DIAGNOSIS CODE	24e	236	241	6	A	NO DECIMAL OR HYPHEN
12e	5TH Filler	24g	242	248	7	A	Space Filled
8f	6TH FROM PROCED DATE	24a	249	254	6	N	MMDDYY
9f	6TH THRU PROCED DATE	24a	255	260	6	N	MMDDYY
10f	6TH PROCEDURE	24d	261	267	7	A	LEFT JUSTIFY, SPACE FILL RIGHT. NO DECIMAL OR HYPHEN
11f	6TH DIAGNOSIS CODE	24e	268	273	6	A	NO DECIMAL OR HYPHEN
12f	6TH Filler	24g	274	280	7	A	Space Filled
13	TYPE OF BILL		281	283	3	N	RIGHT JUSTIFY, ZERO FILL LEFT

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

14	SURGICAL SITE ID IHCCCC ASSIGNED	284	285	2	N	
15	TYPE OF ADMISSION	286	286	1	A	
16	SOURCE OF ADMISSION	287	287	1	A	
17	DISCHARGE STATUS	288	289	2	A	RIGHT JUSTIFY, ZERO FILL LEFT
18	FILLER	290	300	4	A	

AMBULATORY SURGICAL MAGNETIC MEDIA RECORD FORMAT OPTION 2/1500 FORM

TRAILER RECORD

DATA ELEMENT	DATA ELEMENT DESCRIPTION	POSITION		LENGTH	PICTURE	FORMAT
		FROM	TO			
1	MEDICAID ID NUMBER (OR IHCCCC ASSIGNED NUMBER)	1	12	12	A	
2	NUMBER OF RECORDS LOGICAL RECORDS IN THE FILE EXCLUDING THE HEADER AND TRAILER RECORDS	13	17	5	N	RIGHT JUSTIFY, ZERO FILL LEFT
3	SURGICAL SITE ID (IHCCCC ASSIGNED)	18	19	2	N	RIGHT JUSTIFY, ZERO FILL LEFT
4	FILLER	20	300	281	A	BLANK FILL

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

Section 2510.APPENDIX I Ambulatory Surgical Data Fields Option 2 and Paper Format

DATA ELEMENT	ELEMENT DESCRIPTION	REQUIRED FIELD(S) REQUIREMENTS
1	Medicaid ID or IHCCC Assigned Number	The Medicaid number is the required provider ID number. Providers not participating in Medicaid will be assigned an ID number, as provided in Section 2510.50(f).
2	Patient ID Number	As stated in the Council's Provider Manual. This field may not contain the patient's social security number.
3	Patient Date of Birth	As stated in the Council's Provider Manual.
4	Patient Sex	As stated in the Council's Provider Manual.
5	Patient Zip Code	As stated in the Council's Provider Manual.
5b	Zip Plus 4	As stated in the Council's Provider Manual.
6a-6c	Individual Payer ID Number	Illinois Department of Insurance numbers are required for commercial insurers. The three digit Blue Cross codes that are in the Council's Provider Manual are required for Blue Cross plans. Self-administered plans will be assigned a number upon request, as provided in of Section 2510.50(g) and the use of these codes is required where applicable.
7a	Attending Physician ID Number	Physician's state license number is the required ID number. UPINs are allowed for all claims.
7b	Referring Physician	If applicable, and if known, the physician's state license number is the required ID number. UPINs are allowed for all claims.
8a-8f	From Procedure Date	As stated in the Council's Provider Manual.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

9a-9f	Thru Procedure Date	As stated in the Council's Provider Manual.
10a-10f	Procedures	As stated in the Council's Provider Manual.
11a-11f	Diagnosis Codes	As stated in the Council's Provider Manual.
12a-12f	Filler	As stated in the Council's Provider Manual.
13	Type of Bill	As stated in the Council's Provider Manual.
14	Surgical Site ID Number	As assigned by the Council.
15	Type of Admission	As stated in the Council's Provider Manual.
16	Source of Admission	As stated in the Council's Provider Manual.
17	Discharge Status	As stated in the Council's Provider Manual.
18	Filler	As stated in the Council's Provider Manual.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Reports
- 2) Code Citation: 77 Ill. Adm. Code 2520
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2520.10	Repealed
2520.20	Repealed
2520.30	Repealed
2520.40	Repealed
2520.50	Repealed
2520.60	Repealed
- 4) Statutory Authority: Illinois Health Finance Reform Act [20 ILCS 2215]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed because the Illinois Health Finance Reform Act data is now collected under the Health Care Data Collection and Submission Code (77 Ill. Adm. Code 1010). The repeal of this Part will remove the redundancy.

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

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

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

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

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

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2520

REPORTS (REPEALED)

Section

2520.10	First Report
2520.20	Subsequent Reports
2520.30	Aggregate Hospital Prices
2520.40	Interim Report
2520.50	Final Report
2520.60	Other Reports

AUTHORITY: Implementing Section 2-6 of Article II and Section 4-2 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1984 Supp., ch. 111 1/2, pars. 6502-6, 6504-2 and 6502-3).

SOURCE: Adopted at 9 Ill. Reg. 12781, effective August 5, 1985; repealed at 40 Ill. Reg. _____, effective _____.

Section 2520.10 First Report

The Illinois Health Care Cost containment Council ("the Council") shall report to the Governor and the General Assembly, by February 28, 1985, on whether aggregate hospital prices during 1984 increased by more than the increase of prices in the general economy for calendar year 1984. The report shall identify by name and address any individual hospital whose prices increased by more than the increase of prices in the general economy.

Section 2520.20 Subsequent Reports

The Council shall report to the Governor and the General Assembly, by February 28, 1986, on whether aggregate hospital prices during calendar year 1985 increased by more than the increase of prices in the general economy for calendar year 1985. The report shall identify by name and address any individual hospital whose prices increased by more than the increase of prices in the general economy. In subsequent years, the Council may make similar reports.

Section 2520.30 Aggregate Hospital Prices

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If aggregate hospital prices increased by more than the increase of prices in the general economy in either calendar year 1984 or calendar year 1985, or for any calendar year for which the Council has made a report to the Governor and the General Assembly, the Council shall recommend to the General Assembly by March 1 of the year following the year in which such excess price increase occurred specific steps to prevent, either through regulation or other approaches, any further excess price increase.

Section 2520.40 Interim Report

The Council shall make an interim report to the Governor and the General Assembly not later than July 1, 1985, which shall include:

- a) The Council's findings and recommendations regarding its duties concerning collecting and publicizing hospital financing and cost data pursuant to Section 2-2 (a) of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1984 Supp., ch. 111½ par. 6502-2(a)) ("the Act").
- b) The Council's findings and recommendations regarding the health care financing and delivery system and the most appropriate and comprehensive cost containment system for the State pursuant to subsection (b) of Section 2-2 of the Act.
- c) Such other findings, recommendations and comments as deemed appropriate by the Council.

Section 2520.50 Final Report

The Council shall make a final report to the Governor and the General Assembly not later than March 1, 1986 which shall include:

- a) The Council's final findings and recommendations regarding its duties concerning collecting and publicizing hospital financing and cost data pursuant to subsection (a) of Section 2-2 of the Act.
- b) The Council's final findings and recommendations regarding the health care financing and delivery system and the most appropriate and comprehensive cost containment system for the State pursuant to subsection (b) of Section 2-2 of the Act.

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- c) Such other final findings, recommendations and comments as deemed appropriate by the Council.

Section 2520.60 Other Reports

The Council may, from time to time, submit such other reports to the Governor and the General Assembly as the Council deems appropriate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Hospital Price Information
- 2) Code Citation: 77 Ill. Adm. Code 2530
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2530.10	Repealed
2530.20	Repealed
2530.30	Repealed
2530.40	Repealed
2530.Appendix A	Repealed
- 4) Statutory Authority: Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed because the Illinois Health Finance Reform Act data is now collected under the Health Care Data Collection and Submission Code (77 Ill. Adm. Code 1010). The repeal of this Part will remove the redundancy.

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

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

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

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

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

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2530

HOSPITAL PRICE INFORMATION (REPEALED)

Section

2530.10	Price Information
2530.20	Posting Price Information
2530.30	Size and Place of Posting
2530.40	Reporting Information
2530.50	Outpatient Surgical Reporting Information Surveys (Repealed)
2530.APPENDIX A	Current Established Charges For Services
2530.APPENDIX B	Report of Current Charges for Outpatient Services and Procedures (Repealed)

AUTHORITY: Implementing Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/4-4 and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12764, effective August 5, 1985; amended at 12 Ill. Reg. 20089, effective November 21, 1988; amended at 15 Ill. Reg. 1821, effective January 29, 1991; emergency amendment at 17 Ill. Reg. 14172, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5343, effective March 21, 1994; amended at 19 Ill. Reg. 12478, effective August 21, 1995; emergency amendment at 21 Ill. Reg. 3318, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 9008, effective June 27, 1997; amended at 25 Ill. Reg. 2075, effective January 19, 2001; repealed at 40 Ill. Reg. _____, effective _____.

Section 2530.10 Price Information

Hospitals shall make available to prospective patients information on the normal charge incurred for any procedure or operation the prospective patient is considering. (Ill. Rev. Stat. 1984 Supp., ch. 111½, par. 6504-4(A)).

Section 2530.20 Posting Price Information

Hospitals shall post notification that there is available for public examination in each facility the current established charges for services. Hospitals shall also post notification of the current

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established charges for the services enumerated in Appendix A, applying the definitions found there. If desired, a hospital may add to the notification of the current established charges the following language: "The prices listed above are only examples of our prices, and reflect only a portion of an entire hospital bill. The prices listed do not include physician fees and are subject to change."

Section 2530.30 Size and Place of Posting

The public posting and display required by this Part shall be complete, detailed, legible and unambiguous in lettering and numerals no more than one inch in height and such posting or display shall be in or near the admitting area of the hospital so that the posting or display is unobstructed and is clearly and easily visible to the public on the premises of the hospital. It is the intent of this Part that the posting be placed in a manner so that it is easily visible to the largest possible number of members of the public.

Section 2530.40 Reporting Information

Hospitals shall notify the Council annually of the prices posted pursuant to Section 2530.20 of this Part. Additionally, hospitals shall report the prices of those inpatient and outpatient services and procedures identified by the Council on December 31 of the previous calendar year. The information required to be submitted pursuant to this Part shall be submitted on a survey form provided (with the accompanying instructions) to the hospital by the Council. The information shall be submitted by February 28 of the current calendar year. The Council shall designate a committee to annually review the inpatient and outpatient services and procedures reported by hospitals. The committee shall make annual recommendations prior to October 1 to the Council regarding the reporting of the most relevant inpatient and outpatient services and procedures to be collected and disseminated in the current year. The Council may designate additional inpatient and outpatient services and procedures, or may delete specific inpatient and outpatient services and procedures, to be reported.

Section 2530.50 Outpatient Surgical Reporting Information Surveys (Repealed)

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Section 2530.APPENDIX A Current Established Charges For Services

ITEM	PRICE
Private Room (1 bed)	\$ _____
Semi-Private Room(2 beds)	\$ _____
Rooms with 3 or more beds	\$ _____
Intensive Care Room	\$ _____
Emergency Room	\$ _____
Delivery Room	\$ _____
Operating Room	\$ _____
EKG (Electrocardiogram)	\$ _____
Anesthesia	\$ _____
Chest X-Ray	\$ _____
Upper GI Series	\$ _____
Blood Count	\$ _____
Urinalysis	\$ _____
Blood Sugar	\$ _____
Blood Chemistry	\$ _____
Tissue Exam	\$ _____
Blood Typing	\$ _____

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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RH Factor \$ _____

SERVICES TO BE POSTED

1. Private Room – Most common price for one day in a 1-bed room.
2. Semi-Private Room – Most common price for one day in a 2-bed room.
3. Room with 3 or More Beds – Most common price for one day in a room with 3 or more beds.
4. Intensive Care Room – Most common price for one day in a special care unit.
5. Emergency Room – Most common price for basic emergency room service charge.
6. Delivery Room – Most common price for use of delivery room for a specified period of time.
7. Operating Room – Most common price for use of operating room for specified time period.
8. EKG (Electrocardiogram) – Most common price for 1 EKG. EKGs monitor heartbeat.
9. Anesthesia – Most common price for administering anesthesia for specified time period.
10. Chest X-Ray – Most common price for chest x-ray. (Two views-front and side).
11. Upper GI Series – Most common price for x-ray of upper gastrointestinal tract (stomach & intestines).
12. Blood Count – Most common price for laboratory test that counts blood cells and other components of the blood. Involves drawing blood.
13. Urinalysis – Most common price for laboratory analysis of urine sample.
14. Blood Sugar – Most common price for laboratory analysis of blood sugar level.
15. Blood Chemistry – Most common price for a routine blood chemistry through the use of a Sequential Multiple Analyzer Computer 12 ("SMAC 12").
16. Tissue Exam – Most common price for a tissue exam of any tissue removed during a surgical episode.
17. Blood Typing – Most common price for a laboratory analysis of the blood type by performance of a type and screen.
18. RH Factor – Most common price for laboratory analysis of blood sample to determine RH factor.

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NOTICE OF PROPOSED REPEALER

Section 2530.APPENDIX B Report of Current Charges for Outpatient Services and Procedures (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Penalties
- 2) Code Citation: 77 Ill. Adm. Code 2540
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2540.10	Repealed
2540.20	Repealed
2540.30	Repealed
- 4) Statutory Authority: Illinois Health Finance Reform Act [20 ILCS 2215]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed because the Illinois Health Finance Reform Act data is now collected under the Health Care Data Collection and Submission Code (77 Ill. Adm. Code 1010). The repeal of this Part will remove the redundancy.

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

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

- 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 a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

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

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

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

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

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCILPART 2540
PENALTIES (REPEALED)

Section

2540.10	Criminal Penalties
2540.20	Referral to State's Attorney
2540.30	Request for Injunction

AUTHORITY: Implementing Article V and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. V and 2-3].

SOURCE: Adopted at 9 Ill. Reg. 12778, effective August 5, 1985; amended at 12 Ill. Reg. 6114, effective March 21, 1988; emergency amendment at 16 Ill. Reg. 19223, effective November 25, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9713, effective June 10, 1993; amended at 19 Ill. Reg. 12485, effective August 21, 1995; amended at 25 Ill. Reg. 2078, effective January 19, 2001; repealed at 40 Ill. Reg. _____, effective _____.

Section 2540.10 Criminal Penalties

- a) *Any individual hospital or licensed ambulatory surgical treatment center or other organization or entity willfully violating the provisions of the Illinois Health Finance Reform Act [20 ILCS 2215] or this Chapter promulgated by the Council, shall be guilty of a business offense punishable by a fine of \$10,000 and each day's violation shall constitute a separate offense. These penalties apply to all intentional breaches of patient confidentiality not authorized by statute or the Council. [20 ILCS 2215/5-2]*
- b) *The State's Attorney of the county in which the violation occurred, or the Attorney General, shall, upon the request of the Council, bring an action for an injunction against any hospital or licensed ambulatory surgical treatment center violating the provisions of the Act. [20 ILCS 2215/5-2]*

Section 2540.20 Referral to State's Attorney

Whenever the Council is aware of the existence of probable cause to believe that a hospital or licensed ambulatory surgical treatment center is willfully violating any provisions of the Act or

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

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of this Chapter, it shall inform the State's Attorney of the county in which the alleged violation occurred of the facts known to the Council concerning the alleged violation.

Section 2540.30 Request for Injunction

- a) Whenever the Council finds that it is necessary in order for the Council to effectively perform its duties pursuant to the Act, it may request the State's Attorney of the county in which an alleged violation of the Act or this Chapter occurred, or the Attorney General, to bring an action for injunction against any hospital or licensed ambulatory surgical treatment center violating the provisions of the Act or this Chapter.
- b) The Council will send two warning letters to hospitals or licensed ambulatory surgical treatment centers who are out of compliance with its requirements for the correct submission of financial data or UB-92/HCFA 1450 or HCFA 1500 data as set forth in 77 Ill. Adm. Code 2510. The letters will be sent within 60 days after the time the hospital or licensed ambulatory surgical treatment center is determined to be out of compliance. The first letter will be sent no later than 20 days and the second letter no later than 40 days after the hospital or licensed ambulatory surgical treatment center is determined by the Council to be out of compliance. The letters will be sent certified mail return receipt requested.
- c) The first letter will be a reminder that data are due. The final letter will indicate that, if the hospital or licensed ambulatory surgical treatment center does not provide a satisfactory response within ten days, the Council shall request an injunction.
- d) A satisfactory response from a hospital or licensed ambulatory surgical treatment center shall be the submission of the late data or a response acceptable to the Council from the hospital or licensed ambulatory surgical treatment center demonstrating that either compliance is impossible or that the hospital or licensed ambulatory surgical treatment center is actively undertaking those steps necessary to submit the late data. Compliance is impossible when the Council determines that it would constitute a burden outweighing the benefit to the public that would be obtained by the submission of the data.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Miscellaneous Provisions
- 2) Code Citation: 77 Ill. Adm. Code 2550
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
2550.10	Repealed
2550.20	Repealed
2550.30	Repealed
2550.40	Repealed
2550.50	Repealed
2550.APPENDIX A	Repealed
- 4) Statutory Authority: Illinois Health Finance Reform Act [20 ILCS 2215]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed because the Illinois Health Finance Reform Act data is now collected under the Health Care Data Collection and Submission Code (77 Ill. Adm. Code 1010). The repeal of this Part will remove the redundancy.

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

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

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

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

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

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2550

MISCELLANEOUS PROVISIONS (REPEALED)

Section

2550.10	Consultation with Departments of Public Aid, Public Health and Insurance
2550.20	Action Consistent with Act
2550.30	Cases Not Covered by Rules
2550.40	Extension of Time
2550.50	Severability

2550.APPENDIX A Annual Financial Data Report

AUTHORITY: Implementing Section 2-3 and 2-4 of Article II and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1984 Supp., ch. 111 1/2, pars. 6504-2 and 6502-4).

SOURCE: Adopted at 9 Ill. Reg. 12770, effective August 5, 1985; repealed at 40 Ill. Reg. _____, effective _____.

Section 2550.10 Consultation with Departments of Public Aid, Public Health and Insurance

The Directors of the Departments of Public Aid, Public Health and Insurance shall consult with the Council, and shall provide the Council with information it requires to perform its duties as outlined in the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1984 Supp., ch. 111½, par. 6501-1 et seq.) ("The Act").

Section 2550.20 Action Consistent with Act

Nothing in this Chapter shall be construed as prohibiting the Illinois Health Care Cost Containment Council ("the Council") from taking any action consistent with the Act.

Section 2550.30 Cases Not Covered by Rules

In any case not explicitly provided for by this Chapter, the Council may take such action as is authorized by law or by this Chapter.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

Section 2550.40 Extension of Time

The Council or the Executive Director, shall, upon a showing of good cause and if time permits, extend the time allowed for the performance of any function or duty required by the provisions of this Chapter. In making any determination with respect to good cause, the Council and the Executive Director shall give due regard to all relevant facts and circumstances, including such considerations as the complexity of the issues or the existence of extraordinary circumstances or unforeseen events which have led to the request for an extension of time.

Section 2550.50 Severability

If any Section or provision of this Chapter is declared unconstitutional or void by any court of competent jurisdiction, or if its applicability to any person or circumstances is held invalid, the constitutionality or validity of the remainder of this Chapter and the applicability to other persons and circumstances shall not be affected, and to this end, the sections and provisions of this Chapter are declared to be severable.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

Section 2550.APPENDIX A Annual Financial Data Report

APPENDIX A

ANNUAL FINANCIAL DATA REPORT

Hospital: _____
City: _____
Fiscal Year End: _____ Phone Number: _____
Person Completing Report: _____

All spaces must be completed prior to submission.

- 1. Total gross revenue \$ _____
2. Total deductions from gross revenue:
A. Medicare contractual allowances \$ _____
B. Medicaid contractual allowances \$ _____
C. Other contractual allowances \$ _____
D. Bad debts and charity care \$ _____
E. Other deductions \$ _____

The method of computing Items 2 A-D shall be described by the hospital.

Use additional sheets if necessary.

- 3. Gross inpatient revenue \$ _____
4. Medicare gross revenue \$ _____
5. Medicaid and medical assistance gross revenue \$ _____
6. Total discharges _____
7. Medicare discharges _____
8. Medicaid, medical assistance discharges _____
9. Other discharges _____
10. Total assets \$ _____
11. Total liabilities \$ _____
12. Total admissions _____
13. Total patient days _____
14. Average length of stay _____
15. Total outpatient visits _____

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

- 16. Current ratio _____
- 17. Debt to equity ratio _____
- 18. Debt to net assets ratio _____

Attestation: I hereby attest that the above information is correct in accordance with the applicable instructions.

Chief Executive Officer:

Signature: _____ Date: _____

- 1) Total gross-revenue – full hospital charges for all hospital patient services before considering any deductions for bad debts, charity care or contractual allowances.
- 2A) Medicare contractual allowances – include revenue deductions incurred in treating Medicare patients.
- 2B) Medicaid contractual allowances – include revenue deductions incurred in treating Medicaid, Medical Assistance No Grant ("MANG") and General Assistance patients.
- 2C) Other contractual allowances – include revenue deductions incurred other than those from Medicare, Medicaid, MANG and General Assistance patients and bad debts and charity care.
- 2D) Bad debts – revenue amounts deemed uncollectible primarily because of a patient's unwillingness to pay as determined after collection efforts. Charity care – revenue amounts which represent the aggregate of the accounts written off when it is determined that a patient is unable to pay.
- 2E) Other deductions – all other deductions from revenue for items such as courtesy allowances, employee discounts and administrative writeoffs.
- 3) Gross inpatient revenue – full hospital charges to inpatients for hospital services before considering any deductions for bad debt, charity care or contractual allowances.
- 4) Medicare gross patient revenue – full hospital charges derived from Medicare including payments for routine and special care, ancillary and outpatient service revenue.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

- 5) Medicaid, MANG and General Assistance gross revenue – gross revenue full hospital charges from Medicaid, MANG or General Assistance including payments for routine and special care, ancillary and outpatient service revenue.
- 6) Total discharges – the number of adult and pediatric inpatients discharged from the hospital during the reporting period including discharges from the routine and specialized areas of the hospital but excluding births and transfers between units.
- 7) Medicare discharges – the number of adult and pediatric inpatients whose principal payment source is Medicare discharged from the hospital during the reporting period including discharges from the routine and specialized areas of the hospital but excluding births and transfers between units.
- 8) Medicaid, MANG and General Assistance discharges – the number of adult and pediatric inpatients whose principle payment sources is Medicaid, MANG, or General Assistance discharged from the hospital during the reporting period including discharges from the routine and specialized areas of the hospital but excluding births and transfers between units.
- 9) Other discharges – the number of adult and pediatric inpatients whose principal payment sources is not Medicare, Medicaid, MANG or General Assistance discharged from the hospital during the reporting period including discharges from the routine and specialized areas of the hospital but excluding births and transfers between units.
- 10) Total assets – total assets of the hospital.
- 11) Total liabilities – total liabilities of the hospital including all current and non-current liabilities.
- 12) Total admissions – the number of adult and pediatric inpatients admitted to the hospital during the reporting period including admissions to the routine and specialized areas of the hospital but excluding births and transfers between units.
- 13) Total patient days – a patient day is the unit of measure denoting lodging provided and services rendered to an inpatient between the census (usually at midnight) of two successive days. The day of discharge counts only when the patient was admitted the same day. For example, a patient who was admitted Wednesday afternoon and discharged Friday would have a count of two (2) patient days. Exclude newborn days from this count.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF PROPOSED REPEALER

- 14) Average length of stay – this is the average period of time that an inpatient stays in the hospital for care and is calculated by dividing the total patient days (Item 13) by the total discharges (Item 6).
- 15) Total outpatient visits – a visit is defined as a patient receiving service in an outpatient area of the hospital. If a patient visits both the emergency room and an outpatient clinic on the same day, it is counted as two (2) visits.
- 16) Current ratio – the ratio of current assets to current liabilities of the hospital.
- 17) Long-term debt to equity ratio – the ratio of long-term liabilities (debt) to the hospital's fund balance.
- 18) Fixed asset financing ratio – the ratio of long-term liabilities (debt) to the hospital's net fixed assets (after depreciation).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1.720	Amendment
1.Appendix A	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes modifications to the grade ranges covered by the middle grades endorsements in Section 1.720.

At the middle grades (currently grades 5 through 8), teachers in departmentalized settings (i.e., teaching assignments are content-specific) are required to hold a middle grades endorsement or meet the predecessor requirements stipulated in the rule (see Section 1.720). Teachers in self-contained elementary classrooms may teach grades 5 through 8 with the elementary education endorsement of kindergarten through grade 9, or up to grade 6 with the new elementary education endorsement. While departmentalized middle schools often are comprised of grades 6 through 8, some school districts provide modified departmentalized instruction in grade 5 (i.e., one teacher teaches English and social science, while another teaches math and science). In these circumstances, school districts report having difficulty finding a sufficient number of teachers with the middle grade endorsement for grade 5. For this reason, staff propose that a middle grades endorsement not be required to teach either departmentalized or self-contained grade 5. The middle grades endorsement will be required for anyone teaching in departmentalized grade 6 who does not hold an elementary education endorsement, or, beginning February 1, 2018, for anyone who teaches in grades 7 and 8, regardless of whether the setting is self-contained or departmentalized.

Appendix A also is being modified to allow individuals holding an educator license with stipulations endorsed for career and technical educator to teach coursework in their skill area in grades 7 through 12 (currently, grades 11 and 12). The change will help address a shortage of qualified career and technical education staff for middle school and early high school.

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

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENTS

- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1.77	Amendment	40 Ill. Reg. 3316; February 26, 2016
1.79	New Section	40 Ill. Reg. 3316; February 26, 2016
1.700	New Section	40 Ill. Reg. 3316; February 26, 2016
1.Appendix D	Amendment	40 Ill. Reg. 3316; February 26, 2016

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

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

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

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- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

STATE BOARD OF EDUCATION

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Licensure Information System (ELIS)
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.97 Survey of Learning Conditions
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance

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Standards

- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- 1.425 Additional Criteria for Physical Education
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors

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- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Requirements for Supervisory and Administrative Staff
- 1.710 Requirements for Elementary Teachers
- 1.720 Requirements for Teachers of Middle Grades
- 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades 6 and Above through June 30, 2004
- 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
- 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
- 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
- 1.740 Standards for Reading through June 30, 2004
- 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
- 1.750 Standards for Media Services through June 30, 2004
- 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
- 1.760 Standards for School Support Personnel Services
- 1.762 Supervision of Speech-Language Pathology Assistants
- 1.770 Standards for Special Education Personnel
- 1.780 Standards for Teachers in Bilingual Education Programs
- 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
- 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12

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- 1.783 Requirements for Administrators of Bilingual Education Programs
1.790 Substitute Teacher
- 1.APPENDIX A Professional Staff Educator Licensure
1.APPENDIX B Certification Quick Reference Chart (Repealed)
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement
Determination (Repealed)
1.APPENDIX F Criteria for Determination – Student Performance and School
Improvement (Repealed)
1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective

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July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. _____, effective _____.

SUBPART G: STAFF QUALIFICATIONS

Section 1.720 Requirements for Teachers of Middle Grades

The provisions of subsections (a), ~~and (b)~~ and (d) shall be subject to the exception stated in subsection ~~(e)(e)~~ with respect to any school in which the instructional format for any of grades 65 through 8 is being changed from a self-contained to a departmentalized configuration. Additional requirements shall apply to middle-grades assignments and endorsements beginning February 1, 2012 (see subsection ~~(f)(d)~~).

- a) The requirements of this Section apply to teachers first employed after September 1, 1973, in departmentalized grades 65 through 8 ("middle-grade teachers"). Teachers first employed in grades 65 through 8 prior to September 1, 1973, or employed in non-departmentalized grades 65 through 8 and who hold a kindergarden-through-grade-9 elementary education endorsement issued by September 1, 2019, are subject to the requirements of Section 1.710.
- b) Until February 1, 2018, to~~To~~ qualify as a middle-grade teacher, the teacher must have ~~either~~ completed either the coursework identified in subsection ~~(b)(1)(a)(1)~~

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prior to July 1, 1997 or completed the coursework identified in subsection ~~(b)(2)(a)(2)~~. The "major teaching assignment" is the subject taught for more time than any other subject. In mathematics and reading and for library information specialists, specific coursework must be included among the 18 semester hours to be earned; see subsections ~~(b)(3)(a)(3)~~, (4) and (5).

- 1) 18 semester hours in the content area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.100 of the State Board's rules for Educator Licensure (23 Ill. Adm. Code 25) applies. When a teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection ~~(b)(a)(1)~~ for the major teaching assignment and have no fewer than 5 semester hours in each other subject taught.
- 2) 18 semester hours in the content area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.100 of the State Board's rules for Educator Licensure applies. When a middle-grade teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection ~~(b)(2)(a)(2)~~ for the major teaching assignment and have no fewer than ~~6~~9 semester hours in each other subject taught. In addition:
 - A) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes middle-grade philosophy, middle-grade curriculum and instruction, and instructional methods for designing and teaching developmentally appropriate programs (i.e., addressing the cognitive, emotional and physical development of each child) in the middle grades, including content area (e.g., science, social sciences) reading instruction.
 - B) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes educational psychology focusing on the developmental characteristics of early adolescents, the nature and

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needs of early adolescents, and the role of the middle-grade teacher in assessment, coordination and referral of students to health and social services.

3) Mathematics

For teachers of mathematics in grades ~~65~~ through 8 first employed on or after September 1, 1985, the required 18 semester hours in the field shall include 3 semester hours in the methods of teaching mathematics in those grades and 15 semester hours to be selected from four of the following areas:

- A) Math content courses for elementary teachers;
- B) Calculus;
- C) Modern algebra or number theory;
- D) Geometry;
- E) Computer science;
- F) Probability and statistics; and
- G) History of mathematics.

4) Reading

For major assignments in reading in any of departmentalized grades ~~65~~ through 8:

- A) persons first employed on or after September 1, 1978 but before July 1, 2004 are required to have completed the 18 semester hours described in Section 1.740;
- B) persons first employed on or after July 1, 2004 shall be required to have completed either the 18 semester hours described in Section 1.740 or 18 semester hours in the field that include a practicum and address at least five of the six topics listed at 23 Ill. Adm. Code ~~25.100(i)~~25.100(g), provided that:

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- i) the individual completes all the required coursework on or before June 30, 2006; or
 - ii) the individual applies for the reading endorsement on or before June 30, 2006 and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement; and
- C) new requirements for an endorsement in this field apply to persons who have not met the requirements of either subsection ~~(b)(4)(A)(a)(4)(A)~~ or (B); see also 23 Ill. Adm. Code ~~25.100(g)~~~~25.100(i)~~ and Section 1.745 of this Part.
- 5) Library Information Specialist
Persons first employed on or after September 1, 1978 as media professionals or library information specialists serving any of grades ~~6~~5 through 8 are required to have completed 18 semester hours in the field that address administration, organization (cataloging and classification), reference, and selection of materials, provided that the individual completes all the required coursework on or before June 30, 2006, or has applied for the endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement. New requirements for an endorsement in this field apply to persons who have not qualified on the basis of 18 semester hours; see also 23 Ill. Adm. Code 25.100 and Section 1.755. The provisions of subsection ~~(b)(2)(a)(2)~~ notwithstanding, no individual who has completed only 9 semester hours in the field may serve in this capacity.
- ~~c)b)~~ On or after February 1, 2018, any individual first assigned to teach in grade 7 or 8, whether departmentalized or self-contained, or in departmentalized grade 6 shall meet the requirements of 23 Ill. Adm. Code 25.99 (Endorsement for the Middle Grades (Grades 6 through 8)) for the major teaching assignment and have no fewer than 6 semester hours in each other subject taught, subject to the exception stated in subsection (a) for assignment in self-contained grades 6 through 8.

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- d) No individual may be assigned to teach in departmentalized grades ~~65~~ through 8 unless he or she holds a professional educator license that is endorsed and valid for the grade level or levels to be taught and:
- 1) holds a middle-grades endorsement applicable to the content area; or
 - 2) meets the relevant requirements of this Section; or
 - 3) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district's verification of the individual's qualifications; or
 - 4) is assigned pursuant to Section 1.745(b)(3) or 1.755(c); or
 - 5) has received an elementary endorsement issued pursuant to 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1 through 6)) and has met the relevant requirements of subsection (b) of this Section on or before January 31, 2018, beginning no later than February 1, 2018, meets the requirements of 23 Ill. Adm. Code 25.99 (Endorsement for the Middle Grades (Grades 5-8)).
- e)⇨ A school district may also assign certain other teachers to departmentalized positions in any of grades ~~65~~ through 8 for the 2009-10 school year and thereafter as described in this subsection ~~(e)⇨~~. The provisions of this subsection (e) are no longer applicable starting February 1, 2018; however, any teachers assigned to departmentalized positions in grades 6 through 8 under the provisions of this subsection (e) before that date shall not be affected.
- 1) A teacher who was employed in the district during the school year immediately preceding the year when the instructional format in that teacher's school is changed to a departmentalized configuration and who was appropriately licensed for his or her position but does not meet the requirements of subsection (b) or (c) may be assigned to a departmentalized position in any of grades ~~65~~ through 8 ~~(or any of grades 6 through 8 for the holder of a secondary endorsement)~~ for a period not to exceed three school years, provided that he or she has already completed at least 9 semester hours of coursework in the content area of the major teaching assignment. If specific coursework is required for the major teaching assignment under subsection ~~(b)(a)~~, the teacher shall have

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completed 9 semester hours that will count toward an endorsement in that content area.

- 2) The school district shall notify the responsible regional superintendent of schools of all assignments made pursuant to this subsection ~~(e)(e)~~ no more than 30 days after they occur. Further, the school district shall maintain on file for each teacher assigned in accordance with this subsection ~~(e)(e)~~ a plan that:
 - A) includes a statement of intent signed by the individual, stipulating that he or she will complete all requirements for the middle-grades endorsement in the content area of his or her major teaching assignment;
 - B) provides a list of the coursework and experiences that the individual will complete in order to qualify; and
 - C) identifies the institution of higher education where the individual will complete the requirements.
- 3) No individual may be assigned for more than three school years without attaining the relevant endorsement, and no individual may be assigned for a third school year unless he or she has completed the six semester hours required under subsection ~~(b)(2)(a)(2)~~.
- 4) If an individual is assigned to deliver instruction in two or more content areas, he or she shall have completed no fewer than 9 semester hours in each content area. If subsection ~~(b)(a)~~ requires specific coursework for any of the content areas taught, the teacher shall have completed 9 semester hours that will count toward an endorsement in that content area.

~~f)(e)~~ New Requirements Applicable in 2012

All coursework that forms part of an application for a middle-grades endorsement received on or after February 1, 2012 or that is used in determining the eligibility of an individual to be first assigned to teach a particular subject in the middle grades on or after that date, must have been passed with a grade no lower than "C" or equivalent in order to be counted towards fulfillment of the applicable requirements.

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(Source: Amended at 40 Ill. Reg. _____, effective _____)

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Section 1.APPENDIX A Professional Staff Educator Licensure

Types of Licenses and Endorsements

The following list identifies the educator licenses that, if properly registered and renewed, are valid for teaching, administering or performing the specified service in Illinois public schools and the endorsements that are available on each of those licenses.

Type of Endorsement*	Grade Level Valid For	Certificate Previously Issued	Years Valid	School Code or Ill. Adm. Code
Professional Educator License				
Elementary (No longer issued after August 31, 2018)	K-9	03	5	21B-20; 21B-25
Elementary (Beginning September 1, 2018 2017)	1-6	03	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1 through 6))
Elementary with National Board of Professional Teaching Standards (NBPTS) Master Teacher Designation	K-9 or 1-6	03	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Early Childhood (No longer issued after August 31, 2020)	Generally Birth-Grade 3 (as endorsed)	04	5	21B-20; 21B-25
Early Childhood (Beginning September 1, 2017)	Generally Birth-Grade 2 (as endorsed)	04	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.96 (Endorsement for Early Childhood Education (Birth through Grade 2))

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Early Childhood with NBPTS Designation	Generally Birth-Grade 3 (as endorsed)	04	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Middle School (No longer issued after January 31, 2018)	5-8	None	5	21B-20; 21B-25; 23 Ill. Adm. Code 1.720 (Requirements for Teachers of Middle Grades)
Middle Grades (Beginning February 1, 2018)	5-8	None	5	21B-20; 21B-25; 23 Ill. Adm. Code 25.99 (Endorsement for the Middle Grades (Grades 5 through 8))
Secondary	6-12	09	5	21B-20; 21B-25
Secondary with NBPTS Designation	6-12	09	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Special K-12	K-12 Field Endorsed	10	5	21B-20; 21B-25
Special K-12 with NBPTS Designation	K-12 Field Endorsed	10	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
Special Preschool-Age 21	Generally Birth-Age 21	10	5	21B-20; 21B-25
Special Preschool-Age 21 with NBPTS Designation	Generally Birth-Age 21	10	For the validity period of the NBPTS certification	21B-20; 21B-25; 21B-65
General Administrative (No longer issued after June 30, 2016)	PreK-12	75	5	21B-25(2)(A); 23 Ill. Adm. Code 25.335

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Principal	PreK-12	75	5	21B-20; 21B-25(2)(B); 23 Ill. Adm. Code 25.337
Superintendent	PreK-12	75	5	21B-20; 21B-25(2)(D); 23 Ill. Adm. Code 25.360
Chief School Business Official on a Professional Educator License	PreK-12	75	5	21B-20; 21B-25(2)(C); 23 Ill. Adm. Code 25.345 (Endorsement for Chief School Business Official)
Chief School Business Official on an Educator License with Stipulations	PreK-12	None	5	21B-20(2)(K); 23 Ill. Adm. Code 25.345
Director of Special Education	PreK-12	75	5	23 Ill. Adm. Code 25.365 (Endorsement for Director of Special Education)
Supervisory	PreK-12	None	5	23 Ill. Adm. Code 25.497 (Supervisory Endorsements)
Teacher Leader	PreK-12	None	5	21B-20; 21B-25(2)(E); 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement (Beginning September 1, 2012))
Special Education	K-12 Field Endorsed	None	5	21B-20; 21B-25(2)(F); 23 Ill. Adm. Code 25.43
School Support Personnel	Generally Birth-Age 21; Area of Service Endorsed	73	5	21B-20; 21B-25(2)(G); 23 Ill. Adm. Code 25.Subpart D (School Support Personnel)

Educator License with Stipulations				
Provisional Educator – Early Childhood	Generally Birth-	05	2 (No renewals)	21B-20(2)(A)

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	Grade 3 (as endorsed)			
Alternative Provisional Educator – Early Childhood	Generally Birth- Grade 3 (as endorsed)	43 or 44	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)	21B-20(2)(B); 23 Ill. Adm. Code 25.60 (Alternative Educator Licensure Program for Teachers)
Alternative Provisional Educator – Elementary	K-9 or 1-6	22 or 23	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)	21B-20(2)(B); 23 Ill. Adm. Code 25.60
Alternative Provisional Educator – Secondary	9-12	24 or 25	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)	21B-20(2)(B); 23 Ill. Adm. Code 25.60
Alternative Provisional Superintendent (Beginning January 1, 2013)	All	26	2 (No renewals)	21B-20(2)(C); 23 Ill. Adm. Code 25.311 (Alternative Route to Superintendent Endorsement)
Alternative Provisional Educator – Special	K-12 Field Endorsed	27	2 (Pursuant to 105 ILCS 5/21B-50, a one-year renewal is available in special circumstances.)	21B-20(2)(B); 23 Ill. Adm. Code 25.60
Transitional Bilingual Educator	PreK-12 Language Endorsed	29	5 (No renewals)	21B-20(2)(G); 23 Ill. Adm. Code 25.90 (Endorsement for Transitional Bilingual Educator)
Provisional Educator – Elementary	K-9 or 1-6	30	2 (No renewals)	21B-20(2)(A)

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Provisional Educator – Middle Grades	5-8	Not applicable	2 (No renewals)	21B-20(2)(A)
Provisional Educator – Secondary	6-12	31	2 (No renewals)	21B-20(2)(A)
Provisional Educator – Special	K-12 Field Endorsed	33	2 (No renewals)	21B-20(2)(A)
Career and Technical Educator	7-12 Field Endorsed **	35	5	21B-20(2)(E); 23 Ill. Adm. Code 25.70 (Endorsement for Career and Technical Educator)
Provisional Career and Technical Educator	11-12 Field Endorsed ***	36	5 (Renewable for one 5-year period)	21B-20(2)(F); 23 Ill. Adm. Code 25.72 (Endorsement for Provisional Career and Technical Educator)
Part-Time Provisional Career and Technical Educator	6-12	40	5 (Renewable for one 5-year period)	21B-20(2)(F); 23 Ill. Adm. Code 25.80 (Endorsement for Part-time Provisional Career and Technical Educator)
Visiting International Educator – Special	K-12	50	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92 (Endorsement for Visiting International Educator)
Visiting International Educator – Elementary	K-9	53	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92
Visiting International Educator – Early Childhood	Birth-Grade 3	54	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92
Visiting International Educator – Secondary	9-12	59	3 (No renewals)	21B-20(2)(I); 23 Ill. Adm. Code 25.92
Provisional Educator – School Support Personnel	Generally Birth-Age 21 Area of	74	2 (No renewals)	21B-20(2)(A)

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	Service Endorsed			
Provisional Administrative	K-12	76	2 (No renewals)	21B-20(2)(A); 21B-35(b-5)
Chief School Business Official	PreK-12	None	5	21-B20(2)(K); 23 Ill. Adm. Code 25.345
Resident Teacher – Special****	K-12	80	4 (No renewals)	21B-20(2)(D)
Resident Teacher – Elementary****	K-9	83	4 (No renewals)	21B-20(2)(D)
Resident Teacher – Early Childhood****	Birth-Grade 3	84	4 (No renewals)	21B-20(2)(D)
Resident Teacher – Secondary****	6-12	89	4 (No renewals)	21B-20(2)(D)

Substitute License

None	All	39	5	21B-20(3)
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- * If endorsed for teaching, valid for subjects for which the individual is assignable under Section 1.710, 1.720, 1.737, 1.745 or 1.755.
- ** Valid in ~~approved~~ programs of career and technical education (CTE), for "skill-level" instruction in grades ~~7 through 11 and~~ 12 in the field of specialization ~~indicated on the specific and for "orientation-level" instruction in grades 9 and 10 in the field of career and technical education~~ endorsement ~~held to which the specialization belongs. Provided that the license holder is employed to teach in any of grades 9 through 12 in the field of specialization, the educator license is also valid for exploratory career and technical education courses in grades 7 and 8 in that field of endorsement.~~
- *** Valid only in approved CTE programs for "skill-level" instruction in grades 11 and 12 in the field of specialization.
- **** The resident teacher endorsement on the educator license with stipulations will no longer be valid after June 30, 2017. (See Section 21B-20(2)(D) of the School Code.)

(Source: Amended at 40 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards for Endorsements in Elementary Education
- 2) Code Citation: 23 Ill. Adm. Code 20
- 3) Section Number: 20.10 Proposed Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: In 2013, the Agency adopted new standards for preparation programs for the elementary education endorsement and created standards for new programs for endorsements in the middle grades. At the time, staff believed that staggering the implementation dates of the revised elementary education and new middle grades programs would provide relief to institutions of higher education that wished to offer both types of endorsement preparation programs.

The new elementary education preparation programs, however, result in an endorsement for grades 1 through 6 (rather than kindergarten through grade 9). Therefore, requiring implementation of the new programs a full year before the middle grades programs are implemented disadvantaged some elementary education candidates who wished to also qualify for a middle grades endorsement under the current requirements (i.e., completion of six semester hours of coursework specific in the middle grades rather than a complete program). For this reason, staff are proposing that the effective date for full implementation of elementary education endorsement programs be modified to February 1, 2018 (currently, 2017). Additionally, candidates in existing programs established under Part 26 will have until September 1, 2018, to complete those programs in order to obtain an endorsement by September 1, 2019.

- 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

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.

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

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

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

 - B) Reporting, bookkeeping or other procedures required for compliance: None

 - C) Types of professional skills necessary for compliance: None

- 14) This rulemaking was not included on either of the 2 most recent Agendas because: The need to amend the rules did not become apparent until after publication of the January 2016 agenda.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 20

STANDARDS FOR ENDORSEMENTS IN ELEMENTARY EDUCATION

SUBPART A: GENERAL

Section

20.10 Purpose and Effective Dates of Standards

SUBPART B: STANDARDS

Section

20.100 General Standards

20.110 Literacy Standards for Elementary Teachers

20.120 Mathematics Standards for Elementary Teachers

20.130 Dispositions

AUTHORITY: Implementing Article 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21B and 2-3.6].

SOURCE: Adopted at 37 Ill. Reg. 16664, effective October 2, 2013; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 20.10 Purpose and Effective Dates of Standards

- a) This Part establishes the standards that, together with the standards set forth in Standards for All Illinois Teachers (23 Ill. Adm. Code 24), shall apply to the issuance of endorsements for elementary education (i.e., grades 1 through 6) on professional educator licenses pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B]. The standards set forth in this Part shall apply both to candidates for an endorsement in elementary education and to the programs that prepare them. That is:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) beginning July 1, 2013, approval of any teacher preparation program or course of study in elementary education, whether currently approved or newly proposed, pursuant to the State Board's rules for Educator Licensure (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the standards identified in this Part;
 - 2) on or before February 1, 2017, the examinations required for issuance of an endorsement in elementary education shall be based on the standards identified in this Part;
 - 3) on or before February 1, 2017, each elementary education program seeking approval for the first time or re-approval of an existing program shall work in consultation with one or more community colleges to ensure the articulation of coursework between the two institutions and, as applicable, the alignment of community college coursework relevant to elementary education to the standards set forth in this Part.
- b) In addition to demonstrating congruence with the standards set forth in this Part, each elementary education program or course of study shall meet the requirements set forth in 23 Ill. Adm. Code 25.97 (Endorsement for Elementary Education (Grades 1 through 6)).
- c) Beginning October 1, 2015, no candidate shall be admitted to an elementary education program that has not been approved under this Part. Any candidate who is enrolled in an elementary program not approved under this Part shall complete the program on or before September 1, ~~2018~~²⁰¹⁷ and have the elementary education endorsement issued by September 1, ~~2019~~²⁰¹⁸.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Educator Licensure
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
25.37	Amendment
25.40	New Section
25.60	Amendment
25.72	Amendment
25.97	Amendment
25.99	Amendment
25.110	New Section
25.115	Amendment
25.120	New Section
25.125	New Section
25.127	New Section
25.130	Amendment
25.140	Repealed
25.142	Repealed
25.145	Repealed
25.147	Amendment
25.155	Repealed
25.160	Amendment
25.165	Amendment
25.311	Amendment
25.335	Amendment
25.337	Amendment
25.345	Amendment
25.355	Amendment
25.360	Amendment
25.365	Amendment
25.411	Amendment
25.425	Amendment
25.720	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: The primary change being proposed in Part 25 addresses the process to be used to approve educator preparation

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NOTICE OF PROPOSED AMENDMENTS

providers and programs (see Subpart C of the rules). Currently, institutions of higher education and other organizations that would like to offer a program leading to licensure must apply through the State Board for recognition, in addition to seeking approval of each educator preparation program for specific content areas or grade spans (e.g., elementary self-contained, kindergarten-through-grade 12 music, grade-9-through-12 mathematics, or Learning Behavior Specialist I) to be offered. Once recognized and its programs approved, each institution must submit annual program reports that provide data about candidates, instructional delivery methods (e.g., face to face, online, blended), test scores and other contextual information (e.g., program of study, fieldwork requirements, process by which data is used to modify programs). Currently, this process is required of all recognized institutions and organizations with approved educator preparation programs. Moreover, those institutions that concurrently undergo national accreditation must submit data to State Board staff as well as to the national accreditation organization.

Under the proposed amendments, an institution that has been recognized by the State Board of Education may choose either to seek accreditation of its educator preparation provider and any programs that it will offer from the Council for the Accreditation of Educator Preparation (or CAEP) or participate in a State approval process that is similar to what is currently being implemented.

CAEP is the agency that resulted from the consolidation in 2013 of two long-time accrediting bodies, the National Council for the Accreditation of Teacher Education (NCATE) and the Teacher Education Accreditation Council (TEAC). Currently, about 40 percent of Illinois' 58 approved educator preparation programs use the NCATE accreditation process, in addition to receiving approval under the State system. None participate in TEAC accreditation.

New Section 25.125 sets forth the procedure for seeking CAEP accreditation. Institutions that currently have NCATE accreditation may seek CAEP accreditation through an abbreviated process or may choose to instead use the State process for approving their programs. Other recognized institutions may choose to seek CAEP accreditation by notifying the State Board at least one year before they begin the CAEP process. Conversely, a CAEP-accredited institution that wishes to return to the State process must notify the State Board no sooner than six months following its most recent CAEP accreditation reauthorization. Finally, an institution seeking recognition for the first time will go through the State process to recognize its institution and educator preparation provider (see Section 25.115), and after being recognized for a period of one year or

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

more may choose to seek the CAEP accreditation of its educator preparation provider and its programs.

While the State Board staff are recommending that the Agency retain its approval process for educator preparation programs (see new Section 25.120), it proposes to use the CAEP processes and procedures for reporting and review of all programs – regardless of whether State approved or CAEP accredited – starting in 2018 (see new Section 25.127). The State Board will enter into a partnership agreement with CAEP to articulate the details once the administrative rules are filed and in effect. Programs that are currently NCATE accredited will benefit from the partnership since they will only need to participate in one process. State-approved programs will be held to the same high-leverage CAEP standards that were developed by practitioners in the field. Further, program success will be measured not only through assessing the quality of candidates' preparation (e.g., graduation rates, test results) but also by looking at data once the candidate is licensed and employed (e.g., performance evaluation results).

In response to a request from the field, staff are proposing in changes in Subpart E to allow an exemption for passing the basic skills test for individuals seeking an administrative endorsement who received their initial teaching, school support personnel or administrative endorsement prior to implementation of the certification testing system on July 1, 1988. The exception responds to the difficulty some school districts indicated they are experiencing in attracting administrators or for currently employed teachers or school support personnel to pass each component of the Illinois test of basic skills (i.e., the Test of Academic Proficiency, or "TAP") in order to qualify for an administrative endorsement. Starting July 1, 1988, any person seeking a teaching, school support personnel or administrative certificate was required to pass a test of basic skills if they had not already done so for the issuance of their initial or subsequent certificates.

Section 25.720(b) allows candidates for licensure to choose between passing the TAP or using a minimum composite score from ACT or SAT as evidence of having competency in basic skills. The rule currently relies on ACT's determination of a college-ready score and its determination of a concordant SAT score, as well as ACT's passing writing score, which uses a scoring rubric similar to the one TAP uses. ACT includes this information in charts on its website; therefore a cross-reference to those charts was included in the rule to allow ACT to update the scores without the State Board having to change its rules. Last year, however, ACT changed the writing portion of its test and how the assessment is scored. For this reason, it is proposed that the minimum scores be stated directly in the rule rather than relying on the charts located on ACT's website, which have not yet been

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

updated. If ACT changes its scores in the future, then staff will conduct a rulemaking to update the scores used in Section 25.720(b).

Other changes being proposed in Part 25 would:

Allow holders of the new elementary education endorsement to obtain a middle school endorsement (grades 5 through 8) under requirements in effect until January 31, 2018, without having to complete a focus program to add the additional grade levels (see Section 25.37);

Creates new Section 25.40 to make clear that the grade level of endorsements on the professional educator license should be considered primary when assigning teachers; Eliminate a requirement in Section 25.72 that the coursework that holders of the educator license with stipulations for provisional career and technical educator must complete to renew the credential be tied to their career and technical education content area; and Provide an exception afforded Illinois candidates to take the Assessment of Teaching Proficiency, or ATP, instead of the edTPA for out-of-state applicants who completed their student teaching before August 31, 2015 (see Sections 25.425 and 25.720).

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

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

100 North First Street, S-493
Springfield IL 62777-0001

217/782-5270
rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

EDUCATOR LICENSURE

SUBPART A: DEFINITIONS

Section

25.10 Accredited Institution

SUBPART B: LICENSES

Section

25.11 New Certificates (February 15, 2000) (Repealed)

25.15 Types of Licenses; Exchange

25.20 Requirements for the Elementary Certificate (Repealed)

25.22 Requirements for the Elementary Certificate (2004) (Repealed)

25.25 Requirements for the Professional Educator License

25.30 Endorsement in Teacher Leadership (Through December 31, 2012) (Repealed)

25.32 Teacher Leader Endorsement (Beginning September 1, 2012)

25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)

25.37 Acquisition of Subsequent Teaching Endorsements on a Professional Educator License

25.40 ~~Grade-Level Endorsements Requirements for the Special Certificate (Repealed)~~

25.42 Requirements for the Special Certificate (2004) (Repealed)

25.43 Standards for Licensure of Special Education Teachers

25.45 Standards for the Initial Special Preschool-Age 12 Certificate – Speech and Language Impaired (Repealed)

25.46 Special Provisions for the Learning Behavior Specialist I Endorsement

25.47 Special Provisions for the Learning Behavior Specialist I Approval

25.48 Short-Term Emergency Approval in Special Education

25.50 General Certificate (Repealed)

25.60 Alternative Educator Licensure Program for Teachers (Beginning January 1, 2013)

25.65 Alternative Educator Licensure

25.67 Alternative Route to Teacher Licensure

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 25.70 Endorsement for Career and Technical Educator
 25.72 Endorsement for Provisional Career and Technical Educator
 25.75 Part-time Provisional Certificates (Repealed)
 25.80 Endorsement for Part-time Provisional Career and Technical Educator
 25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)
 25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified (Repealed)
 25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified (Repealed)
 25.90 Endorsement for Transitional Bilingual Educator
 25.92 Endorsement for Visiting International Educator
 25.95 Language Endorsement for the Transitional Bilingual Educator
 25.96 Endorsement for Early Childhood Education (Birth through Grade 2)
 25.97 Endorsement for Elementary Education (Grades 1 through 6)
 25.99 Endorsement for the Middle Grades (Grades 5 through 8)
 25.100 Teaching Endorsements on the Professional Educator License
 25.105 Temporary Substitute Teaching Permit (Repealed)

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

- Section
 25.110 ~~Definitions~~~~System of Approval: Levels of Approval (Repealed)~~
 25.115 ~~Educator Preparation Providers~~~~Recognition of Institutions and Educational Units, and Approval of Programs~~
 25.120 ~~Initial Approval of Educator Preparation Programs by the State Board of Education~~~~Standards and Criteria for Institutional Recognition and Program Approval (Repealed)~~
 25.125 ~~Accreditation of Educator Preparation Providers and Approval of Educator Preparation Programs through CAEP~~~~Accreditation Review of the Educational Unit (Repealed)~~
 25.127 ~~Reporting; Review of~~ ~~Educator Preparation Providers and Individual Programs (Repealed)~~
 25.130 Interventions by the State Board of Education and State Educator Preparation and Licensure Board
 25.135 Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed)
 25.136 Interim Provisions for Continuing Accreditation – Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 25.137 Interim Provisions for Continuing Accreditation and Approval – July 1, 1999, through June 30, 2000 (Repealed)
- 25.140 Requirements for the Institution's Educational Unit Assessment Systems [\(Repealed\)](#)
- 25.142 Assessment Requirements for Individual Programs [\(Repealed\)](#)
- 25.145 Approval of New Programs Within Recognized Institutions [\(Repealed\)](#)
- 25.147 Approval of Programs for Foreign Language [Beginning July 1, 2003](#)
- 25.150 The Periodic Review Process (Repealed)
- 25.155 Procedures for the Initial Recognition of an Institution as an Educator Preparation Institution and Its Educational Unit [\(Repealed\)](#)
- 25.160 Notification of Recommendations; Decisions by State Board of Education
- 25.165 Discontinuation of Programs

SUBPART D: SCHOOL SUPPORT PERSONNEL

Section

- 25.200 Relationship Among Endorsements in Subpart D
- 25.210 Requirements for the Certification of School Social Workers (Repealed)
- 25.215 Endorsement for School Social Workers
- 25.220 Requirements for the Certification of Guidance Personnel (Repealed)
- 25.225 Endorsement for School Counselors
- 25.227 Interim Approval for School Counselor Interns
- 25.230 Nationally Certified School Psychologist
- 25.235 Endorsement for School Psychologists
- 25.240 Standard for School Nurse Endorsement (Repealed)
- 25.245 Endorsement for School Nurses
- 25.250 Standards for Non-Teaching Speech-Language Pathologists
- 25.252 Endorsement for Non-Teaching Speech-Language Pathologists
- 25.255 Interim Approval for Speech-Language Pathologist Interns
- 25.275 Renewal of the Professional Educator License Endorsed for School Support Personnel (Repealed)

SUBPART E: REQUIREMENTS FOR THE LICENSURE OF
ADMINISTRATIVE AND SUPERVISORY STAFF

Section

- 25.300 Relationship Among Credentials in Subpart E
- 25.310 Definitions (Repealed)
- 25.311 Alternative Route to Superintendent Endorsement (Beginning January 1, 2013)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 25.313 Alternative Route to Administrative Endorsement (Through August 31, 2013)
(Repealed)
- 25.314 Alternative Route to Administrative Certification for Teacher Leaders (Repealed)
- 25.315 Renewal of Administrative Endorsement (Repealed)
- 25.320 Application for Approval of Program (Repealed)
- 25.322 General Supervisory Endorsement (Repealed)
- 25.330 Standards and Guide for Approved Programs (Repealed)
- 25.333 General Administrative Endorsement (Repealed)
- 25.335 General Administrative Endorsement (Through June 30, 2016)
- 25.337 Principal Endorsement (2013)
- 25.338 Designation as Master Principal (Repealed)
- 25.344 Chief School Business Official Endorsement (Repealed)
- 25.345 Endorsement for Chief School Business Official
- 25.355 Endorsement for Superintendent (Beginning September 1, 2016)
- 25.360 Endorsement for Superintendent (Through August 31, 2019)
- 25.365 Endorsement for Director of Special Education

SUBPART F: GENERAL PROVISIONS

- Section
- 25.400 Registration of Licenses; Fees
- 25.405 Military Service; Licensure
- 25.410 Reporting Requirements for Revoked or Suspended Licenses; License Application
Denials
- 25.411 Voluntary Removal of Endorsements
- 25.415 Credit in Junior College (Repealed)
- 25.420 Psychology Accepted as Professional Education (Repealed)
- 25.425 Individuals Prepared in Out-of-State Institutions
- 25.427 Limitation on Evaluation or Entitlement
- 25.430 Short-Term Authorization for Positions Otherwise Unfilled
- 25.435 School Service Personnel Certificate – Waiver of Evaluations (Repealed)
- 25.437 Equivalency of General Education Requirements (Repealed)
- 25.440 Master of Arts NCATE (Repealed)
- 25.442 Illinois Teacher Corps Programs (Through August 31, 2013) (Repealed)
- 25.444 Illinois Teaching Excellence Program
- 25.445 College Credit for High School Mathematics and Language Courses (Repealed)
- 25.450 Lapsed Licenses
- 25.455 Substitute Certificates (Repealed)
- 25.460 Provisional Special and Provisional High School Certificates (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

25.464	Short-Term Authorization for Positions Otherwise Unfilled (Repealed)
25.465	Credit (Repealed)
25.470	Meaning of Experience on Administrative Certificates (Repealed)
25.475	Renewal Requirements for Holders of Multiple Types of Endorsements on a Professional Educator License (Repealed)
25.480	Supplemental Documentation and Review of Certain License Applications
25.485	Licensure of Persons with Prior Certificate or License Sanctions
25.486	Licensure of Persons Who Are Delinquent in the Payment of Child Support
25.487	Licensure of Persons with Illinois Tax Noncompliance
25.488	Licensure of Persons Named in Reports of Child Abuse or Neglect
25.489	Licensure of Persons Who Are in Default on Student Loans
25.490	Licensure of Persons Who Have Been Convicted of a Crime
25.491	Licensure of Persons with Unsatisfactory Performance Evaluation Ratings
25.493	Part-Time Teaching Interns (Repealed)
25.495	Approval of Out-of-State Institutions and Programs (Repealed)
25.497	Supervisory Endorsements

SUBPART G: PARAPROFESSIONALS; OTHER PERSONNEL

Section	
25.510	Endorsement for Paraprofessional Educators
25.520	Substitute Teaching License
25.530	Specialized Instruction by Noncertificated Personnel (Repealed)
25.540	Approved Teacher Aide Programs (Repealed)
25.550	Approval of Educational Interpreters

SUBPART H: CLINICAL EXPERIENCES

Section	
25.610	Definitions
25.620	Student Teaching
25.630	Pay for Student Teaching (Repealed)

SUBPART I: ILLINOIS LICENSURE TESTING SYSTEM

Section	
25.705	Purpose – Severability
25.710	Definitions
25.715	Test Validation

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

25.717	Test Equivalence
25.720	Applicability of Testing Requirement and Scores
25.725	Applicability of Scores (Repealed)
25.728	Use of Test Results by Institutions of Higher Education
25.730	Registration – Paper-and-Pencil Testing
25.731	Registration – Computer-Based Testing
25.732	Late Registration
25.733	Emergency Registration
25.735	Frequency and Location of Tests
25.740	Accommodation of Persons with Special Needs
25.745	Special Test Dates
25.750	Conditions of Testing
25.755	Cancellation of Scores; Voiding of Scores
25.760	Passing Score
25.765	Individual Test Score Reports
25.770	Re-scoring
25.775	Institution Test Score Reports
25.780	Fees

SUBPART J: RENEWAL OF PROFESSIONAL EDUCATOR LICENSES

Section	
25.800	Professional Development Required (Beginning July 1, 2014)
25.805	Continuing Professional Development Options
25.807	Additional Specifications Related to Professional Development Activities of Special Education Teachers (Repealed)
25.810	State Priorities (Repealed)
25.815	Submission and Review of the Plan (Repealed)
25.820	Requirements for Coursework on the Assessment of One's Own Performance (Repealed)
25.825	Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS) (Repealed)
25.830	Verification of Completed Activities; Renewal Process
25.832	Validity and Renewal of NBPTS Master Teacher Designation
25.835	Request for Extension
25.840	Appeals to the State Educator Preparation and Licensure Board
25.845	Responsibilities of School Districts (Repealed)
25.848	General Responsibilities of LPDCs (Repealed)
25.850	General Responsibilities of Regional Superintendents (Repealed)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 25.855 Approval of Professional Development Providers
- 25.860 Reporting by and Audits of Providers
- 25.865 Awarding of Credit for Activities with Providers
- 25.870 Continuing Education Units (CEUs) (Repealed)
- 25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development (Repealed)
- 25.875 Continuing Professional Development Units (CPDUs) (Through June 30, 2014)
- 25.880 "Valid and Exempt" Licenses; Proportionate Reduction; Part-Time Teaching Funding; Expenses (Repealed)
- 25.885

SUBPART K: REQUIREMENTS FOR RECEIPT OF
THE STANDARD TEACHING CERTIFICATE

Section

- 25.900 Applicability of Requirements in this Subpart (Repealed)
- 25.905 Choices Available to Holders of Initial Certificates (Repealed)
- 25.910 Requirements for Induction and Mentoring (Repealed)
- 25.915 Requirements for Coursework on the Assessment of One's Own Performance (Repealed)
- 25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS) (Repealed)
- 25.925 Requirements Related to Advanced Degrees and Related Coursework (Repealed)
- 25.930 Requirements for Continuing Professional Development Units (CPDUs) (Repealed)
- 25.935 Additional Activities for Which CPDUs May Be Earned (Repealed)
- 25.940 Examination (Repealed)
- 25.942 Requirements for Additional Options (Repealed)
- 25.945 Procedural Requirements (Repealed)

- 25.APPENDIX A Statistical Test Equating – Licensure Testing System
- 25.APPENDIX B Certificates Available Effective February 15, 2000 (Repealed)
- 25.APPENDIX C Exchange of Certificates for Licenses (July 1, 2013)
- 25.APPENDIX D Criteria for Identification of Teachers as "Highly Qualified" in Various Circumstances
- 25.APPENDIX E Endorsement Structure Beginning July 1, 2013

AUTHORITY: Implementing Articles 21 and 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, Art. 21B, and 2-3.6].

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SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective May 1, 2000; emergency amendments at 24 Ill. Reg. 9915, effective June 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12930, effective August 14, 2000; peremptory amendment at 24 Ill. Reg. 16109, effective October 12, 2000; peremptory amendment suspended at 25 Ill. Reg. 3718, effective February 21, 2001; peremptory amendment repealed by joint resolution of the General Assembly, effective May 31, 2001; emergency amendments at 25 Ill. Reg. 9360, effective July 1, 2001, for a maximum of 150 days; emergency expired November 27, 2001; emergency amendments at 25 Ill. Reg. 11935, effective August 31, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16031, effective November 28, 2001; amended at 26 Ill. Reg. 348, effective January 1, 2002; amended at 26 Ill. Reg. 11867, effective July 19, 2002; amended at 26 Ill. Reg. 16167, effective October 21, 2002; amended at 27 Ill. Reg. 5744, effective March 21, 2003; amended at 27 Ill. Reg. 8071, effective April 28, 2003; emergency amendments at 27 Ill. Reg. 10482, effective June 26, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 12523, effective July 21, 2003; amended at 27 Ill. Reg. 16412, effective October 20, 2003; emergency amendment at 28 Ill. Reg. 2451, effective January 23, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 8556, effective June 1, 2004; emergency amendments at 28 Ill. Reg. 12438, effective August 20, 2004, for a maximum of 150 days; emergency expired January 16, 2005; amended at 29 Ill. Reg. 1212, effective January 4, 2005; amended at 29 Ill. Reg. 10068, effective June 30, 2005; amended at 29 Ill. Reg. 12374, effective July 28, 2005; emergency amendment at 29 Ill. Reg. 14547, effective September 16, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 15831, effective October 3, 2005; amended at 30 Ill. Reg. 1835, effective January 26, 2006; amended at 30 Ill. Reg. 2766, effective February 21, 2006; amended at 30 Ill. Reg. 8494, effective April 21, 2006; amended at 31 Ill. Reg. 10645, effective July 16, 2007; amended at 32 Ill. Reg. 3413, effective February 22, 2008; amended at 32 Ill. Reg. 13263, effective July 25, 2008; emergency amendment at 32 Ill. Reg. 18876, effective November 21, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 5462,

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effective March 24, 2009; amended at 34 Ill. Reg. 1582, effective January 12, 2010; amended at 34 Ill. Reg. 15357, effective September 21, 2010; amended at 35 Ill. Reg. 4315, effective February 23, 2011; peremptory amendment at 35 Ill. Reg. 14663, effective August 22, 2011; amended at 35 Ill. Reg. 16755, effective September 29, 2011; amended at 36 Ill. Reg. 2191, effective January 24, 2012; amended at 36 Ill. Reg. 12455, effective July 23, 2012; emergency amendment at 36 Ill. Reg. 12903, effective July 24, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 199, effective December 19, 2012; amended at 37 Ill. Reg. 8379, effective June 12, 2013; amended at 37 Ill. Reg. 16729, effective October 2, 2013; amended at 38 Ill. Reg. 11261, effective May 6, 2014; amended at 38 Ill. Reg. 18933, effective September 8, 2014; amended at 38 Ill. Reg. 21788, effective November 3, 2014; amended at 39 Ill. Reg. 6649, effective April 27, 2015; amended at 39 Ill. Reg. 13722, effective October 5, 2015; amended at 40 Ill. Reg. 4940, effective March 2, 2016; amended at 40 Ill. Reg. _____, effective _____.

SUBPART B: LICENSES

Section 25.37 Acquisition of Subsequent Teaching Endorsements on a Professional Educator License

The provisions of this Section shall apply when an individual who already holds a professional educator license with one or more teaching endorsements wishes to receive an additional endorsement in a teaching field or a grade level.

- a) The candidate who wishes to add other content endorsements to teach in the grade levels currently authorized by the license shall meet the applicable requirements of Section 25.100 specific to the content area of the endorsement sought and provide evidence of having passed the applicable content-area test required under Section 25.720.
- b) A candidate not meeting the criteria of subsection (a) who wishes to receive an additional subject area endorsement or one who is seeking an additional grade level endorsement (i.e., early childhood, elementary, middle, secondary, special K-12) shall submit his or her official transcripts and evidence of teaching experience to an Illinois institution of higher education operating a program approved pursuant to Subpart C that prepares candidates for the endorsement sought.
 - 1) The institution may, at its discretion, compare the coursework and clinical experiences already completed by the applicant to the standards for the

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endorsement sought and, based on this comparison, may identify for the candidate a "focused program" consisting of coursework and experiences that he or she must complete in order to meet those standards.

- A) In formulating this type of program, the institution shall ensure that the candidate has broad and deep knowledge of the subject matter, develops the knowledge and skills that are needed to work with students in the age and grade ranges encompassed by the endorsement sought, and is knowledgeable about pedagogical approaches that are suitable for that age group.
 - B) The institution may revise an individual's focused program to include additional or fewer components as it may deem appropriate based upon the results of internal performance assessments that form part of the institution's~~sumit~~ assessment system (see Section 25.120~~25.140~~) or other assessments that are directly related to the standards for the endorsement sought.
 - C) Each institution shall make available a description of the method to be used by the educational unit in assessing the degree to which the work previously completed by candidates for focused programs has addressed relevant standards and in identifying the coursework and experiences these candidates will be required to complete in order to qualify for subsequent endorsements. An institution that uniformly requires all candidates seeking subsequent teaching endorsements to complete certain coursework or field experiences, or to complete a full program without acknowledgment of prior courses or experiences, shall publish and make available a written statement to this effect, describing those requirements.
- 2) A candidate who completes a focused program shall be considered as having completed the institution's approved program for the endorsement sought and shall be eligible to be recommended for the endorsement by entitlement, signifying that the candidate has met all applicable standards.
 - 3) The requirements of this subsection (b) do not apply to a candidate who has received an elementary education endorsement issued pursuant to Section 25.97 and who wishes to receive a middle grades endorsement

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issued pursuant to 23 Ill. Adm. Code 1.720(b), provided he or she meets the relevant requirements on or before January 31, 2018.

- c) A candidate who holds a professional educator license and who wishes to obtain an endorsement for Learning Behavior Specialist II, reading specialist, a school support personnel area listed in Subpart D ~~of this Part~~ or any of the administrative positions outlined in Subpart E ~~of this Part~~ shall complete a "full" educator preparation program approved under Subpart C ~~of this Part~~ that consists of coursework and experiences that he or she must complete in order to meet the standards relative to the endorsement being sought and passage of the applicable tests required pursuant to Section 21B-30 of the School Code and Section 25.720 of this Part.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.40 Grade-Level Endorsements Requirements for the Special Certificate
(Repealed)

- a) Each professional educator license or educator license with stipulations issued under this Subpart B shall be endorsed for the particular grade levels for which a licensee qualifies, based on the type of educator preparation program that the individual completed and the grade-level test passed.
- b) The grade-level endorsement shall take precedence over content-area endorsements when determining if a licensee is eligible to be assigned to a particular position (also see 23 Ill. Adm. Code 1.Subpart G).

(Source: Former Section repealed at 29 Ill. Reg. 15831, effective October 3, 2005; new Section added at 40 Ill. Reg. _____, effective _____)

Section 25.60 Alternative Educator Licensure Program for Teachers (Beginning January 1, 2013)

This Section establishes requirements in addition to those set forth in Section 21B-50 of the School Code [105 ILCS 5/21B-50] for an institution of higher education or a not-for-profit entity recognized and approved to offer educator preparation programs under Subpart C to provide an alternative approach to obtaining a professional educator license.

- a) General Requirements

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Each alternative educator licensure program shall:

- 1) Include a program of study that addresses the content enumerated in Section 21B-50(b)(1) of the School Code. For purposes of this subsection (a)(1), instruction relative to special education and reading shall meet the criteria set forth in Section 25.25(a)(1) of this Part and, for English language learners, the criteria found in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers).
- 2) Provide two years of residency pursuant to Section 21B-50(b)(2) and (3) of the School Code during which the candidate is assigned to teach full time for two school years as the teacher of record or a co-teacher.
 - A) During the first school year of the residency, the program shall assign a mentor to each candidate. The mentor shall:
 - i) hold a professional educator license and be employed by the school district where the candidate is serving his or her residency;
 - ii) have three years of full-time teaching experience in the 10 years immediately preceding his or her assignment as a mentor; and
 - iii) have achieved a performance evaluation rating of proficient or higher in his or her two most recent evaluations.
 - B) During the second year of residency, the program shall assign a teacher who meets the requirements of subsection (a)(2)(A) to serve as a coach for each candidate, providing consultation and support, as needed.
- 3) Involve a partnership of the institution or not-for-profit entity offering the alternative educator program with a public school district or nonpublic school that meets the criteria set forth in Section 21B-50(d) of the School Code. Candidates also may serve:
 - A) in the case of early childhood endorsements, in a position for which a professional educator license endorsed for early childhood

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is required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant); or

B) in a facility operated by a provider approved by the State Superintendent to contract with school districts for the provision of special education services pursuant to Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] and 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code); or

C) in a charter school.

4) At the conclusion of the second year of residency, each program shall administer a comprehensive assessment to gauge the candidate's teaching effectiveness that is conducted by the principal of the school to which the candidate is assigned and the coordinator of the alternative educator program appointed by the institution or not-for-profit entity. (See Section 21B-50(b)(4) of the School Code.)

b) Candidate Qualifications

1) In order to enroll in the program, each candidate shall pass Illinois' test of basic skills and the content-area test for which licensure is sought, as required under Section 21B-30 of the School Code and Section 25.720. (See Section 21B-50(c)(5) of the School Code.)

2) In order to participate in the first year of residency, the candidate shall:

A) apply for an educator license with stipulations endorsed for provisional alternative educator, which shall be issued upon the presentation of evidence of having met the requirements set forth in Section 21B-50(c) of the School Code and payment of the fee required under Section 21B-40 of the School Code; and

B) complete the course of study required under subsection (a)(1).

3) In order to participate in the second year of residency, the candidate shall:

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- A) complete any additional coursework relative to the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and the content-area standards for the teaching field of the endorsement, as required under Section ~~25.120~~25.115(e);
 - B) pass the Teacher Performance Assessment (TPA) no later than the end of the first semester of the second year of residency, ~~except that candidates beginning their second year of residency in the 2015-16 school year shall be required to pass the TPA during that year (also see subsection (c)(4))~~; and
 - C) be recommended for second year of residency in accordance with the program's process established pursuant to subsection (c)(6)(C).
- c) Proposal Requirements
- 1) Each proposal shall describe the role and responsibilities of the institution or not-for-profit entity and of the school district or nonpublic school with which the institution or entity will partner. The proposal also shall identify the program coordinator to be assigned by the institution or entity to oversee the candidates in the alternative program.
 - A) The proposal shall include a plan to ensure that the program coordinator visits the classroom in which each candidate is placed for an average of one day a week during the school year.
 - B) Any program coordinator assigned to the candidates under this subsection (c)(1) shall have had three years of teaching experience in any of the grades of prekindergarten through grade 12 in the 10 years immediately preceding his or her assignment to the position ~~and~~ meet the requirement for training under subsection (c)(7).
 - 2) Each proposal shall demonstrate how the program will evaluate the congruence of a candidate's baccalaureate education, his or her employment experience in a field requiring application of that education, and the teaching area for which the candidate seeks preparation and licensure.

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- 3) For candidates who have not completed a major in the particular content area of the endorsement sought, as required under Section 21B-50(c) of the School Code, the institution or not-for-profit entity shall describe the process and criteria it will use to determine whether the coursework the candidate completed aligns to the standards for the content area of the endorsement and represents at least 32 semester hours of credit in that content area.
 - A) Any transcript evaluation the program conducts pursuant to this subsection (c)(3) shall be provided to the State Superintendent for his or her approval no later than 45 days before the candidate is to be admitted into the program.
 - B) For candidates seeking an endorsement in early childhood, elementary or special education, a *major in the content area of one of the sciences* (Section 21B-50(c)(3) of the School Code) shall be understood to mean any of the physical or social sciences.
- 4) Each proposal shall provide an assurance that all candidates will be required to pass the TPA no later than the end of the first semester of their prior to beginning the second year of residency, ~~except as otherwise provided in Section 25.60(b)(3).~~
- 5) Each proposal shall describe the proposed course of study.
 - A) Each proposal shall demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in a preparation program approved pursuant to Subpart C with regard to:
 - i) *instructional planning*;
 - ii) *instructional strategies, including those meeting the criteria for instruction relative to special education, reading and English language learning set forth in Section 25.25(b)*;
 - iii) *classroom management*; and

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- iv) *the assessment of students and use of data to drive instruction.* (Section 21B-50(b)(1) of the School Code)
 - B) Each proposal shall include provisions for determining the amount of time individual candidates will need in order to complete the proposed course of study, based upon factors, such as their experience and the type of program offered.
 - C) Each proposal shall describe the field experiences in which candidates will participate before beginning their first year of residency.
 - D) Each program shall include a preservice assessment of each candidate's performance, to be conducted by the institution or not-for-profit entity responsible for the program at the conclusion of the course of study in order to determine the candidate's readiness for the two-year teaching assignment. Each proposal shall state the criteria for the institution's or entity's determination of candidates' readiness.
- 6) Each proposal shall describe the proposed arrangements for candidates' teaching assignments under this Section and shall provide for these to be set forth in a formal, written agreement between the participating entity responsible for the program and the school districts, early childhood or nonpublic special education facility, or charter school where candidates will practice. Each agreement shall address:
- A) the nature and intensity of the support to be provided to candidates by the mentor, as well as any experienced teachers and other staff members of the district, including:
 - i) the qualifications and experience of the mentor and any of the assisting teachers and staff;
 - ii) the estimated amount of time the mentor and any assisting teachers and staff will devote to advising and assisting candidates; and

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- iii) the specific roles of the mentor and any assisting teachers and staff;
 - B) provisions enabling candidates to compensate for teaching time lost due to emergencies; and
 - C) the process and criteria to be used by the principal of the school where the candidate is placed and the program coordinator to recommend the candidate's placement in a second year of residency. (Section 21B-50(b)(2) of the School Code)
- 7) Each proposal shall describe the proposed method of comprehensively assessing candidates' teaching performance at the conclusion of the second year of residency, which shall at a minimum meet the requirements set forth in 23 Ill. Adm. Code 50.120 (Professional Practice Components for Teachers) and be conducted by an individual who has successfully completed the prequalification process and passed the required assessment authorized by Section 24A-3 of the School Code [105 ILCS 5/24A-3]. The assessment methods shall be set forth in a formal, written agreement between the participating entity responsible for the program and the school districts where candidates will practice. Each agreement shall describe:
 - A) the roles of the principal and program coordinator who will participate in the evaluation of candidates;
 - B) assessment methods capable of demonstrating whether a candidate is:
 - i) knowledgeable about specific subject matter and strategies for teaching that subject matter to students with differing needs; and
 - ii) skilled in managing and monitoring students' learning; and
 - C) the professional development process to be used either for those candidates who receive a "needs improvement" rating at the conclusion of the assessment process or in instances when the principal and program coordinator cannot agree, which shall address the candidate's weaknesses and deficiencies identified

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during the assessment and assist the candidate in making improvement during the third year of residency relative to those weaknesses and deficiencies. The option for professional development and a third year of residency shall not be afforded to any candidate who receives "unsatisfactory" ratings from both the principal and program coordinator or for anyone who receives an "unsatisfactory" rating from either the principal or program coordinator and a "needs improvement" rating from either the principal or program coordinator.

- 8) Each proposal shall delineate any criteria, in addition to a candidate's receiving a rating of "proficient" or higher at the conclusion of the comprehensive assessment required under subsection (c)(7), by which candidates will be recommended for the professional educator license endorsed in the content area and grade level of the candidate's residency practice by the participating entity responsible for the program.
- 9) Proposals shall be submitted to the State Board of Education and addressed as follows:

Alternative Educator Licensure Program
100 North First Street
Springfield, Illinois 62777

- d) **Program Approval**
Proposals for the establishment of alternative programs for teacher licensure meeting the specifications of this Section and Section 21B-50 of the School Code shall be approved by the State Superintendent of Education pursuant to the requirements set forth in Section ~~25.12025.145~~, in consultation with the State Educator Preparation and Licensure Board.
- e) *Successful completion of the program shall be deemed to satisfy any other practice or student teaching and content matter requirements established by law.* [105 ILCS 21B-50(b)] A candidate successfully completing the program shall receive a professional educator license endorsed in the content area and grade levels of his or her residency practice upon application and payment of the fee required under Section 21B-40 of the School Code.

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- f) Each alternative program established pursuant to this Section shall be subject to the review process and reporting requirements described in Subpart C.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.72 Endorsement for Provisional Career and Technical Educator

The requirements of this Section apply to individuals seeking an educator license with stipulations endorsed for provisional career and technical educator pursuant to Section 21B-20(2)(F) of the School Code [105 ILCS 5/21B-20(2)(F)].

- a) Each applicant for an educator license with stipulations endorsed for provisional career and technical educator shall present evidence of having completed 8,000 hours of work experience in the skill area for which the applicant is seeking employment. (See Section 21B-20(2)(F).) The required evidence of this work experience shall be written statements from former supervisors who can be reached for verification or, in cases in which supervisors are no longer available to verify the individual's employment, affidavits by the applicant describing the work experience.
- b) At the time application is made for the educator license with stipulations endorsed for provisional career and technical educator, the school district that will employ the individual requesting the license shall verify, in writing, to the State Superintendent that:
- 1) the district is unable to find a qualified individual holding a professional educator license endorsed for the skill area of instruction or educator license with stipulations endorsed for career and technical educator in the skill area of instruction; and
 - 2) the current circumstances existing in the district require the employment of an individual licensed in the skill area of instruction.
- c) The educator license with stipulations endorsed for provisional career and technical educator is valid *until June 30 immediately following five years after the endorsement was issued.* [105 ILCS 5/21B-20(2)(F)]
- d) In accordance with Section 21B-20(2)(F) of the School Code, the educator license with stipulations endorsed for provisional career and technical educator shall be

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renewed once only for a five-year period provided that the individual seeking the renewal:

- 1) has passed a test of basic skills, as required under Section 21B-30 of the School Code and Section 25.720 of this Part, except that individuals holding the educator license with stipulations endorsed for provisional career and technical educator before January 1, 2015 shall be exempt from the provisions of this subsection (d)(1); and
- 2) has completed a minimum of 20 semester hours of coursework from a regionally accredited institution, ~~which shall be accepted only in the career and technical education content area of the individual's assignment (i.e., agricultural education; business, marketing, and computer education; family and consumer sciences; health careers; or technology education) or in pedagogy.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.97 Endorsement for Elementary Education (Grades 1 through 6)

The requirements of 23 Ill. Adm. Code 1.710 (Requirements for Elementary Teachers) shall apply to the preparation of any candidate who completes a program approved in accordance with those provisions ~~on or~~ before September 1, ~~2018~~~~2017~~ and has the elementary education endorsement issued by September 1, ~~2019~~~~2018~~. For candidates prepared in a program approved using the standards set forth at 23 Ill. Adm. Code 20 (Standards for Endorsements in Elementary Education), as well as those completing programs on or after September 1, ~~2018~~~~2017~~, the requirements of this Section shall apply.

- a) The endorsement for self-contained general elementary education in grades 1 through 6 shall be affixed to the professional educator license.
- b) Each candidate for an endorsement in self-contained general elementary education shall complete a 32 semester hour major in elementary education offered by an Illinois program approved for the preparation of elementary education teachers pursuant to Subpart C. The program shall include:
 - 1) coursework that addresses at least three areas of the sciences (i.e., physical, life, and earth and space);

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- 2) coursework that address at least four areas of the social sciences (i.e., (history, geography, civics and government, and economics of Illinois, the United States and the world); and
 - 3) a student teaching experience that meets the requirements of Section 25.620 for those candidates who will be receiving the professional educator license for the first time.
- c) Each candidate shall be required to pass the applicable tests, as required by Section 21B-30 of the School Code, subject to the provisions of Section 25.720 of this Part.
 - d) Additional elementary endorsements (e.g., elementary mathematics, elementary reading) may be added to the professional educator license endorsed for self-contained elementary education in accordance with the provisions of Section 25.37 ~~of this Part.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.99 Endorsement for the Middle Grades (Grades 5 through 8)

The requirements of 23 Ill. Adm. Code 1.720 (Requirements for Teachers of Middle Grades) shall apply to the preparation of any candidate who completes the requirements set forth in Section 1.720 and has the endorsement issued on or before January 31, 2018. For candidates prepared in a program approved using the standards set forth at 23 Ill. Adm. Code 21 (Standards for Endorsements in the Middle Grades), as well as those completing programs on or after February 1, 2018, the requirements of this Section shall apply.

- a) The endorsement for the middle grades of 5 through 8 shall be affixed to the professional educator license.
- b) General Requirements
 - 1) Each candidate for an endorsement for the middle grades shall complete a 32 semester hour major in middle grades education offered by an Illinois program approved for the preparation of teachers in the middle grades pursuant to Subpart C ~~of this Part.~~

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- 2) As applicable to the specific middle-grades content area of the endorsement, the course of study required under subsection (b)(1) ~~of this Section~~ shall include the following:
- A) for a middle-grades math endorsement, 24 hours of math content, which shall include three hours of content-specific methods focused on the middle grades; or
 - B) for a middle-grades literacy endorsement, 24 hours of literacy content, which shall include three hours of content-specific methods focused on the middle grades; or
 - C) for a middle-grades science endorsement, 24 hours of science content (including three hours of content-specific methods focused on the middle grades) to include coursework in each of the following areas:
 - i) physical sciences;
 - ii) life sciences; and
 - iii) earth and space sciences; or
 - D) for a middle-grades social science endorsement, 24 hours of social science content (including three hours of content-specific methods focused on the middle grades) to include coursework in each of the following areas, in relation to Illinois, the United States and the world:
 - i) history;
 - ii) geography;
 - iii) civics and government; and
 - iv) economics; or
 - E) for content areas other than those specified in this subsection (b), 24 hours of content specific to the endorsement sought, which shall

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include three hours of content-specific methods focused on the middle grades.

- 3) Each candidate who will be receiving the professional educator license for the first time shall complete a student teaching experience that meets the requirements of Section 25.620 ~~of this Part~~ specific to his or her content area of endorsement.
- c) Each candidate shall be required to pass the applicable tests, as required by Section 21B-30 of the School Code, subject to the provisions of Section 25.720 of this Part.
- d) Additional content-area endorsements (e.g., health, physical education, family and consumer sciences) may be added to the professional educator license endorsed for the middle grades in accordance with the provisions of Section 25.37 ~~of this Part~~.
- e) A licensee holding the middle-grades endorsement instead of the elementary education endorsement on the professional educator license may teach in grades 5 or 6 in a self-contained general education setting provided that he or she has a minimum of six semester hours of coursework in each content area to be taught for which the licensee does not hold a content-area endorsement issued under subsection (b).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL
EDUCATORS IN THE STATE OF ILLINOIS

Section 25.110 Definitions ~~System of Approval: Levels of Approval (Repealed)~~

As used in this Subpart C:

"CAEP" means the Council for the Accreditation of Educator Preparation, which provides a national evidence-based accreditation process to ensure that educator preparation programs are of high quality and support continuous improvement.

"Completer" means an individual who has successfully completed all of the requirements of an educator preparation program.

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"Educator Preparation Provider" or "EPP" means the institution or college, school, department, or other administrative body within the institution that is primarily responsible for the initial and continuing preparation of teachers and other education professionals.

"Institution" means an Illinois institution of higher education, an out-of-state college or university granted authorization to operate by the Illinois Board of Higher Education as an out-of-state institution, an out-of-state college or university granted authorization to operate by the state in which it is located, or a not-for-profit educational entity subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or incorporated as a not-for-profit entity in another state but registered to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5].

"Institutional Report" means documentation submitted with an application for recognition that meets the conditions set forth in Section 25.115 and includes an educator preparation program proposal for each program for which the institution wishes to be approved.

"Program" or "preparation program" means a program that leads to licensure. Electronic transmission of written materials pursuant to this Subpart C is required.

"Program Proposal" means the document that meets the requirements of Section 25.120 and provides evidence of the institution's alignment to applicable standards and criteria necessary for State approval of any proposed educator preparation program.

(Source: Former Section repealed at 23 Ill. Reg. 7231, effective June 14, 1999; new Section added at 40 Ill. Reg. _____, effective _____)

Section 25.115 Educator Preparation Providers ~~Recognition of Institutions and Educational Units, and Approval of Programs~~

~~As used in this Subpart C, "institution" shall be defined as an Illinois institution of higher education, an out-of-state college or university granted authorization to operate by the Illinois Board of Higher Education as an out-of-state institution, an out-of-state college or university granted authorization to operate by the state in which it is located, or a not for profit educational entity subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or~~

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~~incorporated as a not for profit entity in another state but registered to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5].~~

~~a) In order for an institution to offer one or more programs that prepare professional educators, that institution must be recognized, and the educator preparation provider (EPP) educational unit responsible for the programs must be recognized, by the State Board of Education in consultation with the State Educator Preparation and Licensure Board (SEPLB). "Educational unit" means the institution or college, school, department, or other administrative body within the institution that is primarily responsible for the initial and continuing preparation of teachers and other education professionals. Each program that is offered by a recognized institution must also be individually approved by the State Board of Education in consultation with SEPLB (see Section 25.120). Recognition of an institution automatically results in the responsible EPP being considered "recognized" the State Educator Preparation and Licensure Board. "Program" or "preparation program" means a program that leads to licensure. Electronic transmission of written materials pursuant to this Subpart C is required.~~

- ~~a)b) In order to be considered for recognition under Section 25.155 of this Part, a degree-granting institution of higher education shall:~~
- ~~1) be regionally accredited;~~
 - ~~2) be approved by the Illinois Board of Higher Education to operate as a postsecondary degree-granting institution under the provisions of the Private College Act [110 ILCS 1005] and the Academic Degree Act [110 ILCS 1010] or, if the out-of-state institution is not required to seek authorization to operate from the Illinois Board of Higher Education, be approved to offer educator preparation programs by the state that granted it operating authority; and~~
 - ~~3) sponsor a course of study leading to a license issued under Article 21B of the School Code [105 ILCS 5/Art. 21B] and this Part.~~
- ~~b)e) In order to be considered for recognition under Section 25.155 of this Part, an eligible not-for-profit EPP educational entity shall conduct or propose to conduct at least one approved program that will prepare professional educators and leads to a license issued pursuant to Article 21B of the School Code and this Part, and the not-for-profit EPP shall meet the definition of "institution" set forth in Section 25.110.~~

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- d) ~~In order to be considered for recognition under Section 25.155 of this Part, an educational unit shall meet the standards enumerated in "Professional Standards for the Accreditation of Teacher Preparation Institutions " (2008), published by the National Council for the Accreditation of Teacher Education (NCATE), 2010 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036-1023 (no later amendments to or editions of these standards are incorporated by this Section).~~
- e) ~~In order to be considered for approval under Section 25.145 of this Part, a recognized institution shall propose a preparation program that:~~
- 1) ~~meets the national content standards accepted by the State Board of Education and listed on the State Board of Education's website at www.isbe.net or, if no national content standards are specified, then the applicable content standards set forth at 23 Ill. Adm. 20, 21, 23, 26, 27, 28 or 29;~~
 - 2) ~~meets the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) or the Educational Leadership Policy Standards: ISLLC 2008, adopted by the National Policy Board for Educational Administration and posted at <http://www.npbea.org/projects.php> (no later additions to or editions of these standards are incorporated by this Part), as applicable;~~
 - 3) ~~will produce candidates for licensure in areas defined as "shortage areas" by the State Superintendent of Education (e.g., the number of individuals holding a particular endorsement and the number of positions that are currently vacant or predicted to be available in the next five years; the number of approved programs in Illinois and their capacity). Evidence of need shall be presented in the application submitted under Section 25.145 of this Part; and~~
 - 4) ~~beginning July 1, 2014, addresses the State Board of Education's Social and Emotional Learning Standards set forth at 23 Ill. Adm. Code 555.Appendix A so that educators understand the standards and how they apply to students in kindergarten through grade 12.~~
- c)f) In the case of a not-for-profit entity, all advertising materials, candidate handbooks, catalogues, and candidate contracts shall display prominently the fact that the entity does not offer higher education credit and that there is no guarantee

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that the Illinois license or any endorsement affixed to that license earned by the candidate will be honored or accepted for exchange in another state.

- d) The procedures set forth in this subsection (d) shall apply to initial recognition of an institution and the concurrent recognition of the EPP. The initial approval of the educator preparation programs within that institution shall follow the procedures set forth in Section 25.120.
- 1) An institution shall notify the State Board of Education of its desire to initiate the initial recognition process by submitting a letter of intent to the State Superintendent of Education. Within 30 days after receipt of the notification, the State Superintendent shall respond to the institution, identifying the staff member who will be responsible for assisting the institution and inviting the institution to submit an institutional report to that individual.
- 2) The institution shall submit an institutional report to the State Superintendent of Education, in the quantity and format specified by the State Superintendent, that includes:
- A) evidence indicating that the institution meets the conditions described in subsection (a) or (b);
- B) a written description that addresses each of the components set forth in this subsection (d)(2)(B):
- i) identification of the EPP; its mission, purposes or goals; its authority and responsibilities for professional education; and its coordination of the institution's various educator preparation programs;
- ii) identification of the dean, chair or director who is officially designated to represent the EPP and is assigned the authority and responsibility for its overall administration and operation;
- iii) evidence of the institution's commitment and resources for the proposed program, to include the EPP's operational

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- budget and evidence that the institution's president or provost supports the educator programs being proposed;
- iv) a chart of the administrative and organizational structure of the EPP;
 - v) the written policies and procedures that guide the operations of the EPP;
 - vi) the EPP's policies for monitoring and evaluating its operations, the quality of its offerings, performance of candidates and effectiveness of its graduates; and
 - vii) the EPP's published criteria for admission to and exit from all preparation programs for professional educators, and process for development and submission of summary reports of candidate performance at the time they exit the program.
- 3) State Board of Education staff shall review the institutional report and within 60 days either:
- A) find the institutional report to be adequate and invite the institution to submit a proposal that meets the requirements of Section 25.120 for each of the programs the institution wishes to implement; or
 - B) find the institutional report not to be adequate, at which time no further review of the institution shall occur unless the institution submits a revised institutional report addressing the deficiencies identified.
- 4) The State Superintendent of Education may authorize the scheduling of an on-site review visit to the institution at the mutual convenience of the affected institution and State Board staff when the program proposal required under Section 25.120 is submitted and found adequate. If the program proposal is found not to be adequate, a site visit may be scheduled to determine if the deficiencies identified are such that it is unlikely the institution will be recognized.

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- A) For visits conducted in Illinois, the institution will be required to provide housing (including a work room) for the personnel conducting the review visit; or
- B) For visits conducted out of state, the institution will be required to provide housing (including a work room), transportation and meals for the personnel conducting the review visit.
- e) From a pool of individuals (i.e., State Board staff or others external to the agency) who have been trained in the applicable standards and procedures, the State Superintendent shall empanel a team to conduct the review visit to verify the information provided by the institution as required by subsection (d)(2). If the team members are not employees of the State Board, a staff member of the State Board of Education or designee shall accompany the team to ensure that applicable standards, procedures, rules and statutes are addressed.
- f) The review team shall prepare a draft report about the onsite visit within 30 business days after the conclusion of the visit, and the institution shall have 30 business days to correct any factual errors. The team shall review the institution's suggested revisions and make appropriate changes. The review team shall provide the final report to the State Superintendent within 30 business days after receipt of the institution's suggested corrections. The State Superintendent shall provide the final report to the institution within 10 business days after receiving it.
- g) Within 30 business days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.
- 1) The rejoinder must indicate the grounds for disagreement with one or more of the review team's findings and include documentation to support the institution's position.
 - 2) All documentation must describe conditions that existed at the time of the review visit. (Changes made by the EPP after the visit will not be considered.)
 - 3) All documentation must relate directly to the standards and procedures that applied at the time of the review visit. ~~The recognition of an educational unit shall be subject to review every four years beginning in~~

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~~2012. This cycle shall begin in accordance with a timeline established by the State Superintendent of Education or designee. The approval of the educational unit's programs shall be subject to review in each year after the unit receives initial State recognition.~~

- h) Staff of the State Board of Education shall convey to SEPLB a recommendation, accompanied by the review team's final report; the institution's letter of agreement or rejoinder; a response to that rejoinder provided by the review team; and any other relevant documentation that was available to the staff. Each recognized educational unit shall submit a separate annual program report for each approved program to the State Superintendent of Education, in a format defined by the State Superintendent, no sooner than October 1 and no later than November 30. Content specific endorsements (see Section 25.100(a) of this Part) shall be considered separate programs for reporting purposes. The annual program report shall:
- 1) ~~update any information previously provided;~~
 - 2) ~~summarize data about the program's overall structure, faculty, and candidates, and the results of various assessments, including the effectiveness of the completers of the program from the performance evaluations conducted under Article 24A of the School Code [105 ILCS 5/Art. 24A] (to be provided for principals beginning in 2014 and for teachers beginning in 2018):~~
 - A) ~~If at least 80 percent of an institution's teacher preparation program completers have passed the content area test and applicable form of the assessment of professional teaching (APT) in each of the preceding three years, the institution shall be deemed to be adequately addressing the Standards for All Illinois Teachers set forth at 23 Ill. Adm. Code 24;~~
 - B) ~~If at least 80 percent of an institution's administrative endorsement program completers have passed the applicable content area tests for administrative endorsement in each of the preceding three years, the institution shall be deemed to be adequately addressing the standards set forth in subsection (e)(2) of this Section; and~~
 - C) ~~beginning with reports submitted in October 2016, if at least 80~~

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~~percent of candidates during their student teaching experience have passed the Teacher Performance Assessment, the institution shall be deemed to be adequately addressing the standards set forth in subsection (e) of this Section.~~

- 3) ~~as relevant to the institution, report on all programs provided by the institution that have been approved as an alternative route to licensure under Sections 25.65 and 25.67 of this Part (through December 31, 2014) or Section 25.60 of this Part (beginning January 1, 2014), and Section 25.311 (beginning January 1, 2013) or Section 25.313 (through August 31, 2013).~~
- i) SEPLB, after reviewing all the relevant materials, shall convey its recommendation to the State Superintendent that the State Board of Education~~In~~ conjunction with the review set forth in subsection (g) of this Section, each educational unit shall submit a unit report to the State Superintendent, in a format specified by the State Superintendent, no sooner than October 1 and no later than November 30 of the academic year (i.e., September 1 through August 31) in which the review is scheduled. The report shall include:
- 1) Recognize the institution and EPP, and approve one or more proposed educator preparation programs, thereby authorizing the institution to conduct the approved programs and to recommend candidates for licensure by entitlement~~a description of how the unit has addressed any concerns about applicable standards identified in any of the program reports produced pursuant to subsection (h) of this Section submitted in each of the last four years preceding the review; or~~
- 2) Recognize the institution and the EPP, and deny approval of one or more proposed educator preparation programs, thereby authorizing the institution to conduct the approved programs and to recommend candidates for licensure by entitlement for the approved programs and prohibit the conduct of the proposed programs denied approval. Programs denied approval may resubmit a request for program approval at a later date~~any changes in the institution or in the educational unit that affects the operation of the unit; or~~

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- 3) ~~Deny recognition of the institution and EPP, and deny approval of one or more educator preparation programs, thereby prohibiting the conduct of the proposed programs.any new programs approved in the last four years;~~
- 4) ~~the percentage of individuals in the last four years who completed the program and received a license or endorsement who were hired into a related school position in the field for which the license or endorsement was issued; and~~
- 5) ~~data regarding the effectiveness of the completers of the program from the performance evaluations conducted under Article 24A of the School Code [105 ILCS 5/Art. 24A] (to be provided for principals beginning in 2014 and for teachers beginning in 2018).~~
- j) ~~Actions following upon the recommendation of SEPLB to the State Superintendent of Education shall be as described in Section 25.160No later than April 7 of each year, each institution shall report to the State Board of Education, using a form supplied by the Board, on its program completers' pass rates on the tests required for receipt of the professional educator license pursuant to this Part and other information required by Title II of the Higher Education Act (20 USCA 1027). Further, each institution shall make this information readily available to the public on an annual basis and shall include it in or with publications routinely sent to potential applicants, school counselors, and prospective employers of the institution's program completers.~~
- k) ~~Recognition of the institution and EPP shall be for a period of seven years. The process for continued recognition beyond the seven-year period shall be as set forth in this SectionState Board of Education staff may visit a recognized institution at any time with one day's advance notice and may ask to speak with faculty, candidates, or administrators. All records shall be made available to State Board of Education staff upon request.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.120 Initial Approval of Educator Preparation Programs by the State Board of EducationStandards and Criteria for Institutional Recognition and Program Approval (Repealed)

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The procedures set forth in this Section shall apply to the initial approval or redesign of educator preparation programs established by institutions that are already recognized, including those that have been granted initial recognition under Section 25.115. Additional considerations for approval of programs for foreign language are stated in Section 25.147.

- a) The institution shall submit to the State Superintendent of Education a program proposal meeting the requirements set forth in this subsection (a). As applicable to the program being proposed, requirements in addition to this subsection (a) may be found in 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois) and 23 Ill. Adm. Code 33 (Programs for the Preparation of Superintendents in Illinois).
- 1) Evidence that the proposed program meets the applicable professional education and content-area standards established by the State Board of Education include:
 - A) the national content standards accepted by the State Board of Education and listed on the State Board of Education's website at www.isbe.net;
 - B) the applicable content standards set forth at 23 Ill. Adm. Code 20, 21, 23, 26, 27, 28 or 29;
 - C) the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) or the Educational Leadership Policy Standards: ISLLC 2008, adopted by the National Policy Board for Educational Administration and posted at http://www.ccsso.org/Documents/2008/Educational_Leadership_Policy_Standards_2008.pdf (no later additions to or editions of these standards are incorporated), as applicable;
 - D) the State Board of Education's Social and Emotional Learning Standards set forth at 23 Ill. Adm. Code 555.Appendix A to the extent that educators understand the standards and how they apply to students in kindergarten through grade 12; and
 - E) the CAEP 2013 Accreditation Standards posted at <http://caepnet.org/> (no later amendments to or editions of these standards are incorporated).

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- 2) A description of the criteria for admission to, retention in and exit from the program, including the required grade point average and minimum grade requirements for the institution.
 - 3) A description of the program assessments to be used, as relevant to the program being proposed, and how the faculty will collect, analyze and use the data from the assessments used.
 - 4) Identification of the faculty members with primary responsibility for preparing professional educators in the program and faculty members' qualifications for their positions.
 - 5) A description of the course of study, field experiences and clinical practice. The descriptions of field experiences and clinical practices shall include:
 - A) the criteria and measures taken to ensure candidates gain experience in diverse settings and with students with varying demographic characteristics;
 - B) the measures taken to ensure that candidates gain experience with technology relevant to the profession; and
 - C) the program's requirements for faculty supervision of field experiences and clinical practice.
 - 6) A description and the proportion of coursework offered by distance learning or video-conferencing technology.
- b) After consideration of the proposal, SEPLB shall convey to the State Superintendent its recommendation that the State Board of Education either:
- 1) Approve the proposed new educator preparation programs, thereby authorizing the EPP to conduct the programs and to recommend candidates for licensure by entitlement; or
 - 2) Deny approval of the proposed programs, thereby prohibiting the conduct of the affected programs (a program denied by the State Board of

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Education will be allowed to resubmit its program proposal for reconsideration at a later time or, after notification of a denial recommendation, a program may withdraw its proposal from consideration within the timelines set forth in Section 25.160(b), at which time no denial action will be taken).

- c) Actions following upon the recommendation of SEPLB to the State Superintendent of Education shall be as described in Section 25.160.

(Source: Former Section repealed at 23 Ill. Reg. 7231, effective June 14, 1999; new Section added at 40 Ill. Reg. _____, effective _____)

Section 25.125 Accreditation of Educator Preparation Providers and Approval of Educator Preparation Programs through CAEP~~Accreditation Review of the Educational Unit (Repealed)~~

An institution and its EPP that have been recognized under Section 25.115 and have offered at least one educator preparation program approved under Section 25.120 for one year or more may choose to seek accreditation of the EPP and all educator preparation programs it offers through the CAEP accreditation process set forth at <http://caepnet.org/>.

- a) An institution that chooses to undergo the CAEP accreditation process shall notify the State Board of Education in writing at least one year before its EPP begins the process for accreditation with CAEP. The notification shall indicate the type of accreditation sought (i.e., initial or continuing) and the date that the application was submitted to CAEP.
- b) During the CAEP accreditation process, the EPP shall remain under the purview of the requirements of this Subpart C regarding program review and reporting, and approval of any new educator preparation programs that it may wish to implement before the conclusion of the CAEP process.
- c) The EPP shall provide written notification to the State Board of Education of its accreditation status within 10 days after receipt of that status from CAEP. An EPP whose accreditation is denied or revoked shall be placed on probation by the State Board of Education (see Section 25.130). Should the institution choose to appeal CAEP's determination through the CAEP appeal process, however, the State Board of Education will honor CAEP's decision.

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- d) During the effective period of CAEP accreditation, an EPP shall follow the process for review and reporting set forth at Section 25.127(c)(1).
- e) An institution with CAEP accreditation that wishes to participate in the State approval process shall notify the State Board of Education in writing no sooner than six months following its most recent CAEP accreditation reauthorization.

(Source: Former Section repealed at 35 Ill. Reg. 4315, effective February 23, 2011; new Section added at 40 Ill. Reg. _____, effective _____)

Section 25.127 Reporting; Review of Educator Preparation Providers and Individual Programs ~~(Repealed)~~

- a) Annual Reporting (for State-approved EPPs Not Accredited by CAEP)
Each EPP shall submit to the State Board the reports set forth in this subsection (a) annually by the deadlines indicated. The data and information contained in the reports shall be used by the State Board as part of its review of an EPP and its programs for continued approval. CAEP-accredited EPPs are subject to the review and reporting requirements enumerated at <http://caepnet.org/> rather than the reporting required under this subsection (a).
 - 1) No later than November 30 annually, each EPP shall submit data and other information relative to the measures listed in subsections (a)(1)(A) and (B) for the prior reporting year (i.e., September 1 through August 31).
 - A) Impact Measures
 - i) Student learning and development in the prekindergarten through grade 12 setting;
 - ii) Observations of teaching effectiveness;
 - iii) Employer satisfaction; and
 - iv) Completer satisfaction (i.e., completer survey results).
 - B) Outcome Measures
 - i) Completer rate;

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- ii) Graduation rate;
 - iii) Licensure rate; and
 - iv) Employment rate (in a position for which licensure is sought).
- 2) No later than April 1 of each year, each institution shall submit to the State Superintendent of Education, using a form supplied by the State Superintendent, its program completers' pass rates on the tests required for receipt of the professional educator license pursuant to this Part and other information required by Title II of the Higher Education Act (20 USC 1027). Further, each institution shall make this information readily available to the public on an annual basis and shall include it in or with publications routinely sent to potential applicants, school counselors and prospective employers of the institution's program completers.
- 3) Each EPP shall submit a separate annual program report for each approved program to the State Superintendent of Education, in a format defined by the State Superintendent, no sooner than October 1 and no later than November 30. Content-specific endorsements (see Section 25.100(a)) shall be considered separate programs for reporting purposes. The annual program report shall:
- A) update any information previously provided;
 - B) summarize data about the program's overall structure, faculty and candidates;
 - C) provide the results of the applicable content-area test and the Teacher Performance Assessment (TPA):
 - i) If at least 80 percent of an institution's teacher preparation program completers have passed the content area test in each of the preceding three years, the institution shall be deemed to be adequately addressing the Standards for All Illinois Teachers set forth at 23 Ill. Adm. Code 24;

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- ii) If at least 80 percent of an institution's administrative endorsement program completers have passed the applicable content-area tests for administrative endorsement in each of the preceding three years, the institution shall be deemed to be adequately addressing the standards set forth in subsection (e)(2); and
 - iii) beginning with reports submitted in October 2016, if at least 80 percent of candidates during their student teaching experience have passed the TPA, the institution shall be deemed to be adequately addressing the standards set forth in Section 25.120;
 - 4) An indication of completer effectiveness from the performance evaluations conducted under Article 24A of the School Code [105 ILCS 5/Art. 24A] shall be provided for principals beginning in 2014 and for teachers beginning in 2018; and
 - 5) As relevant to the institution, a report on all programs provided by the institution that have been approved as an alternative route to licensure under Sections 25.65 and 25.67 (through September 30, 2016) or Section 25.60 (beginning January 1, 2013), and Section 25.311 (beginning January 1, 2013) shall be submitted.
- b) Additional Reporting for EPPs Through November 30, 2018
In addition to the reports required under subsection (a), each EPP shall submit a report to the State Superintendent, in a format specified by the State Superintendent, no sooner than October 1 and no later than November 30 of the academic year (i.e., September 1 through August 31) in which a review pursuant to subsection (c) is scheduled. The report shall include:
- 1) a description of how the EPP has addressed any concerns about applicable standards identified in any of the program reports produced pursuant to subsection (a) submitted in each of the last four years preceding the review;
 - 2) any changes in the institution or in the EPP that affects the operation of the EPP;

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- 3) any new programs approved in the last four years;
 - 4) the percentage of individuals in the last four years who completed the program and received a license or endorsement who were hired into a related school position in the field for which the license or endorsement was issued; and
 - 5) aggregated data regarding the effectiveness of the completers of the program from the performance evaluations conducted under Article 24A of the School Code (to be provided for principals beginning in 2014 and for teachers beginning in 2018).
- c) Review of EPPs Through November 30, 2018
The recognition of an EPP shall be subject to review every seven years. This cycle shall begin in accordance with a timeline established by the State Superintendent of Education or designee. The approval of the EPP's programs shall be subject to review in each year after the unit receives initial State recognition. Actions taken as a result of these reviews shall be as set forth in Section 25.130.
- d) Review of EPPs Starting December 1, 2018
- 1) An EPP accredited by CAEP shall undergo CAEP's continuing accreditation process for Specialty Professional Association Review with National Recognition or Program Review with Feedback developed by CAEP (see <http://caepnet.org/>). The EPP shall notify the State Board in writing of its continuing accreditation status no later than 30 days after receiving CAEP's notification.
 - 2) An EPP whose programs are approved by the State Board of Education under this Subpart C shall undergo CAEP's Program Review with Feedback process (see <http://caepnet.org/>) and submit data and information required to the State Superintendent of Education for consideration.
- e) State Board of Education staff may visit a recognized institution at any time with one day's advance notice and may ask to speak with faculty, candidates or administrators. All records shall be made available to State Board of Education staff upon request.

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- f) Changes to Programs Currently Approved by the State Board of Education
- 1) Using a format identified by the State Superintendent of Education, an institution that has its programs approved by the State Board of Education may request changes to one or more currently approved programs by submitting documentation of the proposed changes no later than 60 days prior to the date upon which the changes will take effect.
 - 2) State Board staff shall review the proposed changes and make a recommendation to SEPLB, which shall submit its recommendation to the State Superintendent. The State Superintendent may accept, modify or reject any of the recommendations of SEPLB issued in accordance with this subsection (f). In cases in which the State Superintendent's modification or rejection results in an action that has negative consequences for the program, the actions to be taken shall be as described in Section 25.160.

(Source: Former Section repealed at 35 Ill. Reg. 4315, effective February 23, 2011; new Section added at 40 Ill. Reg. _____, effective _____)

Section 25.130 Interventions by the State Board of Education and State Educator Preparation and Licensure Board

The provisions of this Section shall apply when the State Superintendent of Education receives information through ~~any of the reports~~the annual program report or unit report required under Section ~~25.12725.115 of this Part~~, or by other means indicating that any ~~EPP~~educational unit recognized pursuant to this Subpart C or any approved preparation program may not be addressing any applicable standard or may otherwise be failing to offer candidates any of the learning opportunities that are necessary to their preparation as professional educators. The provisions of this Section apply both to institutions with CAEP-accredited EPPs and to those whose programs are approved by the State Board of Education.

- a) The State Superintendent or designee shall inform the affected ~~EPP~~educational unit of the areas of concern and invite the ~~EPP's~~unit's representatives to appear on a date specified by ~~SEPLB~~the State Superintendent before the State Educator Preparation and Licensure Board (SEPLB) to discuss the concerns identified. At the meeting, State Board of Education staff shall provide evidence of the concerns identified and a recommendation for how SEPLB should proceed.

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- b) If ~~the~~ SEPLB determines, either after the ~~EPP~~ ~~educational unit's~~ appearance or in advance of the appearance, that the concerns raised were unfounded or that the issues have been remedied, ~~the~~ SEPLB shall recommend to the State Superintendent that no further action is needed with regard to the matter, and the State Superintendent or designee shall notify the institution accordingly.
- c) If the institution does not respond to or declines the invitation to appear before ~~the~~ SEPLB, or if ~~the~~ SEPLB concludes that the institution, after its appearance, has not satisfied the concerns raised, ~~the~~ SEPLB shall recommend to the State Superintendent or designee that the ~~EPP~~ ~~program or unit~~ and one or more of its programs be placed on probation. "Probation" is the period of time in which no new candidates shall be enrolled in the ~~EPP~~ ~~unit~~ or any of its programs, regardless of whether an individual program has received "probation" status. The State Superintendent shall notify the institution of the probation status of the ~~EPP~~ ~~program or unit~~ and one or more of its programs.
- 1) ~~An EPPA program, a unit, or a unit~~ and one or more of its programs placed on probation shall submit the applicable report required under subsection (c)(1)(A) or (c)(1)(B) ~~of this Section~~ (in a format to be specified by the State Superintendent) to the State Superintendent or designee, who shall forward the report to ~~the~~ SEPLB for consideration. The required report shall be submitted within one year after the date on which the ~~EPP~~ ~~program or unit~~ was scheduled to appear before ~~the~~ SEPLB pursuant to subsection (a) ~~of this Section~~. If no report is received within this year, then the approval of the program or recognition of the ~~EPP~~ ~~unit~~ and approval of all of its programs shall be revoked. ~~(See subsection (e)(2)(C) of this Section.)~~
- A) In the case of one or more individual programs being placed on probation, each program about which concerns have been identified shall submit to ~~the~~ SEPLB a program report that details the areas of concern identified by SEPLB and procedures the program will take to remedy the concerns, with special emphasis on the areas of concern identified by the SEPLB and how those concerns will be addressed.
- B) ~~In the case of only a unit being placed on probation, the unit shall submit a report that details the concerns identified about any of the~~

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~~NCATE unit standards and the solutions that have been put into place to remedy those concerns.~~

- ~~B)C)~~ In the case of both ~~an EPPa unit~~ and one or more of its programs being placed on probation, ~~the EPP shall submit both the report requested in subsections~~ subsections (c)(1)(A) and a report that details the concerns identified about any of the CAEP standards and the solutions that have been put into place to remedy those concerns. ~~(B) of this Section shall apply.~~
- 2) ~~The~~ SEPLB, after considering the report submitted by the program or ~~EPPunit~~ and the actions the program or ~~EPPunit~~ has taken in response to the concerns identified, shall:
- A) determine that the concerns have been remedied and recommend to the State Superintendent that the program or ~~EPPunit~~ and any of its programs for which concerns have been identified be removed from probation and that no further action is needed with regard to the matter, and the State Superintendent or designee shall notify the institution accordingly; or
 - B) determine that the concerns have been acted upon but have not been remedied and recommend to the State Superintendent that the probation period be extended for not more than an additional 12 months, beginning on the date on which ~~the~~ SEPLB met to consider the applicable reports ~~report~~ submitted under subsection (c), ~~and(1)(A) or (e)(1)(B) of this Section:~~
 - i) Within the 12-month extension period, the program, or the ~~EPPunit~~ and any of its programs for which concerns have been identified shall resubmit the program proposal required under Section ~~25.12025.145 of this Part~~ or a report (in the case of a program or ~~EPPunit~~, respectively), and reappear before ~~the~~ SEPLB;
 - ii) If, at the time that the program or ~~EPPunit~~ reappears before ~~the~~ SEPLB or at the end of the 12-month extension period, the program or the ~~EPPunit~~ and any of its programs for which concerns have been identified have not sufficiently

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addressed the concerns, ~~then the~~ SEPLB shall recommend to the State Superintendent that approval of the program or recognition of the EPPunit and approval of all of its programs be revoked pursuant to ~~the provisions of~~ subsection (c)(2)(C) ~~of this Section~~; and

- iii) The State Superintendent shall notify the program or the EPPunit and each of its programs of any action taken pursuant to this subsection (c)(2)(B); or
- C) determine that the concerns have not been acted upon and that the program proposal or actions taken as identified in the report indicate that the standards are not being met or that the program or EPPunit may be failing otherwise to offer candidates any of the learning opportunities that are necessary to their preparation as professional educators and that these concerns cannot be remedied before the end of the 12-month extension period and recommend to the State Superintendent that the State Board of Education revoke approval of the program or recognition of the EPPunit and approval of all of its programs. The actions to be taken upon the recommendation of ~~the~~ SEPLB to the State Superintendent under this subsection (c)(2)(C) shall be as described in Section 25.160 ~~of this Part~~. Discontinuation of a program pursuant to revocation of its approval or revocation of recognition, in the case of an EPEducational unit, shall be subject to the requirements of Section 25.165(b) ~~of this Part~~.
- 3) The State Superintendent may accept, modify or reject any of the recommendations of ~~the~~ SEPLB issued in accordance with this subsection (c). In cases ~~in which~~ where the State Superintendent's modification or rejection results in an action that has negative consequences for the program or the EPPunit and one or more of its programs, then the actions to be taken shall be as described in Section 25.160 ~~of this Part~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.140 Requirements for the Institution's Educational Unit Assessment Systems
(Repealed)

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~~Each educational unit shall be required to establish and maintain an assessment system for collecting and analyzing information on applicants' qualifications, candidates' and graduates' performance, and the unit's operations for the purpose of evaluating and improving the unit and its programs.~~

- a) ~~The assessment system shall describe the unit's design for collecting, analyzing, summarizing, and using information from the assessments of candidates, including measures that provide evidence of candidates' proficiency with respect to professional, State, and institutional standards.~~
- b) ~~The assessment system shall be designed to collect information that enables the unit and its programs to:~~
 - 1) ~~make decisions about candidates' qualifications and performance at the time of admission to the program, at appropriate transition points (including entry to and exit from clinical practice), and at program completion.~~
 - 2) ~~demonstrate that admission requirements are related to candidates' success.~~
 - 3) ~~use the results from assessments of candidates to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences.~~
 - 4) ~~use the results of assessments of unit operations (e.g., faculty evaluations, graduate surveys, employer surveys) to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences.~~
- e) ~~The assessment system shall identify the major assessments that are used by the unit and the programs and at what points during the unit's programs these assessments of candidates' performance occur.~~
- d) ~~Each unit report submitted pursuant to Section 25.115(i) of this Part shall present the performance data it has collected and analyzed since the submission of its last unit report, including the results of State certification testing, along with evidence that:~~

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- 1) ~~The unit's assessment system is being implemented, evaluated, and refined;~~
- 2) ~~Performance assessments are being tested for accuracy, consistency, and fairness; and~~
- 3) ~~Data on candidates' performance from internal assessments as well as external measurements have been compiled and are being used to improve the unit and its programs.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 25.142 Assessment Requirements for Individual Programs (Repealed)

- a) ~~Teacher Preparation Programs~~
~~Subject to the provisions of Section 25.720 of this Part, the applicable Assessment of Professional Teaching and the applicable content area test are key assessments for candidates in teacher preparation programs. Beyond these assessments, each program shall require all candidates to complete at least the following additional key assessments:~~
 - 1) ~~An additional content assessment focused on program standards;~~
 - 2) ~~An assessment of candidates' ability to plan instruction;~~
 - 3) ~~An assessment of clinical practice;~~
 - 4) ~~An assessment of candidates' impact on students' learning; and~~
 - 5) ~~An assessment of the candidates' dispositions demonstrated, as described in the unit's conceptual framework submitted pursuant to Section 25.145(a) of this Part.~~
- b) ~~Programs for Administrators and School Support Personnel~~
~~Subject to the provisions of Section 25.720 of this Part, the applicable content area test is a key assessment for candidates in programs that prepare administrators and school support personnel. Beyond this assessment, each program shall require all candidates to complete at least the following additional key assessments:~~

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- 1) ~~An additional content assessment focused on program standards;~~
- 2) ~~An assessment of candidates' ability to plan an appropriate environment;~~
- 3) ~~An assessment of clinical practice;~~
- 4) ~~An assessment of candidates' impact on providing a supportive environment for students' learning; and~~
- 5) ~~An assessment of the candidates' dispositions demonstrated, as described in the unit's conceptual framework submitted pursuant to Section 25.145(a) of this Part.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 25.145 Approval of New Programs Within Recognized Institutions (Repealed)

~~The procedures set forth in this Section shall apply to the initial approval of additional educator preparation programs established by institutions that are already recognized, including those that have been granted initial recognition.~~

- a) ~~The institution shall submit to the State Superintendent of Education a program proposal meeting the requirements set forth in this subsection (a), showing how each proposed program meets the applicable professional education and content area standards established by the State Board of Education.~~
 - 1) ~~A description of the program's alignment with the unit's conceptual framework.~~
 - 2) ~~A description of the criteria for admission to, retention in, and exit from the program, including the required grade point average and minimum grade requirements for the institution and how the key assessments used in the program are derived from or informed by the unit's assessment system (see Section 25.140 of this Part).~~
 - 3) ~~A description about how data on the candidates enrolled in the program and candidates completing the program will be used as part of the assessment system required under Section 25.142 of this Part. If a~~

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~~program is offered at more than one level (i.e., baccalaureate, post-baccalaureate, or graduate, or as an alternative program), data shall be considered separately for each of these arrangements.~~

- ~~4) Identification of the faculty members with primary responsibility for preparing professional educators in the program and their qualifications for their positions.~~
- ~~5) A description of the course of study, including required courses, State standards addressed, related field experiences or clinical practice as applicable to specified courses, and the proportion of coursework offered by distance learning or video conferencing technology.~~
- ~~6) A description of the required field experiences and clinical practice, including criteria, measures taken to ensure placements in diverse settings and with diverse students, and the program's requirements for faculty supervision of these experiences.~~
- ~~7) A description of the key assessments that are required of candidates in the program under Section 25.142 of this Part, including:
 - ~~A) the specific standards addressed by each assessment that is used to comply with the requirements of Section 25.142(a)(1) through (5) or Section 25.142(b)(1) through (5), as applicable;~~
 - ~~B) a summary of findings based on data from all the assessments described under subsection (a)(7)(A) of this Section, from the applicable content area test identified in Section 25.710 of this Part, and from the Assessment of Professional Teaching, if applicable; and~~
 - ~~C) a discussion of how the assessment data demonstrate candidates' mastery of the identified standards.~~~~
- ~~8) A description of information related to two or three additional assessments that address relevant standards, if inclusion of this information is desired by the unit offering the program.~~

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- 9) ~~A description of the need for individuals holding the type of endorsement to be awarded upon program completion, including, but not limited to, evidence of a shortage of these types of educators (e.g., special education, math, science), either across the State or in certain geographical areas. If the shortage is specific to a certain area, describe the steps to be taken to recruit candidates from that area of the State or to place candidates in positions in schools located there.~~
- b) ~~After consideration of the proposal, the SEPLB shall convey to the State Superintendent its recommendation that the State Board of Education:~~
- 1) ~~Approve the proposed new educator preparation programs, thereby authorizing the educational unit to conduct the programs and to recommend candidates for licensure by entitlement; or~~
- 2) ~~Deny approval of the proposed programs, thereby prohibiting the conduct of the affected programs (a program denied by the State Board of Education will be allowed to resubmit its program proposal for reconsideration at a later time or, after notification of a denial recommendation, a program may withdraw its proposal from consideration within the timelines set forth in Section 25.160(b) of this Part, at which time no denial action will be taken).~~
- e) ~~Actions following upon the recommendation of the SEPLB to the State Superintendent of Education shall be as described in Section 25.160 of this Part.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 25.147 Approval of Programs for Foreign Language ~~Beginning July 1, 2003~~

- a) ~~Approval~~~~Beginning July 1, 2003, approval~~ of programs for foreign language shall ~~not no longer~~ be specific to individual languages. That is, ~~as of that date,~~ an institution with an approved program in any language shall be considered as having approval for any combination of languages, subject to the provisions of this Section.
- 1) An institution with an approved foreign language program may add one or more languages to that program at the discretion of the ~~EPP~~~~educational unit~~, provided that the institution shall notify the State Superintendent of

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Education to this effect in writing no later than three months before instruction in that language is to begin, except when notification is required further in advance under subsection (a)(2) ~~of this Section~~. The State Superintendent shall provide this information to ~~the~~ SEPLB at the next available meeting of ~~the~~ SEPLB.

- 2) An institution that intends to add one or more languages to its approved program for which no test is listed in Section 25.710 ~~of this Part~~ shall notify the State Superintendent of Education no later than six months before instruction in that language is to begin, in order to allow time for the identification of an appropriate language proficiency test if needed.
 - 3) An institution that intends to delete one or more languages from its approved foreign language program shall be subject to the requirements of Section 25.165(a) ~~of this Part~~.
 - 4) An institution without an approved program in foreign language may apply for approval of a new program under Section ~~25.12025.145 of this Part~~. The application for approval shall indicate which languages the program will initially offer. After initial approval of the program, the institution may add or delete languages as provided in this Section.
- b) Each foreign language program shall, as a requirement for program completion ~~on~~ ~~or after July 1, 2004~~, require its candidates for licensure, other than candidates in Latin and Classical Greek, to complete the Oral Proficiency Interview described in "ACTFL Proficiency Guidelines 2012 – Speaking" (2012), published by the American Council on the Teaching of Foreign Languages (ACTFL), 1001 North Fairfax Street, Suite 200, Alexandria VA 22314 and posted at <http://actflproficiencyguidelines2012.org/> (no later amendments to or editions of these standards are incorporated ~~by this Section~~) and to attain a score at the "intermediate high" level. As an alternative to the ACTFL interview, a program may administer another measure of oral proficiency, provided that approval for that measure is first obtained from the State Board of Education based on evidence that it permits identification of proficiency equivalent to the "intermediate high" level on the ACTFL interview.
- c) Pursuant to the standards set forth in 23 Ill. Adm. Code 27.340 (Foreign Language), ~~beginning July 1, 2003~~, each approved preparation program in foreign language shall lead to candidates' eligibility for a special K-12 endorsement on a

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professional educator license. ~~Beginning July 1, 2004, each individual completing an Illinois approved program shall be required to take and pass the assessment of professional teaching (APT).~~

- d) ~~Beginning October 1, 2003, out-of-state applicants certified or licensed at the K-12 level shall be required to take and pass the assessment of professional teaching.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.155 Procedures for the Initial Recognition of an Institution as an Educator Preparation Institution and Its Educational Unit (Repealed)

~~The procedures set forth in this Section shall apply to initial recognition of an institution and the concurrent recognition of the educational unit. The approval of the educator preparation programs within that institution shall follow the procedures set forth in Section 25.145 of this Part.~~

- a) ~~An institution shall notify the State Board of Education of its desire to initiate the initial recognition process by submitting a letter of intent to the State Superintendent of Education. Within 30 days after receipt of the notification, the State Superintendent shall respond to the institution, identifying the staff member who will be responsible for assisting the institution and inviting the institution to submit its required materials to that individual.~~
- b) ~~The State Superintendent shall designate a time for a pre-visit or review visit conducted pursuant to subsection (h) of this Section. The institution shall agree:~~
- 1) ~~for visits conducted in Illinois, to provide housing (including a work room) for the team chair and State consultant or designee in the case of a pre-visit or for all of the team members specified in subsection (i) of this Section, including the ex-officio member, in the case of a review visit; or~~
 - 2) ~~for visits conducted out of state, provide housing (including a work room), transportation and meals for the team chair and State consultant or designee in the case of a pre-visit or for all of the team members specified in subsection (i) of this Section, including the ex-officio member, in the case of a review visit.~~
- e) ~~The institution shall submit to the State Superintendent of Education, in the~~

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~~quantity and format specified by the State Superintendent, a report containing:~~

- ~~1) information indicating that the institution meets the conditions described in Section 25.115(b) and (c) of this Part;~~
- ~~2) a written description of the educational unit, including:
 - ~~A) identification of the unit, its mission, purposes, or goals, its authority and responsibilities for professional education, and its coordination of the institution's various educator preparation programs;~~
 - ~~B) identification of the dean, chair, or director who is officially designated to represent the educational unit and is assigned the authority and responsibility for its overall administration and operation;~~
 - ~~C) a chart of the administrative and organizational structure of the unit;~~
 - ~~D) an organizational chart of the institution, indicating the position of the unit and its reporting authority;~~
 - ~~E) the written policies and procedures which guide the operations of the educational unit;~~
 - ~~F) the unit's policies for monitoring and evaluating its operations, the quality of its offerings, performance of candidates, and effectiveness of its graduates; and~~
 - ~~G) the unit's published criteria for admission to and exit from all initial and advanced preparation programs for professional educators, and provision for summary reports of candidate performance at exit; and~~~~
- ~~3) a complete description of how the unit will develop the unit's conceptual frameworks that shall address each of the "structural elements" of conceptual frameworks found in the standards referred to in Section 25.115(d) of this Part.~~

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- d) ~~Review of conceptual frameworks for institutions seeking initial recognition shall be conducted as needed by a panel convened by the State Superintendent. The State Superintendent or designee will provide notice of the review at least 10 days in advance of the date of the review. The review shall encompass all materials postmarked no later than six months prior to the date of the review, if a review date has been set. No later than 30 days after the panel completes its review, the State Board of Education shall notify the institution either that the description of its conceptual frameworks is adequate or that certain structural elements were not adequately addressed.~~
- e) ~~If the description of the conceptual frameworks is not found to be adequate, no further review of the institution shall occur unless the institution submits a revised conceptual framework. If the description of the conceptual frameworks is found to be adequate, a review visit pursuant to subsection (h) of this Section shall be scheduled at a time that is mutually agreed upon by the institution and State Superintendent or designee.~~
- f) ~~The SEPLB shall consider the program proposal as required under Section 25.145 of this Part at the next meeting in which it considers recognition requests following the review visit pursuant to subsection (h) of this Section.~~
- g) ~~The institution shall submit to the State Superintendent an institutional report incorporating an overview of the institution, an overview of the unit's conceptual frameworks, an overview of the information required under subsection (c) of this Section and evidence that it will meet each of the standards referred to in Section 25.115(d) of this Part. This report shall be submitted in a format and quantity prescribed by the State Superintendent of Education.~~
- h) ~~The State Superintendent of Education shall authorize the scheduling of an on-site review visit to the institution at the mutual convenience of the affected institution and the review panel when:~~
- 1) ~~its conceptual framework is found to be adequate;~~
 - 2) ~~the institution has submitted the narrative required under subsection (g) of this Section; and~~
 - 3) ~~the program proposal required under Section 25.145 of this Part has been~~

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~~submitted.~~

- ~~i) From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall empanel a team to conduct the review visit to verify the information provided by the institution as required by subsection (g) of this Section. A staff member of the State Board of Education or designee shall accompany the team, serving as a consulting, ex officio member to ensure that applicable standards, procedures, rules, and statutes are addressed.~~
- ~~j) The review team shall prepare a draft report during the review visit, incorporating an overview of the unit and its conceptual frameworks and summarizing information provided by the institution as required by subsection (g) of this Section. The draft report shall be provided to the institution within 30 business days after the conclusion of the visit for the purpose of allowing the institution 30 days to correct any factual errors. The team chair shall review the institution's suggested revisions and make appropriate corrections in consultation with the ex officio consultant who is serving pursuant to subsection (i) of this Section. The final report shall be submitted to the State Superintendent of Education by the team's chair within 30 days after the chair's receipt of the institution's suggested corrections. The State Superintendent shall provide the final report to the institution within ten business days after receiving it.~~
- ~~k) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report's findings or a rejoinder to those findings.
 - ~~1) The rejoinder must indicate the grounds for disagreement with one or more of the team's findings and include documentation to support the institution's position.~~
 - ~~2) All documentation must describe conditions that existed at the time of the review visit. (Changes made by the unit after the visit will not be considered.)~~
 - ~~3) All documentation must relate directly to the standards and procedures that applied at the time of the review visit.~~~~
- ~~l) Staff of the State Board of Education shall convey to the SEPLB the review team's report, the institution's letter of agreement or rejoinder, a response to that~~

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~~rejoinder provided by the team's chair, and any other relevant documentation that was available to the review team.~~

- m) ~~The SEPLB, after reviewing all the relevant materials, shall convey its recommendation to the State Superintendent that the State Board of Education:~~
- 1) ~~Recognize the institution, recognize the educational unit, and approve one or more proposed educator preparation programs, thereby authorizing the educational unit to conduct the approved programs and to recommend candidates for licensure by entitlement; or~~
 - 2) ~~Recognize the institution, recognize the educational unit, and deny approval of one or more proposed educator preparation programs, thereby authorizing the educational unit to conduct the approved programs and to recommend candidates for licensure by entitlement for the approved programs and prohibit the conduct of the proposed programs denied approval. Programs denied approval may resubmit a request for program approval at a later date; or~~
 - 3) ~~Deny recognition of the institution or recognition of the affected educational unit, and approval of one or more educator preparation programs, thereby prohibiting the conduct of the proposed programs.~~
- n) ~~Actions following upon the recommendation of the SEPLB to the State Superintendent of Education shall be as described in Section 25.160 of this Part.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

Section 25.160 Notification of Recommendations; Decisions by State Board of Education

- a) The Secretary of ~~the~~ SEPLB shall notify an affected institution in writing not later than 10 days after action has been taken of the recommendation from ~~the~~ SEPLB pursuant to the provisions of this Subpart C and, except as provided in this subsection (a), shall await the institution's response (see subsection (b) ~~of this Section~~) prior to forwarding that recommendation to the State Board of Education. The Secretary of ~~the~~ SEPLB shall not await a response from an institution if, as applicable to the nature of the review:
- 1) ~~the~~ SEPLB has recommended the initial recognition of the institution and

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~~EPP, the initial recognition of its educational unit~~, and the approval of all of its proposed programs under Section ~~25.115(m)(1)25.155(m)(1) of this Part~~;

- 2) ~~the~~ SEPLB has recommended continuing the recognition of the ~~EPP educational unit~~ and the approval of all the ~~EPP's unit's~~ existing preparation programs under Section 25.130(b) or (c)(2)(A) ~~of this Part~~;
 - 3) ~~the~~ SEPLB has recommended approval of each proposed new preparation program under Section ~~25.120(b)(1)25.145(b)(1) of this Part~~; or
 - 4) ~~the~~ SEPLB has recommended continuing approval of a preparation program under Section ~~25.120(b)25.130(b)~~ or (c)(2)(A) ~~of this Part~~.
- b) Within 10 days after receipt of written notification from the Secretary of ~~the~~ SEPLB, an affected institution may either submit a notice of objection to ~~the~~ SEPLB's recommendation or withdraw its application for approval. The institution's narrative explanation of its objections shall conform to the requirements for rejoinders stated in Section ~~25.115(h)25.155(k) of this Part~~ but may also be based upon an objection to ~~the~~ SEPLB's review. ~~This; this~~ narrative and any supporting documentation shall be submitted to the State Superintendent not later than 30 days after the institution submits its notice of objection.
- c) The State Superintendent shall forward to the State Board of Education for consideration at its next available meeting the recommendation made by ~~the~~ SEPLB and the institution's narrative explanation of its objections and shall inform ~~the~~ SEPLB that these materials have been submitted for the State Board's consideration. The State Board of Education may accept, modify or reverse a recommendation of ~~the~~ SEPLB.
- d) No more than 30 days after the State Board of Education makes its decision, the State Superintendent shall notify the institution in writing of the State Board's action.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.165 Discontinuation of Programs

- a) An institution (whether recognized only under Section 25.115 or whose EPP and

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[its programs are approved through the CAEP accreditation process](#)) that intends to discontinue an approved program or cease offering preparation programs altogether shall so notify the State Superintendent of Education no later than 30 days prior to taking that action, except that voluntary discontinuation of a program shall also be subject to the following additional requirements:

- 1) The institution shall assure the State Superintendent that all candidates currently enrolled in any program scheduled for discontinuation will have an opportunity to complete the program.
 - 2) The institution shall supply to the State Superintendent the names and Social Security numbers of all candidates currently enrolled in any program scheduled for discontinuation.
- b) When approval of a program or recognition of an [EPPeducational unit](#) is revoked [or CAEP accreditation is revoked](#), the State Board of Education may require the continued operation of the affected programs for three additional academic years to permit currently enrolled candidates either to complete the program or to seek enrollment in another institution for that purpose. However, if the State Board determines in consultation with ~~the~~ SEPLB that the program is unable to offer candidates learning opportunities that contribute to their competence as professional educators, the Board shall require that the program cease operating at the end of the then-current semester. The institution shall supply to the State Superintendent the names, anticipated dates of completion, and Social Security numbers of all candidates currently enrolled in any program whose approval, or the recognition [or CAEP accreditation](#) of its [EPPeducational unit](#), is revoked.
- 1) An [EPPeducational unit](#) that has had its recognition [or its CAEP accreditation](#) revoked may seek re-approval by completing the processes outlined in Section ~~25.11525.155~~ for recognition and in Section ~~25.12025.145 of this Part~~ for each program for which it seeks approval.
 - 2) A recognized [EPPeducational unit](#) that has had the approval of one or more of its programs revoked may seek re-approval of the programs by completing the process outlined in Section ~~25.12025.145 of this Part~~.
- c) A program in which no candidates have been enrolled for a consecutive three-year period shall be considered to have been discontinued. An institution desiring to resume offering the program shall be required to comply with the requirements

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for initial approval stated in Section ~~25.12025.145~~ *of this Part*.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART E: REQUIREMENTS FOR THE LICENSURE OF
ADMINISTRATIVE AND SUPERVISORY STAFF**Section 25.311 Alternative Route to Superintendent Endorsement (Beginning January 1, 2013)**

This Section establishes the requirements in addition to those set forth in Section 21B-55 of the School Code [105 ILCS 5/21B-55] for programs offering an alternative route to obtain a superintendent endorsement on the professional educator license for those individuals who have *been employed for a period of at least five years in a management-level position*. [105 ILCS 5/21B-55(d)(2)]

- a) General Requirements
- An institution of higher education or a not-for-profit entity recognized and approved to offer educator preparation programs under Subpart C ~~of this Part~~ may establish a program under this Section. Each alternative superintendent endorsement program shall:
- 1) include an intensive course of study covering each of the areas listed in Section 21B-55(c) of the School Code that is provided in a shorter amount of time than what is required to complete a superintendent endorsement preparation program approved pursuant to Subpart C and offered immediately preceding the candidate's placement into a school district under subsection (a)(2) of this Section;
 - 2) provide for the candidate's placement as a full-time superintendent or assistant superintendent in an Illinois public school district for one school year; and
 - 3) conduct a comprehensive assessment of the candidate's performance by school officials, which shall include at least the president of the board of education of the district of placement and, if the candidate is serving as an assistant superintendent, the district superintendent.
- b) Candidate Qualifications

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- 1) In order to be admitted to an alternative superintendent endorsement program, each candidate shall pass Illinois' test of basic skills required under Section 21B-30 of the School Code and Section 25.720 of this Part.
 - 2) In order to serve as superintendent or assistant superintendent, each candidate shall apply for and be issued an educator license with stipulations endorsed for alternative provisional superintendent upon the presentation of evidence of having met the requirements set forth in Section 21B-55(d) of the School Code and payment of the fee required under Section 21B-40 of the School Code.
 - A) For the purposes of previous employment, "management-level position" does not include any management position in a public or nonpublic school that serves any of prekindergarten through grade 12.
 - B) A "minimum of a master's degree" means the completion of a master's degree or other degree beyond the bachelor's degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).
 - C) Each candidate shall pass the content-area test for superintendent.
 - 3) *Successful completion of an alternative route to superintendent endorsement program shall be deemed to satisfy any other supervisory, administrative, or management experience requirements established by law, and, once completed, an individual shall be eligible for a superintendent endorsement on a professional educator license [105 ILCS 5/21B-55] upon application and payment of the fee required under Section 21B-40 of the School Code.*
- c) Proposal Requirements
- 1) Each proposal to establish an alternative program shall describe the roles and responsibilities of the participating institution of higher education or not-for-profit entity and the school districts in which candidates will be assigned for the year of practice as full-time superintendents or assistant superintendents.

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- 2) Each proposal shall describe the proposed course of study, which shall:
 - A) describe how individual candidates' education and experience will be used in determining the portions of the course of study he or she will be required to complete;
 - B) demonstrate how candidates will acquire knowledge of content and skills equivalent to the content and skills contained in a superintendent endorsement preparation program approved pursuant to Subpart C ~~of this Part~~ with regard to:
 - i) educational management;
 - ii) governance and organization; and
 - iii) instructional and district planning; and
 - C) include a preservice assessment of each candidate's performance to be conducted by the institution of higher education at the conclusion of the course of study in order to determine the candidate's readiness for the year-long assignment as a superintendent or assistant superintendent. Each proposal shall state the criteria for the institution's determination of candidates' readiness.
- 3) Each proposal shall describe the proposed arrangements for candidates' assignment to a position as superintendent or assistant superintendent and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education and the school districts where candidates will practice. Each agreement shall address the nature and intensity of the support to be provided to candidates by experienced district-level administrators, university staff and/or other professionals with relevant experience, including at least:
 - A) the qualifications and experience of these individuals;
 - B) the estimated amount of time these individuals will devote to advising and assisting candidates; and

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- C) the specific roles of the assisting individuals.
- 4) Each proposal shall describe the proposed method of assessing candidates' performance for the year referred to in this Section and shall provide for these to be set forth in a formal, written agreement between the participating institution of higher education or not-for-profit entity and the school districts where candidates will practice. Each agreement shall include:
- A) the roles of all parties who will participate in the evaluation of candidates; and
- B) assessment methods capable of demonstrating whether a candidate has acquired knowledge and skills equivalent to those required of candidates in a superintendent endorsement preparation program approved pursuant to Subpart C ~~of this Part~~.
- 5) Each proposal shall delineate the criteria by which candidates will be recommended for the superintendent endorsement on the professional educator license by the participating institution of higher education or not-for-profit entity.
- 6) Each proposal shall include an assurance that if a candidate, during his or her year of practice, will be evaluating any principals, the program shall facilitate and ensure the candidate's successful completion of the prequalification process and passage of the assessment required under Section 24A-3 of the School Code [105 ILCS 5/24A-3].
- 7) Proposals shall be submitted to the State Board of Education and addressed as follows:
- Alternative Superintendent Endorsement Program
100 North First Street
Springfield, Illinois 62777
- d) Program Approval
Proposals for the establishment of alternative superintendent endorsement programs meeting the specifications of this Section and Section 21B-55 of the

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School Code shall be approved by the State Superintendent of Education pursuant to the requirements set forth in Section ~~25.120~~25.145 of this Part, in consultation with ~~the~~ SEPLB.

- e) Each alternative program established pursuant to this Section shall be subject to the review process and reporting requirements described in Subpart C ~~of this Part~~.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.335 General Administrative Endorsement (Through June 30, 2016)

This endorsement, to be affixed to a professional educator license, is required for principals, assistant principals, assistant or associate superintendents, and staff filling other similar or related positions as indicated in 23 Ill. Adm. Code 1.705. (See also 23 Ill. Adm. Code 29.120.) No candidates currently are being admitted to general administrative endorsement programs (see Section 21B-25(2)(A) of the School Code). For candidates who have completed a program on or before September 1, 2014, a general administrative endorsement shall be issued in accordance with the deadlines set forth at Section 21B-25(2)(A) of the School Code.

- a) Each candidate for the general administrative endorsement shall hold a master's degree or equivalent awarded by a regionally accredited institution of higher education. For the purposes of this subsection (a), "equivalent" shall mean the completion of a degree beyond the bachelor's degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).
- b) Each candidate shall have completed either:
 - 1) an Illinois program approved for the preparation of administrators pursuant to Subpart C; or
 - 2) a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country (see Section 25.425).
- c) Each candidate shall have two years of full-time teaching or school support personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Human Services, or nonpublic schools recognized by the State Board of Education, pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and

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Recognition of Nonpublic Schools), or meeting comparable out-of-state recognition standards.

- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills pursuant to Section 25.720, except that individuals who received their initial teaching or school support personnel certificate prior to July 1, 1988 are not subject to the requirement to pass the test of basic skills.
- e) A candidate who receives the general administrative endorsement on or before June 30, 2016 may continue to be employed in the positions listed in this Section after July 1, 2016. (Also see Section 25.337(d).)
- f) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code in the event that the individual has failed to meet one or more of the requirements for a professional educator license in his or her area of endorsement, subject to the restrictions provided at Section 25.15(a)(2) regarding employment as a principal or assistant principal. All deficiencies identified shall be satisfied within the timelines specified at Section 21B-25(2)(A) of the School Code.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.337 Principal Endorsement (2013)

- a) This endorsement is required for principals and assistant principals.
- b) A principal endorsement shall be affixed to a professional educator license provided that the candidate holds a master's degree or equivalent (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)) and either successfully completes each of the requirements specified in 23 Ill. Adm. Code 30 (Programs for the Preparation of Principals in Illinois) or meets each of the requirements specified in Section 21B-35(b-5) of the School Code (also see Section 25.425 of this Part).
- c) Each candidate shall have:

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- 1) *four years of teaching experience or, until June 30, 2019, working in the capacity of school support personnel in a public school or nonpublic school recognized by the State Board of Education [105 ILCS 5/21B-25] in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools), which must have been accrued while the individual held a valid professional educator license endorsed in a teaching field or, until June 30, 2019, a school support personnel area (i.e., school counselor, school psychologist, speech language pathologist (non-teaching), school nurse, school social worker, school marriage and family counselor); or*
 - 2) four years of experience, which must have been accrued while the individual held a valid teaching or, until June 30, 2019, school support personnel certificate or license issued by another state authorizing employment in an out-of-state public school or in an out-of-state nonpublic school meeting out-of-state recognition standards comparable to those set forth by the State Board of Education at 23 Ill. Adm. Code 425.
- d) For the purposes of Section 21B-25(2)(B) of the School Code [105 ILCS 5/21B-25(2)(B)], a candidate may qualify for the principal endorsement with *fewer than 4 years of experience* upon presentation of certain performance evaluation ratings that incorporate data and indicators of student growth (see Article 24A of the School Code [105 ILCS 5/Art. 24A] and 23 Ill. Adm. Code 50 (Evaluation of Educator Licensed Employees under Articles 24A and 34 of the School Code)).
- 1) A candidate may qualify with three years of experience if he or she has received at least a "proficient" performance evaluation rating in his or her three annual performance evaluations conducted.
 - 2) A candidate may qualify with two years of experience if he or she has received an "excellent" performance evaluation rating in his or her two annual performance evaluations conducted.
- e) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills, pursuant to Section 25.720, except that individuals who received their initial teaching or school support personnel certificate prior to July 1, 1988 are not subject to the requirement to pass the test of basic skills.

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- f) An individual holding a general administrative endorsement issued pursuant to Section 25.335 of this Part may have that endorsement converted to a principal endorsement in accordance with the process set forth in Section 21B-25 of the School Code.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.345 Endorsement for Chief School Business Official

This endorsement is required for chief school business officials. (See also 23 Ill. Adm. Code 29.110.)

- a) Each candidate for the chief school business official's endorsement shall hold a master's degree or equivalent awarded by a regionally accredited institution of higher education. For the purposes of this subsection (a), "equivalent" shall mean the completion of a degree beyond the bachelor's degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).
- b) Each candidate, other than a candidate whose master's degree was earned in *business administration, finance, or accounting* (Section 21B-25(2)(C) of the School Code [105 ILCS 5/21B-25(2)(C)]), shall have completed 24 semester hours of graduate coursework in an Illinois program approved for the preparation of school business officials pursuant to Subpart C of this Part or a comparable approved program in another state or country or hold a comparable certificate or license issued by another state or country (see Section 25.425 of this Part) and either have:
- 1) *two years' full-time administrative experience in school business management* (Section 21B-25(2)(C) of the School Code); or
 - 2) *two years of university-approved practical experience.*
- c) Each candidate whose master's degree was earned in *business administration, finance, or accounting* shall complete *an additional six semester hours of internship in school business management from a regionally accredited institution of higher education* (Section 21B-25(2)(C) of the School Code) that is conducted under the supervision of an individual who holds a current Illinois endorsement for chief school business official or who serves as the school district's chief financial officer. Institutions may consider a candidate's work experience in a

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school business office that is comparable to the responsibilities of a chief school business official as meeting a portion or all of the six-semester-hour internship requirement. For purposes of this subsection (c), one semester hour shall be equivalent to a minimum of 15-clock hours of experience that a candidate documents as completing.

- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills pursuant to Section 25.720, except that individuals holding a professional educator license who received their initial teaching, school support personnel or administrative certificate prior to July 1, 1988 are not subject to the requirement to pass the test of basic skills.
- e) Educator License with Stipulations
- 1) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20(2)(A) of the School Code in the event that he or she has failed to meet one or more of the requirements for a professional educator license endorsed for chief school business official.
 - 2) A candidate who does not meet the requirements of Section 25.25(a) of this Part regarding coursework pertaining to the exceptional child and reading may apply for an educator license with stipulations endorsed for chief school business official by meeting the requirements set forth either in subsection (b) or (c) of this Section. (Also see Section 21B-20(2)(K) of the School Code.) An individual holding an educator license with stipulations endorsed for chief school business official shall be considered fully qualified to serve as a chief school business official provided he or she meets any renewal requirements set forth in Subpart J of this Part.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.355 Endorsement for Superintendent (Beginning September 1, 2016)

The requirements of this Section apply to individuals seeking a candidate admitted to superintendent endorsement preparation programs on or after September 1, 2016.

- a) This endorsement is required for superintendents and assistant superintendents.

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- b) A superintendent endorsement shall be affixed to a professional educator license provided that the candidate holds a master's degree or equivalent (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)) and either successfully completes each of the requirements specified in 23 Ill. Adm. Code 33 (Programs for the Preparation of Superintendents in Illinois) or meets each of the requirements specified in Section 21B-35(b-5) of the School Code (see Section 25.425).
- c) In accordance with Section 21B-25(2)(D) of the School Code [105 ILCS 5/21B-25(2)(D)], each candidate shall hold an Illinois professional educator license and have two years of experience working full-time in a general administrative position or as a principal, director of special education or chief school business official either:
- 1) on the Illinois general administrative, principal, director of special education or chief school business officer endorsement in:
 - A) an Illinois public school; or
 - B) a nonpublic school recognized under 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) whose chief administrator is required to hold a professional educator license endorsed for general administrative or principal and when a majority of the teachers employed in the school are required to hold a professional educator license endorsed in the teaching field specific to each teacher's assignment; or
 - 2) while holding a credential required by the employing state in order to serve as principal, director of special education or chief school business official that is comparable *in validity and educational and experience requirements* (Section 21B-25(2)(D) of the School Code) to the applicable Illinois endorsement, if the candidate completed a comparable out-of-state program for the applicable credential held. (See also Section 25.425 of this Part.)
- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills pursuant to Section 25.720, except that individuals who received their initial teaching, school support

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personnel or administrative certificate prior to July 1, 1988 are not subject to the requirement to pass the test of basic skills.

- e) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code in the event that he or she has failed to meet one or more of the requirements for a professional educator license endorsed for superintendent.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.360 Endorsement for Superintendent (Through August 31, 2019)

This endorsement, to be affixed to a professional educator license, is required of school district superintendents. (See also 23 Ill. Adm. Code 29.130.) Applicants for an endorsement issued under this Section ~~No candidate shall be admitted to a superintendent endorsement program approved under this Section after August 31, 2016. Candidates who are enrolled shall apply for, complete the program~~ and have the endorsement issued, no later than September 1, 2019.

- a) Each candidate for the superintendent's endorsement shall hold a master's degree or equivalent awarded by a regionally accredited institution of higher education. For the purposes of this subsection (a), "equivalent" shall mean the completion of a degree beyond the bachelor's degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).
- b) Each candidate shall have completed an Illinois program approved for the preparation of superintendents pursuant to Subpart C or have met the requirements specified in Section 21B-35(b-5) of the School Code (also see Section 25.425 of this Part).
- c) In accordance with Section 21B-25(2)(D) of the School Code, each candidate shall hold an Illinois professional educator license and have two years of experience working full-time in a general administrative position or as a principal, director of special education or chief school business official either:
- 1) on the Illinois general administrative, principal, director of special education or chief school business officer endorsement in:
 - A) an Illinois public school; or

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- B) a nonpublic school recognized under 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) whose chief administrator is required to hold a professional educator license endorsed for general administrative or principal and when a majority of the teachers employed in the school are required to hold a professional educator license endorsed in the teaching field specific to each teacher's assignment; or
- 2) while holding a credential required by the employing state in order to serve as principal, director of special education or chief school business official that is comparable in validity and educational and experience requirements (Section 21B-25(2)(D) of the School Code) to the applicable Illinois endorsement, if the candidate completed a comparable out-of-state program for the applicable credential held. (See also Section 25.425 of this Part.)
- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710), as well as the test of basic skills pursuant to Section 25.720, except that individuals who received their initial teaching, school support personnel or administrative certificate prior to July 1, 1988 are not subject to the requirement to pass the test of basic skills.
- e) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code in the event that he or she has failed to meet one or more of the requirements for a professional educator license endorsed for superintendent.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.365 Endorsement for Director of Special Education

This endorsement, to be affixed to a professional educator license, shall be required for directors and assistant directors of special education beginning July 1, 2005.

- a) Each candidate for the director of special education endorsement shall hold a master's degree or equivalent awarded by a regionally accredited institution of higher education. For the purposes of this subsection (a), "equivalent" shall mean

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the completion of a degree beyond the bachelor's degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).

- b) Each candidate shall:
- 1) have completed an Illinois program approved for the preparation of directors of special education pursuant to Subpart C ~~of this Part~~ or a comparable approved program specific to directors of special education in another state or country or hold a comparable certificate or license issued by another state or country, provided that the requirements met by the applicant for the out-of-state program or certificate or license included completion of at least one course each in:
 - A) special education law;
 - B) special education finance;
 - C) supervision of programs for children with disabilities; and
 - D) cross-categorical special education methods; or
 - 2) submit, along with the application for the endorsement and the applicable fee, a copy of a letter of approval as an administrator of special education issued by the State Board of Education at any time; or
 - 3) submit, along with the application for the endorsement and the applicable fee, evidence of holding an administrative certificate or a professional educator license endorsed for an administrative position and having completed 30 semester hours of coursework, distributed as specified in this subsection (b)(3).
 - A) at least one course in each of the areas described in subsection (b)(1) ~~of this Section~~; and
 - B) additional coursework to reach the required total of 30 semester hours, chosen from the areas of:
 - i) curricular adaptations/modifications and assistive technology;

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- ii) facilitation of the least restrictive environment for all students;
 - iii) characteristics of students with disabilities;
 - iv) collaboration with parents and school personnel;
 - v) transition services for students with disabilities; and
 - vi) educational and psychological diagnosis and remedial techniques.
- c) Each candidate shall have two years' full-time experience providing special education services:
- 1) in the public schools, as a special education teacher, a speech-language pathologist, a school social worker, or a school psychologist; or
 - 2) in a nonpublic school, if the candidate holds the appropriate corresponding Illinois professional educator license endorsed in a special education teaching field or for school support personnel as a speech-language pathologist, a school social worker, or a school psychologist.
- d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 ~~of this Part~~), as well as the test of basic skills pursuant to Section 25.720, except that individuals who received their initial teaching or school support personnel certificate prior to July 1, 1988 are not subject to the requirement to pass the test of basic skills~~of this Part~~.
- e) Nothing in this Section is intended to preclude the candidate from seeking the issuance of an educator license with stipulations endorsed for provisional educator under Section 21B-20 of the School Code in the event that he or she has failed to meet one or more of the requirements for a professional educator license endorsed for director of special education.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART F: GENERAL PROVISIONS

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Section 25.411 Voluntary Removal of Endorsements

This Section sets forth the conditions upon which a licensee may voluntarily remove one or more endorsements issued on a professional educator license or an educator license with stipulations.

- a) A licensee may ~~request the removal of~~~~surrender~~ an endorsement only between January 1 and May 1 of each calendar year, with the endorsement ~~being requested to be surrendered~~ removed by no later than July 1 of the same calendar year.
- b) A licensee shall not request removal of any endorsement from a professional educator license or an educator license with stipulations if he or she is subject to an ongoing investigation conducted by the State Board of Education or there is other evidence or allegations of misconduct.
- c) Any licensee not subject to the provisions set forth in subsection (b) of this Section shall provide written notification to the State Board of Education, using a form provided for this purpose, of his or her intent to remove one or more endorsements. The notification shall include the licensee's full name as recorded in ELIS, his or her license number and the name of each credential to be removed. The notice shall be submitted to:

General Counsel
Illinois State Board of Education
100 W. Randolph Street, CH14-300
Chicago, Illinois 60601
- d) Confirmation noting the date that the endorsement was removed from the license shall be sent to the individual within 30 days after receipt of the request. Removal of the endorsement from the individual's license shall be reflected in ELIS.
- e) A licensee may reapply for an endorsement removed under this Section by paying the fee required in Section 21B-40 of the School Code, provided that:
 - 1) at least 10 years has passed since the endorsement was removed;
 - 2) the licensee passes all tests required for the endorsement as set forth in Section 21B-30 of the School Code and Section 25.720 of this Part; and

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- 3) the licensee provides evidence of meeting all other requirements in effect for the endorsement, as set forth in Article 21B and this Part, at the time he or she makes application for the endorsement.
- f) A licensee shall not request the removal of the same endorsement from his or her professional educator license or educator license with stipulations more than once every 10 years.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 25.425 Individuals Prepared in Out-of-State Institutions

- a) In accordance with Section 21B-35 of the School Code, an applicant who has completed *a comparable state-approved education program* of another state or country may be granted an Illinois professional educator license endorsed in the area (i.e., teaching, administrative or school support personnel) that corresponds to the completed program if he or she meets all the generally applicable requirements of Article 21B of the School Code (e.g., age and good character) and the requirements for the license and the endorsement sought, as specified in the applicable Sections of this Part. As used in each of those Sections, a "comparable program" is one that leads to eligibility for service in the same specific capacity in the public schools of the state where the program was completed and is aligned to the standards set forth in Section 25.115(e). A program completed in the United States shall be considered comparable only if it was offered by a regionally accredited institution of higher education or a not-for-profit entity recognized under Subpart C.
 - 1) The individual shall hold a bachelor's *degree* or higher *from a regionally accredited institution of higher education and the degreed major or a constructed major must directly correspond to the license or endorsement sought* and meet the requirements for that endorsement as set forth in Section 25.100. (Section 21B-35(a)(2) of the School Code)
 - 2) Each applicant for an Illinois professional educator license endorsed in a teaching field *who has not been entitled by an Illinois-approved institution of higher education* must have completed a program that met the following requirements.
 - A) For those who have completed traditional preparation programs,

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these requirements include:

- i) college coursework in professional education, including pre-student teaching clinical experiences or equivalent experience, and student teaching or equivalent experience;
 - ii) *coursework in the methods of instruction of the exceptional child* in cross-categorical special education (Section 21B-35(a)(3) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(A) of this Part;
 - iii) *coursework in the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(B) of this Part; and
 - iv) *coursework in instructional strategies for English language learners*, which shall address bilingual education, English as a Second Language or English as a New Language methods (Section 21B-35(a)(5) of the School Code).
- B) For those who have completed preparation programs in a school support personnel field listed in Subpart D, these requirements include college coursework in:
- i) professional education, including an internship or equivalent experience;
 - ii) *the methods of instruction of the exceptional child* in cross-categorical special education (Section 21B-35(a)(3) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(A) of this Part;
 - iii) *the methods of reading and reading in the content area* (Section 21B-35(a)(4) of the School Code), which shall meet the requirements outlined in Section 25.25(a)(1)(C); and

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- iv) *instructional strategies for English language learners* (Section 21B-35(a)(5) of the School Code), which shall align to standards for addressing second language acquisition and the diverse learner set forth in the Standards for the Speech-Language Pathologist (23 Ill. Adm. Code 28.230) or, for other school support personnel, the applicable standards in 23 Ill. Adm. Code 23 (Standards for School Support Personnel Endorsement).
- C) For those who are seeking an endorsement for principal, the applicant's preparation shall be evaluated in accordance with the criteria specified in Section 25.337.
- D) For those who have completed alternative certification or licensure programs, these requirements include graduation from a regionally accredited institution with a bachelor's degree that directly corresponds to the endorsement sought and meets the requirements for that endorsement as set forth in Section 25.100, an intensive course of study approved by that state for this purpose, and student teaching or another structured teaching experience that forms part of the approved alternative program, as well as the coursework specified in subsection (a)(2)(A).
- 3) Each out-of-state applicant shall have passed each of the Illinois tests required for the professional educator license and the endorsement sought, as set forth in Section 21B-30 of the School Code [105 ILCS 5/21B-30] and Section 25.720.
- 4) In accordance with Section 21B-30(f) of the School Code, beginning July 1, 2015, each applicant who has not been entitled by an Illinois-approved institution of higher education for a professional educator license endorsed in a teaching field shall pass the TPA (see Section 25.720(e) of this Part). Any applicant who completed student teaching by August 31, 2015 may pass the Assessment of Professional Teaching (APT) instead (see Section 25.720(d)). If the applicant has not met ~~the~~this requirement to pass the TPA and is not eligible to take the APT, he or she may:
 - A) apply for an educator license with stipulations endorsed for the grade levels and content area of the endorsement sought, provided

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he or she holds a valid, comparable certificate or license from another state and has passed the test of basic skills and applicable content-area test required by Section 21B-30 of the School Code and Section 25.720 of this Part, and complete the TPA while employed as a teacher in an Illinois school district; or

- B) enroll in the student teaching portion of an educator preparation program offered by an Illinois institution of higher education approved to offer a program pursuant to Subpart C, during which time the TPA shall be completed; or
 - C) for purposes of meeting both the requirements of Section 21B-30(f) of the School Code and this subsection (a)(4), an applicant who provides evidence with his or her application of having at least ~~one year~~three years of full-time teaching experience and having achieved a "proficient" or higher rating, or the equivalent, on his or her most recent performance evaluation shall not be required to pass the TPA.
- b) An individual may receive additional endorsements on a professional educator license endorsed for teaching by meeting the applicable requirements of Sections 25.37 and 25.100.
 - c) A candidate whose credentials were earned at an institution outside the United States shall submit the documents prepared by the foreign institution to a service whose evaluations are accepted by the State Board pursuant to subsection (d) to determine if the candidate has met the requirements of Section 21B-35(b) of the School Code, including the coursework required under subsection (a)(2)(A).
 - 1) After reviewing the documents submitted, the service shall provide to the State Superintendent of Education a statement identifying the degree held by the individual and indicating whether or not the individual has been prepared as an educator. The service shall also provide a list of the courses completed, with the credits earned equated to semester hours.
 - 2) The transcript provided by the service pursuant to subsection (c)(1) shall be reviewed to determine whether the individual qualifies for a professional educator license and the endorsements for which application was made; if so, he or she shall receive the license and the endorsements

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indicated by the coursework completed.

- 3) If the review of the individual's transcript indicates that he or she does not qualify for a professional educator license and the endorsements for which application was made, he or she shall receive a notification of the deficiencies for the license and the endorsement requested.
- d) Evaluation services shall be approved to review foreign credentials for purposes of Illinois licensure if they demonstrate experience working on behalf of either the National Association of Foreign Student Affairs or the American Association of Collegiate Registrars and Admissions Officers. However, the State Board of Education may discontinue acceptance of evaluations from any service based on evidence of material inconsistencies in reviews. The State Board shall maintain an up-to-date list of all organizations whose reviews are being accepted and shall make this list readily available.
- e) If either a candidate who has not been entitled by an Illinois-approved institution of higher education or an applicant from another country has not met one or more of the criteria to receive a professional educator license and endorsements for which he or she has applied, the candidate may apply and qualify for an educator license with stipulations endorsed for provisional educator if he or she meets the requirements of Section 21B-20(2)(A) of the School Code, including passage of the Illinois test of basic skills and any Illinois content-area test required for each endorsement sought, as required by Section 21B-30 of the School Code and Section 25.720 of this Part, *either prior to or within one year after issuance of the educator license with stipulations endorsed for provisional educator.* (See Section 21B-20(2)(A) of the School Code.)
 - 1) *Applicants who have not been entitled by an Illinois-approved educator preparation program at an Illinois institution of higher education shall not receive a provisional educator endorsement on the educator license with stipulations if the person completed an alternative licensure program in another state, unless the program has been determined to be equivalent to Illinois program requirements.* (Section 21B-20(2)(A) of the School Code)
 - 2) Applicants shall be eligible for an educator license with stipulations endorsed for provisional educator, principal or superintendent, provided that they meet the requirements of Section 21B-35(b-5)(1) and (3) of the

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School Code regarding completion of a program approved by another state or country and issuance of a certificate or license in a teaching field.

- 3) The educator license with stipulations endorsed for provisional educator shall be issued only once, valid until June 30 immediately following two years after the license being issued, unless the licensee, during the time in which he or she held the provisional endorsement:
 - A) passed the test of basic skills and the applicable content-area test, as required under Section 21B-20(2)(A)(ii) of the School Code; and
 - B) did not work in a public school or nonpublic school recognized by the State Board of Education pursuant to 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) at any time during the validity period of the educator license with stipulations endorsed for provisional educator.
- 4) An applicant may request one or more endorsements when he or she initially applies for the professional educator license and pays only one fee required under Section 21B-40 of the School Code. Applications shall be evaluated for only those endorsements requested by the applicant. For those individuals not qualifying for the professional educator license, additional endorsements may be requested following issuance of the educator license with stipulations upon application and payment of the fee required under Section 21B-40; however, the date of approval of any additional endorsements shall not extend the validity period of the educator license with stipulations.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART I: ILLINOIS LICENSURE TESTING SYSTEM

Section 25.720 Applicability of Testing Requirement and Scores

- a) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.
- b) Basic Skills Test

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Except as provided in subsections (b)(1) and (2), each candidate seeking an Illinois license (professional educator license or certain educator licenses with stipulations), whether it is his or her first license or a subsequent license, shall be required to pass a test of basic skills authorized under Section 21B-30 of the School Code [105 ILCS 5/21B-30]. Further, Section 21B-30(c) of the School Code requires candidates in teacher preparation or school support personnel preparation programs to pass this test prior *to starting their student teaching or starting the final semester of their internship*.

- 1) A person who has passed the Illinois test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C or as a condition of participation in student teaching or an internship shall not be required to retake that test when seeking any subsequent endorsements or other educator licenses.
- 2) A person who has passed the Illinois test of basic skills and has been issued an Illinois educator license or any subsequent endorsement on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent endorsements or other educator licenses.
- 3) A person who has passed another state's or country's test of basic skills as a condition of educator certification or licensure in that state or country or admission to a teacher preparation program approved by that state or country shall not be required to take the Illinois basic skills test before receiving a license. (See Section 21B-35 of the School Code.)
- 4) The Illinois test of basic skills will be administered as four separate subtests: reading comprehension, language arts, mathematics and writing.
 - A) Individuals may take all four subtests or any combination of the individual subtests during a single test administration.
 - B) Scores on basic skills subtests can be "banked", and an individual will not be required to take a subtest again once he or she has achieved a passing score on that subtest.
- 5) In lieu of passing the Illinois test of basic skills, a candidate in an Illinois educator preparation program or applicant for an educator license may

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submit for consideration his or her composite score either from the ACT[®] or the SAT[®], provided that either test must include a writing component.

- A) The State Superintendent shall announce and post on the State Board's website the minimum composite score on each test that will be accepted under this subsection (b)(5). ~~Should any of the minimum scores be modified, the State Superintendent shall inform licensure officers no later than January 1 of the score to be used and shall modify the State Board's website accordingly.~~
- i) The minimum composite score to be used for the ACT[®] shall be the average of the college-readiness benchmarks established by ACT[®] ~~and posted at <http://www.act.org/solutions/college-career-readiness/college-readiness-benchmarks/>, rounded up to the next whole number, or at least 22.~~
- ii) The minimum writing score for the ACT[®] administered no later than August 31, 2015 shall be the combined English/Writing score of at least 19. For tests administered September 1, 2015 or later, a writing score shall be a minimum of 16. ~~found at <http://www.actstudent.org/writing/combined.html>, which will be identified by using the ACT[®] English score identified as the college-readiness benchmark and posted at <http://www.act.org/solutions/college-career-readiness/college-readiness-benchmarks/> and the ACT[®] writing score that is the same as the passing score for the writing subtest of the Illinois test of basic skills determined in accordance with Section 25.760.~~
- iii) The minimum composite score for the SAT[®] shall be 1030 ~~the single score identified by ACT[®] as comparable to the ACT[®] score identified pursuant to subsection (b)(5)(A)(i) and posted at <http://www.act.org/solutions/college-career-readiness/compare-act-sat/>.~~

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- iv) The minimum writing score for the SAT[®] shall be ~~450~~the single writing score identified by ACT[®] as comparable to the ACT[®] English/Writing score identified pursuant to subsection (b)(5)(A)(ii) and posted at <http://www.act.org/solutions/college-career-readiness/compare-act-sat/>.
 - B) The candidate or applicant may apply to the State Board of Education for consideration of his or her ACT[®] or SAT[®] results, using a form provided by the State Superintendent of Education for this purpose. The candidate or applicant shall direct ACT[®] or the College Board to send an official score report of his or her composite score and English/Writing or single writing score, as applicable, to the address provided on the application form.
- c) Content-Area Tests
- 1) Each candidate seeking an Illinois professional educator license or endorsement on that license, whether his or her first license or endorsement or a subsequent license or endorsement, shall be required to pass a content-area test for each endorsement area for which there is an applicable test (see Section 21B-30(d) of the School Code; also see Section 25.710). Further, Section 21B-30(d) of the School Code requires passage of this test before a candidate begins student teaching or begins serving as a teacher of record. No waivers or exemptions are available.
 - 2) A person who has passed a test of language proficiency, authorized under Section 21B-30 of the School Code, in order to qualify for an educator license with stipulations endorsed for transitional bilingual educator, and received that license shall not be required to retake that test in order to qualify for a bilingual education credential on another professional educator license received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program also shall not be required to retake that test.
- d) Assessment of Professional Teaching (APT) (Through August 31, 2020)
In order to complete an educator preparation program, each candidate or out-of-state applicant who has completed his or her student teaching by August 31, 2015 and is seeking his or her first Illinois professional educator license endorsed in a

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teaching field shall be required to pass the APT relevant to the endorsement sought (see Section 25.710) or, in lieu of passing the APT, may provide evidence of meeting the requirements of subsection (e).

- e) Teacher Performance Assessment (TPA)
Beginning September 1, 2015, each candidate or out-of-state applicant completing an educator preparation program in a teaching field shall be required to pass the TPA, except as otherwise provided in subsection (d) (see Section 21B-30(f) of the School Code).
- 1) Each recognized institution offering approved teacher preparation programs shall administer the TPA during a candidate's student teaching experience.
 - 2) A person who has *successfully completed an evidence-based assessment of teacher effectiveness*, as required under this subsection (e), *at the time of initial certification or licensure in another state or country shall not be required to complete the TPA.* (See Section 21B-35 of the School Code.)
- f) Except as provided in subsection (c)(2), for each person seeking an Illinois license, no passing score on a content area test or the APT may be more than 10 years old at the time application is made. (See Section 21B-30 of the School Code.) The 10-year period shall be calculated from the date the test was taken to the date of receipt of the application by the State Board of Education. Scores more than 10 years old will not be accepted as part of an application. The 10-year period discussed in this subsection (f) shall apply to each score that forms part of an application received on or after July 16, 2015, as well as any applications pending on, or for which an evaluation is valid as of, that date.
- g) Subject to registration in accordance with the provisions of this Subpart I and the provisions of Section 25.755(g)(1), an individual who has taken a paper-and-pencil test may retake that test during any subsequent, regularly scheduled administration of that test in paper-and-pencil format and may retake that test by computer during any subsequent computer-based test administration.
- h) Subject to registration in accordance with the provisions of this Subpart I and the provisions of Section 25.755(g)(1), an individual who has taken a computer-based test or subtest of the Illinois test of basic skills may retake that test or specific subtest by computer after no fewer than 30 days but also may retake that test or

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specific subtest during any subsequent, regularly scheduled administration of the test or subtest in paper-and-pencil format.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards for Endorsements in Early Childhood Education and in Elementary Education
- 2) Code Citation: 23 Ill. Adm. Code 26
- 3) Section Number: 26.300 Proposed Action:
Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: In 2013, the Agency adopted new standards for preparation programs for the elementary education endorsement and created standards for new programs for endorsements in the middle grades. At the time, staff believed that staggering the implementation dates of the revised elementary education and new middle grades programs would provide relief to institutions of higher education that wished to offer both types of endorsement preparation programs.

The new elementary education preparation programs, however, result in an endorsement for grades 1 through 6 (rather than kindergarten through grade 9). Therefore, requiring implementation of the new programs a full year before the middle grades programs are implemented disadvantaged some elementary education candidates who wished to also qualify for a middle grades endorsement under the current requirements (i.e., completion of six semester hours of coursework specific in the middle grades rather than a complete program). For this reason, staff are proposing that the effective date for full implementation of elementary education endorsement programs be modified to February 1, 2018 (currently, 2017). Additionally, candidates in existing programs established under Part 26 will have until September 1, 2018, to complete those programs in order to obtain an endorsement by September 1, 2019.
- 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

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NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:
- Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001
- 217/782-5270
rules@isbe.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) This rulemaking was not included on either of the 2 most recent Agendas because: The need to amend the rule did not become apparent until after publication of the January 2016 agenda.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 26

STANDARDS FOR ENDORSEMENTS IN EARLY CHILDHOOD
EDUCATION AND IN ELEMENTARY EDUCATIONSUBPART A: STANDARDS FOR ENDORSEMENTS
IN EARLY CHILDHOOD EDUCATION

Section

26.100	Purpose and Effective Dates of Standards in Subpart A
26.110	Curriculum: General
26.120	Curriculum: English Language Arts Standards Through August 31, 2019
26.125	Curriculum: English Language Arts Standards Beginning September 1, 2019
26.130	Curriculum: Mathematics Standards Through August 31, 2019
26.135	Curriculum: Mathematics Standards Beginning September 1, 2019
26.140	Curriculum: Science
26.150	Curriculum: Social Science
26.160	Curriculum: Physical Development and Health
26.170	Curriculum: Fine Arts
26.180	Human Development and Learning
26.190	Diversity
26.200	Planning for Instruction
26.210	Learning Environment
26.220	Instructional Delivery
26.230	Communication
26.240	Assessment Standards Through August 31, 2019
26.245	Assessment Standards Beginning September 1, 2019
26.250	Collaborative Relationships
26.260	Reflection and Professional Growth
26.270	Professional Conduct and Leadership

SUBPART B: STANDARDS FOR ENDORSEMENTS
IN ELEMENTARY EDUCATION

Section

26.300	Purpose and Effective Dates of Standards in Subpart B
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26.310	Curriculum
26.320	Curriculum: English Language Arts
26.330	Curriculum: Mathematics
26.340	Curriculum: Science
26.350	Curriculum: Social Science
26.360	Curriculum: Physical Development and Health
26.370	Curriculum: Fine Arts
26.380	Human Development and Learning
26.390	Diversity
26.400	Planning for Instruction
26.410	Learning Environment
26.420	Instructional Delivery
26.430	Communication
26.440	Assessment
26.450	Collaborative Relationships
26.460	Reflection and Professional Growth
26.470	Professional Conduct and Leadership

AUTHORITY: Implementing Article 21B and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21B and 2-3.6].

SOURCE: Adopted at 26 Ill. Reg. 6263, effective April 22, 2002; amended at 37 Ill. Reg. 16759, effective October 2, 2013; amended at 39 Ill. Reg. 2413, effective February 2, 2015; amended at 39 Ill. Reg. 13472, effective September 24, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART B: STANDARDS FOR ENDORSEMENTS
IN ELEMENTARY EDUCATION

Section 26.300 Purpose and Effective Dates of Standards in Subpart B

Beginning February 1, ~~2018~~2017, the provisions of Sections 26.320 and 26.330 are replaced by 23 Ill. Adm. Code 20 (Standards for Endorsements in Elementary Education) as the standards that, together with the standards set forth in Standards for All Illinois Teachers (see 23 Ill. Adm. Code 24), and the standards in this Subpart B other than those in Sections 26.320 and 26.330 shall apply to the issuance of an endorsement in elementary education on a professional educator license pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B]. The standards set forth in this Subpart B shall apply both to candidates for an endorsement in elementary education and to the programs that prepare them.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- a) Approval of any teacher preparation program or course of study in elementary education pursuant to the State Board's rules for Educator Licensure (23 Ill. Adm. Code 25, Subpart C) shall be based on the congruence of that program's or course's content with the standards identified in this Subpart B.
- b) The examinations required for issuance of an elementary endorsement shall be based on the standards identified in this Subpart B.
- c) No candidate shall be admitted to a program approved under the provisions of this Subpart B after October 1, 2015. Any candidate who is enrolled in an elementary program approved under this Part shall complete the program on or before September 1, ~~2018~~2017 and have the elementary education endorsement issued by September 1, ~~2019~~2018.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Established Political Party and Independent Candidate Nominating Petitions
- 2) Code Citation: 26 Ill. Adm. Code 201
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
201.10	Amendment
201.20	Amendment
201.30	Amendment
201.40	Amendment
- 4) Statutory Authority: Sections 1A-8 (9), 5/7-12 and 5/8-9 and 5/10-6.2 of the Illinois Election Code [10 ILCS 5]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking fixes a Heading of Part titling error, updates the current address of the principal and permanent branch office of the State Board of Elections, clarifies that no filings will be accepted after 5:00 p.m., and updates the rules to reflect the closure of the State Board of Election's former post office box.
- 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 the 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: See number 5 above
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Kenneth R. Menzel, General Counsel
Illinois State Board of Elections

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

2329 S MacArthur Blvd.
Springfield, IL 62708

217/782-4141
fax: 217/782-5959
kmenzel@elections.il.gov

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

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONSPART 201
ESTABLISHED POLITICAL PARTY ~~AND~~
~~INDEPENDENT CANDIDATE~~ NOMINATING PETITIONS

Section

201.10	Filing Times at the Office of the State Board of Elections
201.20	Determination of Nominating Petition's Official Time of Filing
201.30	Filing Times for Objections and Withdrawals
201.40	Simultaneous Filings for the Same Office – Lottery

AUTHORITY: Implementing Articles 7, 8 and 10 of the Election Code [10 ILCS 5/Arts. 7, 8 and 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; amended at 5 Ill. Reg. 14140, effective December 4, 1981; codified at 6 Ill. Reg. 7213; emergency amendment at 8 Ill. Reg. 24311, effective November 29, 1984, for a maximum of 150 days; amended at 30 Ill. Reg. 6343, effective April 3, 2006; amended at 40 Ill. Reg. 2836, effective January 25, 2016; amended at 40 Ill. Reg. _____, effective _____.

Section 201.10 Filing Times at the Office of the State Board of Elections

- a) ~~All petitions~~Petitions for nomination to public office, including independent candidate petitions, and all petitions for nomination to political party office required by law to be filed with the State Board of Elections relating to offices to be filled or for which party nominations are to be made at the general Primary Election, shall be filed at the principal office of the State Board of Elections at ~~2329 S. MacArthur Boulevard, 4020 South Spring Street~~, Springfield, Illinois 62704.
- b) During the statutory filing period, petitions will be received at the principal office of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday. No nominating petitions will be accepted after 5:00 p.m.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 201.20 Determination of Nominating Petition's Official Time of Filing

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

All nominating petitions received in the office of the State Board of Elections shall be deemed to have been filed in the following order:

- a) Petitions received in the first regular mail delivery on the by mail after 12:00 midnight and on hand at the opening of the office at 8:00 a.m., Monday, first day of filing, shall be deemed filed as of 8:00 a.m. that date;
- b) All petitions filed by persons waiting in line as of 8:00 a.m. on the, Monday, first day of filing, shall be deemed filed as of 8:00 a.m. that date;
- c) Petitions filed in the office of the State Board of Elections thereafter shall be deemed to be filed as of the time they are actually received by the State Board of Elections.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 201.30 Filing Times for Objections and Withdrawals

- a) Objections to or withdrawals of nominating petitions filed with the State Board of Elections shall be received either in the principal office of the State Board of Elections in Springfield or at the permanent branch office at 100 West Randolph, Suite 14-100, Chicago, Illinois 60601 ~~at 100 W. Randolph, Suite 14-100, Chicago, Illinois 60601~~ within five business days after the last day of the statutory period during which those such petitions for nomination shall be filed.
- b) During the statutory period in which wherein objections and withdrawals shall be filed, objections and withdrawals will be received at the offices of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday. No objections or withdrawals will be accepted after 5:00 p.m.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 201.40 Simultaneous Filings for the Same Office – Lottery

Simultaneous filings of candidate nominating petitions for the same office occur only at 8:00 a.m. on the first day of filing, and in the last hour of filing on the last day of filing. The lottery system to be used by the State Board of Elections, the election authority, or the local election official to break ties resulting from simultaneous filings must be approved by the State Board of

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Elections. The following system has been so approved:

- a) The names of all candidates who filed simultaneously for the same office shall be listed alphabetically and shall be numbered consecutively commencing with the number one, which shall be assigned to the candidate whose name is listed first on the alphabetical list; provided, however, that candidates filing a group petition for the same office shall be treated as one in the alphabetical listing using the name of the first candidate for that office to appear on the petitions as the name to be included in the alphabetical list. For example, if five candidates by the name of Downs, Brown, Edwards, Cook and Adams have filed simultaneously, they will be arranged alphabetically and assigned numbers as follows: Adams, one; Brown, two; Cook, three; Downs, four; and Edwards, five. However, if Cook and Adams filed a group petition and Cook's name appeared first on the petition, then the candidates would be arranged as follows: Brown, one; Cook and Adams, two; Downs, three; and Edwards, four.
- b) All ties will be broken by a single drawing. A number shall be placed in a container representing each number assigned to each candidate and group of candidates pursuant to the alphabetical listing procedure set forth in subsection (a). For example, if the largest number to be used for any office is five, then numbers one, two, three, four and five will be placed in a container. In this manner, sufficient numbers will be placed in the container to conduct a drawing for all offices at the same time.
- c) After the numbers are placed in the container they shall be drawn one at a time from the container after they have been thoroughly shaken and mixed. The candidate or group of candidates in the position on an alphabetical list corresponding to the first number drawn shall be certified ahead of the other candidates listed on the alphabetical list. The candidate or group of candidates in the position on the alphabetical list corresponding to the second number drawn will be certified second, and so forth until all numbers have been drawn. For example, when no group petitions were filed, if candidates Adams, Brown, Cook, Downs and Edwards filed simultaneously at 8:00 a.m. on the first day of filing, and the number three is the first drawn, then candidate Cook, who is listed in the third position on the alphabetical list, shall be certified first on the ballot. If the number one is drawn second, then candidate Adams, who is listed in the first position on the alphabetical list, shall be certified second on the ballot, and so on. For offices for which group petitions were filed, using the example set forth in this subsection (c) in which candidates Cook and Adams file a group petition for

STATE BOARD OF ELECTIONS

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the same office, and Cook's name appears first on the petition, and number three is drawn first, then candidate Downs would be listed first. If the number two is drawn second, then candidates Cook and Adams would be certified second and third, respectively. If the number four is drawn third, then candidate Edwards would be certified fourth, and so on. In districts with fewer names on the alphabetical list than are in the drawing, then all numbers in excess of the number of candidates or group of candidates that appear on the particular alphabetical list shall be disregarded. Thus, if five numbers are placed in the container, and only four candidates or groups of candidates are on a particular list, then the number five shall be disregarded. For example, if candidates Adams and Cook, filing separate petitions, are the only candidates listed on the alphabetical list and five numbers are chosen in the following order, 3, 5, 4, 2 and 1, then candidate Cook's name will appear in the certification prior to the name of candidate Adams. For simultaneous petitions filed in the last hour on the last day of filing, the drawing shall operate in the same manner as outlined in this Section, except that the candidate associated with the first drawn number shall be certified last on the ballot, the candidate associated with the second drawn number shall be certified second to last on the ballot, and so on until all numbers are drawn.

~~d) No nominating petitions will be accepted after 5:00 p.m.~~

de) All candidates shall be certified in the order in which petitions have been filed with the State Board of Elections, election authority or the local election official. In cases in which candidates have filed simultaneously, they shall be certified (in the order determined by the lottery procedure outlined in this Section) prior to candidates who filed for the same office who filed their petitions at a later time, except in those situations in which the law requires rotation on a district-by-district basis.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

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- 1) Heading of Part: New Political Party Nominating Petitions
- 2) Code Citation: 26 Ill. Adm. Code 202
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
202.10	Amendment
202.20	Amendment
202.30	Amendment
202.50	Repealed
- 4) Statutory Authority: Sections 1A-8 (9) and 5/10-6.2 of the Illinois Election Code [10 ILCS]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking fixes a Heading of Part titling error, updates the current address of the principal office of the State Board of Elections, clarifies that no filings will be accepted after 5:00 p.m., updates the rules to reflect the closure of the State Board of Election's former post office box, and eliminates an unnecessary and outdated Section.
- 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 the 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: See number 5 above
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Kenneth R. Menzel, General Counsel
Illinois State Board of Elections
2329 S MacArthur Blvd.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62708

217/782-4141

fax: 217/782-5959

kmenzel@elections.il.gov

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

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

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 26: ELECTIONS
CHAPTER I: STATE BOARD OF ELECTIONSPART 202
NEW POLITICAL PARTY AND INDEPENDENT CANDIDATE
NOMINATING PETITIONS

Section

202.10	Filing Times at the Office of the State Board of Elections
202.20	Determination of Nominating Petition's Official Time of Filing
202.30	Filing Times for Objections and Withdrawals
202.40	Simultaneous Filings for the Same Office – Lottery
202.50	Nominating Petitions Filed with County Clerks <u>(Repealed)</u>

AUTHORITY: Implementing Article 10 of the Election Code [10 ILCS 5/Art. 10] and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; amended at 5 Ill. Reg. 14144, effective December 4, 1981; codified at 6 Ill. Reg. 7214; amended at 30 Ill. Reg. 6347, effective April 3, 2006; amended at 40 Ill. Reg. 2841, effective January 25, 2016; amended at 40 Ill. Reg. _____, effective _____.

Section 202.10 Filing Times at the Office of the State Board of Elections

- a) All new political party petitions for the formation of ~~that such~~ party and for the nomination of candidates to public office, and all independent candidate petitions, with regard to all General Elections to be held on the first Tuesday after the first Monday in November of even numbered years, shall be filed at the principal office of the State Board of Elections, 2329 S. MacArthur Boulevard, 1020 South Spring Street, Springfield, Illinois 62704.
- b) During the statutory filing period, petitions will be received at the principal office of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday. No nominating petitions will be accepted after 5:00 p.m.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 202.20 Determination of Nominating Petition's Official Time of Filing

STATE BOARD OF ELECTIONS

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~~Petitions~~Such petitions for nomination, when received in the principal office of the State Board of Elections, shall be deemed to have been filed in the following order:

- a) Petitions received ~~in the first regular mail delivery by mail after 12:00 midnight and on hand at the opening of the office at 8:00 a.m., Monday, July 31, 1978,~~ shall be deemed filed as of 8:00 a.m. that date;
- b) All petitions filed by persons waiting in line as of 8:00 a.m. ~~on the first day of filing, Monday, July 31, 1978,~~ shall be deemed filed as of 8:00 a.m. that date;
- c) Petitions either received in the mail or filed in the principal office of the State Board of Elections thereafter shall be deemed filed as of the time they are actually received by the State Board of Elections.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 202.30 Filing Times for Objections and Withdrawals

- a) Objections to or withdrawals of the new political party ~~or independent candidate~~ petitions filed with the State Board of Elections shall be received either in the principal office of the State Board of Elections ~~in Springfield~~ or at the permanent branch office at 100 West Randolph, Suite 14-100, Chicago, Illinois 60601 within five business days after the last day of the statutory period during which new political party petitions for formation and nomination of candidates shall be filed.
- b) During the statutory period wherein objections and withdrawals shall be filed, objections and withdrawals will be received at the offices of the State Board of Elections from 8:00 a.m. until 5:00 p.m., Monday through Friday. ~~No objections or withdrawals will be accepted after 5:00 p.m.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 202.50 Nominating Petitions Filed with County Clerks (Repealed)

- a) ~~All new political party petitions for formation and nomination of candidates to public office for legislative, congressional or judicial districts or circuits entirely contained within a single county, with regard to the General Election to be held on November 7, 1978, shall be filed with the appropriate county clerk.~~

STATE BOARD OF ELECTIONS

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- b) ~~To satisfy the requirements of Section 10-14 of the Election Code, within 5 days after the last day for filing objections to or withdrawals of the abovementioned petitions, all county clerks shall notify and forward to the State Board of Elections a copy of all new political party petitions which have been filed with the county clerk and are to appear on the November 7, 1978, General Election Ballot.~~

(Source: Repealed at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Conservation Reserve Enhancement Program (CREP)
- 2) Code Citation: 17 Ill. Adm. Code 1515
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1515.5	New Section
1515.10	Amendment
1515.20	Amendment
1515.30	Amendment
1515.40	Amendment
1515.50	Amendment
1515.60	Amendment
1515.70	New Section
1515.80	New Section
1515.90	New Section
1515.EXHIBIT B	New Section
- 4) Statutory Authority: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois [20 ILCS 805/Part 13.5]
- 5) Effective Date of Rules: March 16, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 15664; December 11, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:

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Section 1515.30(c)(2), "indentification" has been corrected to "identification".
Section 1515.30(c)(13), "or clarifying" has been added after "additional".

Section 1515.50(1)(1)(B), "A conservation plan will be written and approved by IDNR based on the CREP program and the landowners' conservation goals" has been deleted; "for the total acreage in the permanent easement" has been stricken.

Section 1515.50(b)(4), "2005" has been added before "Illinois Wildlife"; and "(<http://www.dnr.illinois.gov/conservation/IWAP/documents/WildlifeActionPlan.pdf>)" has been added after "Plan"; "paid receipts" has been changed to "any payments".

Section 1515.50(c)(2), "AD-" has been reinstated; "862 and completed USDA form AD-245" has been reinstated.

Section 1515.80(a)(1), "Section 3" has been changed to "the".

Section 1515.80(a)(3), "building specifications proposed by the landowner and approved by DNR." has been added after "storage"; and "building specifications approved by IDNR" has been deleted.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to update this Part to be consistent with how the program needs to be administered in conjunction with federal mandates and State laws.
- 16) Information and questions regarding these adopted rules shall be directed to:

Virginia I. Yang, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

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314/793-1012

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1515
CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

Section

[1515.5](#) [Definitions](#)

1515.10 General Provisions

1515.20 Eligibility Requirements

1515.30 Enrollment Process

1515.40 Exceptions to Enrollment Process

1515.50 Payments

1515.60 Violation

[1515.70](#) [Compliance and Easement Stewardship](#)[1515.80](#) [Modifications to Grant of Conservation Right and Easement](#)[1515.90](#) [Transfer of a Grant of Conservation Right and Easement](#)1515.EXHIBIT A [Map of Eligible Area in Illinois and Kaskaskia River Watersheds](#)[1515.EXHIBIT B](#) [List of CREP Eligible Illinois Soil and Water Conservation Districts](#)

AUTHORITY: Implementing and authorized by the Intergovernmental Cooperation Act [5 ILCS 220], the Soil and Water Conservation Districts Act [70 ILCS 405], the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Real Property Conservation Rights Act [765 ILCS 120], and the Civil Administrative Code of Illinois [20 ILCS 805/Part 13.5].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 18116, effective September 22, 1998, for a maximum of 150 days; emergency expired on February 19, 1999; adopted at 23 Ill. Reg. 3396, effective March 8, 1999; emergency amendment at 25 Ill. Reg. 7329, effective May 22, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 13600, effective October 9, 2001; amended at 27 Ill. Reg. 12677, effective July 21, 2003; amended at 29 Ill. Reg. 20507, effective December 2, 2005; amended at 35 Ill. Reg. 1636, effective January 14, 2011; amended at 40 Ill. Reg. 5654, effective March 16, 2016.

Section 1515.5 Definitions

"100-year Floodplain" means an area adjacent to a body of water that has a 1% chance of being flooded in a given year.

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"CRP Soil Rental Rates" means the price values that are associated with each soil type and that are used to calculate payments to CRP contract holders.

"Commodity Credit Corporation" or "CCC" means the federal government-owned and -operated entity that was created to stabilize, support and protect farm income and prices under the federal Food and Security Act of 1985, as amended (16 USC 3830 et seq.) and its regulations.

"Conservation Plan" means a detailed prescription for managing and/or restoring land for ecological benefit.

"Conservation Practices" or "CP" means commonly used conservation methods developed and described by the USDA-NRCS in its National Handbook of Conservation Practices. Individual states can adopt the CP, with or without modifications as needed for state variations in soils, climate and topography. The CP are designed to improve natural resources with respect to soil, water, air, plants and animals plus humans (SWAPA+H) and include:

CP9 (Shallow Water Areas for Wildlife) – intended to develop or restore shallow water areas, to an average depth of 6 to 18 inches, for wildlife;

CP11 (Vegetative Cover – Trees Already Established) – used to identify land established to trees that is under CRP contract at the time the acreage is offered for enrollment in CRP and the producer elects to reoffer the acreage to be devoted to trees;

CP12 (Wildlife Food Plot) – intended to establish annual or perennial wildlife food plots that will enhance wildlife or wildlife habitat;

CP2 (Establishment of Permanent Native Grasses) – intended to establish a vegetative cover of native grasses on eligible cropland that will enhance environmental benefits;

CP21 (Filter Strip) – intended to remove nutrients, sediment, organic matter, pesticides and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification and other processes, and thereby reduce pollution and protect surface water and

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subsurface water quality while enhancing the ecosystem of the water body;

CP22 (Riparian Buffer) – intended to:

remove nutrients, sediment, organic matter, pesticides and other pollutants from surface runoff and subsurface flow by deposition, absorption, plant uptake, denitrification and other processes, and thereby reduce pollution and protect surface water and subsurface water quality while enhancing the ecosystem of the water body;
and

create shade to lower water temperature to improve habitat for aquatic organisms and to provide a source of detritus and large woody debris for aquatic organisms and habitat for wildlife.

CP23 (Wetland Restoration) – intended to restore the functions and values of wetland ecosystems that have been devoted to agriculture use. The level of restoration of the wetland ecosystem shall be determined by the producer in consultation with NRCS or a qualified Technical Service Provider;

CP25 (Rare and Declining Habitat) – intended to restore the functions and values of critically endangered, endangered and threatened habitats. The extent of the restoration is determined by the specifications developed at the state level;

CP3 (Tree Planting) – intended to establish a stand of trees in a timber planting that will enhance environmental benefits;

CP39 (Constructed Wetland) – intended to improve water quality by increasing nutrient and sediment trapping efficiencies as well as increase wildlife habitat in row cropped agricultural drained land;

CP3A (Hardwood Tree Planting) – intended to establish a stand of predominantly hardwood trees in a timber planting that will enhance environmental benefits;

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CP4D (Permanent Wildlife Habitat, Noneasement) – intended to establish a permanent wildlife habitat cover to enhance environmental benefits for the wildlife habitat of the designated or surrounding areas.

"Conservation Reserve Enhancement Program" or "CREP" means the State of Illinois land conservation program administered by the Department of Natural Resources to enhance:

water quality by reduction of sediment and nutrients; and

wildlife habitats for rare and declining species as well as for State and federally listed threatened and endangered species in the Illinois River and Kaskaskia River watersheds, as identified in Exhibit A.

"Conservation Reserve Program" or "CRP" means the federal land conservation program administered by the USDA Farm Service Agency. In exchange for a yearly rental payment, farmers enrolled in the federal CRP agree to remove environmentally sensitive land from agricultural production and plant species that will improve environmental health and quality.

"Continuous CRP Signup" means a subset of federal CRP that allows landowners to enroll land into conservation practices year-round. Conservation practices eligible for continuous signup may have limits on size or width and may be linear in shape (e.g., along field edges or bodies of water).

"Cost-Share Payments" means payments made to CRP/CREP participants to pay for a set percentage of the cost of conservation practice installation.

"Department" or "IDNR" means the Illinois Department of Natural Resources.

"Erodibility Index" or "EI" means the technical value calculated by dividing all potential erosion sources by the maximum average soil loss (in tons) that will still allow the current level of crop production in the future. This index is used to determine highly erodible land.

"Farm Service Agency" or "FSA" means the division of USDA that administers many farm commodity, crop insurance, credit, environmental, conservation and emergency assistance programs for farmers and ranchers.

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"Farmed Wetlands" means the wetland areas that were partially drained or altered to improve crop production prior to the enactment of the Food and Security Act of 1985 (1985 Farm Bill), effective December 23, 1985. Farmed wetlands may be farmed in a manner consistent with farming practices prior to the effective date of the 1985 Farm Bill, and the drainage may be maintained to the same wetland conditions that were in place before December 23, 1985.

"General CRP Signup" means a subset of the federal CRP with a specific timeframe designated by USDA that may include the full spectrum of conservation practices that are typically eligible during general signups and allowing for large CRP enrollment acreages.

"Grant of Conservation Right and Easement" means a legally binding document that specifies the rights that a landowner has relinquished or retains by the granting of a conservation right and easement.

"Highly Erodible Land" or "HEL" means land or riparian areas within the 100 year floodplain that is susceptible to erosion as determined by USDA-NRCS and has an EI of at least 8.

"Illinois Wildlife Action Plan" means a comprehensive plan that describes the particular needs of wildlife that are declining in Illinois so that populations can be stabilized and increased and that outlines specific geographic areas where efforts can be focused to achieve the greatest benefit.

"Maximum CRP Rental Rates" means the overall rental payment per acre that is calculated using the three predominant soil types that make up an area to be enrolled in CRP. A weighted average of the individual rates associated with each soil type determines the overall rental payment per acre.

"National CRP Directives" means the federal amendments to the FSA Handbook (2-CRP; revision 5), available on the FSA website (www.fsa.usda.gov/il) and the IDNR website (www.dnr.state.il.us).

"Natural Resources Conservation Service" or "NRCS" means the division of USDA that serves as the primary federal agency working with private landowners to assist with conserving, maintaining and improving their natural resources.

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"Non-cropped Acres" means acreage where an approved agricultural commodity is not produced, but that may be eligible to be included as additional acres in a permanent CREP easement when enrolled in conjunction with other cropland acres.

"Practice Incentive Payment" or "PIP" means a one-time payment made to CRP participants when the first conservation practice is installed on land enrolled in CRP.

"Prior Converted Wetlands" means wetland areas that were fully altered or improved for agriculture before the enactment of the 1985 Farm Bill (effective December 23, 1985) and have no restrictions on either drainage maintenance or additional drainage on these areas.

"Riparian Areas" or "Riparian Buffer Areas" means land along a river or stream.

"Signup Incentive Payment" or "SIP" means a one-time payment made to federal CRP participants when they sign up for the federal CRP program.

"Soil and Water Conservation District" or "SWCD" means the local county government entity in Illinois that provides technical assistance and tools to manage and protect land and water resources in its respective county or counties and that works cooperatively with IDNR to manage the State CREP. (See list of SWCDs in Exhibit B.)

"Technical Service Provider" or "TSP" means an individual certified to provide technical assistance on behalf of USDA for purposes of conservation planning and design, layout, installation and checkout of approved conservation practices.

"U.S. Department of Agriculture" or "USDA" means the federal government entity that is authorized to promote public policy regarding agriculture, natural resources and conservation of the nation's natural resources through restored forests, improved watersheds and healthy private working lands and to promote cooperative efforts between state and local government entities and the private sector.

"USDA Form AD-245" means the document issued by USDA-FSA that is reviewed and signed by the landowner, represents the landowner's official request for cost-share through CRP, and details the amounts to be paid to the landowner.

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"USDA Form AD-862" means the document issued by USDA-FSA that is completed by a designated and qualified official to evaluate the condition and success of conservation practices associated with a CRP contract.

"Watershed" means an area of land where surface water from precipitation converges at a lower elevation and where the water joins another waterbody, such as a river, lake or wetland.

"Wetlands Farmed under Natural Conditions" means an area that meets wetland criteria, but has not been drained or otherwise altered to eliminate normal wetland function.

"Wetlands" means land that:

has a predominance of hydric soils that were formed under conditions of saturation, flooding, ponding long enough during a growing season to develop anaerobic conditions in the upper part of the soils;

is inundated or saturated by surface of groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated solid conditions; and

supports a prevalence of such vegetation under normal conditions. (See USDA-NRCS Wetland Reserve Program Manual – Section 514.70, Definitions "SS".)

(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.10 General Provisions

The Conservation Reserve Enhancement Program ~~(CREP)~~ is a voluntary State incentive program~~Incentive Program~~ designed to address water quality and wildlife habitat concerns within the Illinois River and Kaskaskia River Watersheds (see Exhibit A). As described in the Agreement between USDA-Commodity Credit Corporation and State of Illinois (effective October 25, 2010), the Illinois CREP is a state partner with ~~combined with the federal~~ Federal Conservation Reserve Program (CRP). The Illinois CREP is designed to provide additional incentives and opportunities for landowners to restore, enhance and protect environmentally sensitive lands within both watersheds. Eligible lands may be retired and protected for ~~to~~

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~~provide long term environmental benefits by allowing 232,000 acres of certain environmentally sensitive lands in the Illinois and Kaskaskia River Watersheds to be restored, enhanced or protected over a period of time from 15 or 35 years or in to perpetuity. The Illinois CREP will be managed locally by the SWCDs, with support from local non-governmental organizations (NGOs), and in cooperation with IDNR, driven by locally led conservation efforts which show landowner support. This program will be the vehicle for a partnership between landowners, governmental entities, and non-governmental organizations in addressing watershed quality problems.~~

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.20 Eligibility Requirements

Lands that meet the ~~CREP~~ eligibility criteria for federal CRP contracts, as determined by FSA and Section 1515.40(c), the USDA Farm Service Agency (FSA) are eligible for enrollment in the State CREP Incentive Program, unless specifically excepted by Section 1515.40(a).

- a) The acres to be enrolled under CREP must consist of eligible land located within the Illinois and/or Kaskaskia River Watersheds (see Exhibit A). Eligible acres include the following as described in the Agreement between the U.S. Department of Agriculture, Commodity Credit Corporation, and State of Illinois, as amended, for CREP, as shown in Exhibit A. These acres are eligible if they are:
 - 1) Flooded and/or wetland riparian areas, which, for this purpose, shall be defined to be cropland or marginal pastureland that is either:
 - A) within the 100-year floodplain of the Illinois or Kaskaskia River and its~~their~~ tributary stream systems ~~depicted in Exhibit A~~; or
 - B) for wetland restoration purposes only, located within the watersheds ~~depicted in Exhibit A~~ and is determined by ~~the USDA Natural Resources Conservation Service (NRCS)~~ to be either a "farmed wetland" ~~or a "prior converted wetland"~~, as defined in Section 1515.5 ~~or a wetland farmed under natural conditions.~~
 - 2) Highly erodible riparian areas, which are croplands, for this purpose, shall be defined to be cropland that have~~has~~ a weighted average Erodibility Index (EI) of 8 or greater as determined by FSA and are located~~is~~ immediately adjacent to a riparian area within the 100-year floodplain.

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The ~~eligible landowner must enroll any eligible~~ adjacent riparian area must be enrolled in CREP or ~~another~~ CRP enrollment opportunity.

- 3) Eligible lands~~Land~~ may also be ~~enrolled that is~~ adjacent to lands enrolled ~~under~~in subsections (a)(1) and (2), if determined to be infeasible to farm according to National CRP Directives.

- b) CRP conservation practices eligible for ~~the~~ CREP enrollments and cost-share assistance are listed in ~~subsection (b)(1) through (4) and (2). Practices that enhance or create habitat or desired environment as part of an Illinois Department of Natural Resources (IDNR) approved conservation plan may be eligible for use on the enrolled property. Exceptions can be made to eligible practices or to standards within a practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.~~ subsection (b)(1) through (4) and (2). Practices that enhance or create habitat or desired environment as part of an Illinois Department of Natural Resources (IDNR) approved conservation plan may be eligible for use on the enrolled property. Exceptions can be made to eligible practices or to standards within a practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.
 - 1) For lands qualifying as riparian buffers or wetlands:
 - A) CRP Conservation~~Cropland~~ Practice CP 3A (Hardwood Tree Planting)
 - B) CRP Conservation~~Cropland~~ Practice CP 4D (Permanent Wildlife Habitat, Noneasement)
 - C) CRP Conservation~~Cropland~~ Practice CP 9 (Shallow Water Areas for Wildlife)
 - D) CRP Conservation~~Cropland~~ Practice CP 11 (Vegetative Cover – Trees = Already Established)
 - E) CRP Conservation~~Cropland~~ Practice CP 12 (Wildlife Food Plot)
 - F) CRP Conservation~~Cropland~~ Practice CP 21 (Filter Strip)
 - G) CRP Conservation Practice for Cropland and Marginal Pastureland ~~Practice~~ CP 22 (Riparian Buffer)
 - H) CRP Conservation~~Cropland~~ Practice CP 23 (Wetland Restoration)

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- I) CRP ~~Conservation~~~~Cropland~~ Practice CP 25 (Rare and Declining Habitat)-
- 2) For lands qualifying on the basis of erodibility (lands with an EI \geq 8):
 - A) CRP ~~Conservation~~~~Cropland~~ Practice CP 2 (Establishment of Permanent Native Grasses)
 - B) CRP ~~Conservation~~~~Cropland~~ Practice CP 3 (Tree Planting)
 - C) CRP ~~Conservation~~~~Cropland~~ Practice CP 3A (Hardwood Tree Planting)
 - D) CRP ~~Conservation~~~~Cropland~~ Practice CP 4D (Permanent Wildlife Habitat, Noneasement)
 - E) CRP ~~Conservation~~~~Cropland~~ Practice CP 12 (Wildlife Food Plot)
 - F) CRP ~~Conservation~~~~Cropland~~ Practice CP 25 (Rare and Declining Habitat)-
- 3) For lands qualifying on a wetland basis within the 100-year floodplain:
CRP Conservation Practice CP 39 (Farmable Wetland Program – Constructed Wetland)
- 4) Additional practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for use on the enrolled property. Exception can be made to eligible practices or to standards within a conservation practice if the USDA/IDNR approved conservation plan identifies extenuating circumstances that justify the exception.

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.30 Enrollment Process

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- a) An applicant for ~~CREP~~the program must be enrolled in CRP or comply with the Federal portion of the Conservation Reserve Enhancement Program or meet the criteria in Section 1515.40~~(d) or (e)~~.
- b) An applicant for CREP shall initiate the enrollment process through the appropriate For the State incentive program, the enrollment process is initiated at the county Soil and Water Conservation District (SWCD) office (see Exhibit B). If an SWCD decides not to hold the 15-year, 35-year or permanent easements for that county, IDNR will work with the landowner to complete the enrollment process. The applicant shall complete a landowner, who must be enrolled in the Federal portion of CREP or meet the criteria in Section 1515.40(d) or (e), completes the State CREP enrollment form that specifies the desired option: a 15-year easement, a 35-year easement or a permanent easement.
- c) The SWCD shall assist the CREP applicant and State enrollment form (Form) and the FSA approved CRP contract of the land to be enrolled shall use IDNR prescribed CREP enrollment forms that are available be submitted online at www.dnr.illinois.gov/CREP enrollment. A complete CREP enrollment application shall include the following: to IDNR to document the date and time received. The Form is assigned an enrollment number and an approval date that obligates the State funding for that enrollment. Enrollments are accepted and numbers assigned on a first come first served basis. If the appropriation for that fiscal year has been fully obligated, then the Form is assigned a number and a date and placed on the waiting list for subsequent appropriations.
- 1) A CREP application form with the specific easement option;
 - 2) Landowner identification information;
 - 3) Landowner signature form;
 - 4) Approved FSA CRP Contract (CRP-1);
 - 5) Approved FSA Conservation Reserve Program Worksheet (CRP-2C);
 - 6) Property identification information, including aerial photo depicting federal CRP acres; CREP additional acres; and site access routes;
 - 7) IDNR Soil Rental Rate (SRR) calculation form;

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- 8) Deed;
 - 9) Tax bills;
 - 10) Letter of commitment for grant of ingress/egress, if applicable;
 - 11) Power of Attorney, if applicable;
 - 12) Approved NRCS Conservation Plan – Schedule of Operation; and
 - 13) Any additional or clarifying information that may be requested by IDNR.
- d) The SWCD shall submit the CREP enrollment application and the FSA approved CRP contract to IDNR at DNR.CREP@illinois.gov on behalf of the applicant. An enrollment number and receipt date will be assigned to the enrollment application. The enrollment number, ~~and~~ approval date or waiting list status information ~~date~~ shall be e-mailed ~~back to the county SWCD office to confirm funding allocation or the appropriation status for the approved enrollment application.~~ ~~The county SWCD shall work with the landowner to execute either a 15-year, 35-year or permanent easement document and record the appropriate document at the County Courthouse.~~
- e) The State CREP enrollment application will be reviewed by the IDNR CREP Technical Review Team to determine if all necessary documents have been submitted by the SWCD.
- 1) If the enrollment application is complete, IDNR will conduct the following review:
 - A) An initial technical review that may result in:
 - i) approval of the application for further evaluation;
 - ii) suggested changes in the application; or
 - iii) nonapproval of the application;

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- B) A field review for each offered easement site to document field conditions of the property, such as absence of permanent structures, waste dumps and other uses or conditions;
 - C) A final technical review of the offered easement with any new information obtained by the field review or other sources; and
 - D) A finding that may:
 - i) approve the enrollment application for further processing to authorize the offered easements, as identified;
 - ii) offer changes for the enrollment application; or
 - iii) deny the enrollment application with findings for suggested changes.
- 2) The applicant may withdraw from the process, accept the changes, or propose other options to modify the enrollment application.
- f) If the CREP enrollment application is approved by IDNR, the applicant shall acknowledge receipt of the IDNR approval in writing. Upon receipt of applicant's written acknowledgement, the proposed easement project will be eligible for CREP funding. If sufficient funding under the CREP appropriation is not available for that fiscal year, the enrollment application will be assigned an enrollment number and date and placed on an enrollment waiting list pending future CREP appropriations.
 - g) When the CREP enrollment application is accepted for funding, the applicant shall work with the SWCD to execute a 15-year, 35-year or permanent easement document, as approved by IDNR and to record the appropriate documents with the County Recorder in accordance with the prescribed CREP procedures further detailed in the IDNR CREP manual (Part V-State CREP Title, Legal, Survey and Closing).
 - h) If the applicant cancels his/her CREP enrollment or withdraws from the CREP enrollment process after the application has been accepted for funding, but prior to the recording or granting of any conservation easements, IDNR will seek Upon the voluntary cancellation of enrollment in the program by the landowner, prior to

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~~execution of the 15-year, 35-year or permanent easement, the landowner shall be liable for repayment from the applicant of the costs incurred by the SWCD and IDNR during the CREP enrollment process. These costs may will include: administrative costs for meetings and field visits meeting landowners, costs associated with completing CREP documents and executing the easement, paid to the SWCD by IDNR; attorney fees, paid by the SWCD; costs for surveys, title work, cost-share payments, recording fees and other SWCD costs. IDNR will send a written notice to the applicant requesting repayment, with a summary of the enrollment costs incurred from for the acceptance date of the enrollment process through the date of cancellation or withdrawal.~~

- i) If IDNR determines that any condition of the property or its title is incompatible with the proposed CREP conservation easement, IDNR will notify the SWCD and applicant, suspending the CREP enrollment process until the incompatible condition in the property title is resolved. If that incompatible condition cannot be resolved on a timely basis, IDNR may terminate the enrollment process with notice to the applicant.

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.40 Exceptions to Enrollment Process

- a) Landowners with acres that are subject to a pre-existing restrictive covenant that ~~gives to has already given~~ the State the rights provided ~~by a for in the~~ CREP 15-year, 35-year or permanent easement, or landowners who are restoring the acres for wetland mitigation from a State or ~~federal~~Federal action, are ineligible for ~~State~~-CREP bonus payments and ~~State~~-CREP cost-share payments.
- b) ~~If a county SWCD decides not to hold the 15-year, 35-year or permanent easements for that county, IDNR will work with the landowner to complete the enrollment forms and execute and record the 15-year, 35-year or permanent easement documents.~~
- be) As provided for in the Real Property Conservation Rights Act [765 ILCS 120], any agency of the State, unit of local government, or not-for-profit corporation or trust whose primary purposes include the conservation of land and natural areas, may hold the CREP 15-year, 35-year or permanent easements for willing CREP landowners. The holding~~Such~~ entity must contact IDNR with a signed list of willing landowners, including binding commitments from those landowners.

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IDNR will assist the entity with the enrollment process. Upon completion of the enrollment process, the entity ~~shall~~must execute the 15-year, 35-year or permanent easements, administer all required easement obligations~~them~~, and provide annual monitoring summary~~compliance~~ reports to IDNR by September 30 of each year.

- d) ~~Landowners with acres enrolled in continuous CRP sign-ups in the CREP eligible area prior to that area being eligible for CREP are eligible to enroll the CRP acres and additional non-cropped acres for permanent easements if the CRP acres and non-cropped acres meet all other eligibility requirements and if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a permanent easement.~~
- ce) Landowners with acres enrolled in federal CRP sign-ups ~~within the floodplain in Illinois~~ the CREP eligible areas~~area~~ are eligible to enroll the CRP acres into CREP 15-year, 35-year or permanent easements and additional non-cropped acres into CREP~~for~~ permanent easements if:
- 1) the landowner is required to enroll and obtain a CREP permanent easement for a federal~~Federal~~ and/or State watershed project; and/or, if
 - 2) the CRP acres and non-cropped acres meet all other Illinois CREP eligibility requirements; and
 - 3) if appropriate IDNR staff has determined the acceptability of the CRP acres and non-cropped acres for a CREP permanent easement.

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.50 Payments

Payments will be provided to the landowner upon execution of the contract supplement or permanent easement at closing of the CREP enrollment process based upon the following formulas:

- a) Bonus Payments
- 1) Payment for Permanent Easements

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- A) The payment to a landowner for a voluntary permanent CREP easement will be a lump sum payment equal to the CRP maximum annual soil rental rate as determined by FSA (based on soil types, ~~(exclusive of any federalFederal incentive payments)~~ times 15 years times ~~30%-percent~~ times number of acres enrolled. A minimum of 20 acres is required for CRP sign-up. If, however, unless the total eligible acreage held by the landowner is less than 20 acres, all acres are included in the CRP sign-up ~~if, and~~ the acres have been approved by IDNR on the basis of~~due to~~ location and relationship with adjacent enrollments.
- B) If the landowner elects a permanent CREP easement option, additional cropped or non-cropped acres adjacent to acres that satisfy Section 1515.20 criteria, or acres in another CRP sign-up ~~(additional acres)~~ may be eligible for payment for ~~a offered for the~~ permanent CREP easement. (See Section 1515.20.) The landowner will receive a lump sum payment based on the formula set forth for the CREP State bonus payment (see subsection (c)(1)) for permanent easements, using the soil types on the additional acres. ~~The landowner must agree to a conservation plan written and approved by the SWCD and IDNR and established at the time of enrollment for the total acreage in the permanent easement~~ However, the landowner will ~~not~~ but will receive ~~any~~ no CREP ~~State~~ cost-share payment for any conservation practice previously established on the additional non-cropped acres or other CRP acres. If applicable, the landowner may use another federalFederal and/or State cost-share program to implement acceptable conservation practices on additional acres. CPs~~Practices~~ that enhance or create habitat or desired environment as part of an IDNR approved conservation plan may be eligible for cost-share on the enrolled property through IDNR. (See subsection (b).) ~~The~~ criteria eligibility criteria for a permanent easement on additional acres are:
- i) the acres are in riparian areas within the 100-year floodplain of the Illinois or Kaskaskia River and their tributary stream systems ~~depicted in (see Exhibit A);~~ or the acres have an $EI \geq 8$ and need to be enrolled to meet the 20 acre minimum for permanent easements, or have been

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approved by IDNR because their location contributes significantly to addressing watershed and water quality issues;

- ii) the acres are adjacent to cropped acres enrolled in a CREP permanent easement or are adjacent to the stream but on the opposite stream bank (same landowner); and
- iii) the acres are already in acceptable conservation practices based on soil types and wildlife benefits or the landowner is willing to put the acres in an acceptable practice at landowner's expense. If applicable, the landowner may use another ~~federal~~Federal and/or State cost-share program to implement the practices. A site visit by appropriate IDNR field staff may be required to determine the acceptability of the additional acres (non-cropped acres or acres in another CRP sign-up) offered for permanent easement.

2) Payment for 15-Year Easement

The payment to a landowner for a 15-year easement will be a lump sum payment that will equal ~~50% percent~~ of the payment for a voluntary, permanent easement, which is determined as follows: (CRP maximum annual soil rental rate, exclusive of any ~~federal~~Federal incentive payments, times 15 years, times ~~30% percent~~ times number of acres enrolled).

3) Payment for 35-Year Easement

The payment to a landowner for a 35-year easement will be a lump sum payment that will equal ~~75% percent~~ of the payment for a voluntary, permanent easement, which is determined as follows: (CRP maximum annual soil rental rate, exclusive of any ~~federal~~Federal incentive payments, times 15 years, times ~~30% percent~~ times number of acres enrolled).

4) For those landowners who amend an existing CREP conservation easement from a 15-year easement or a 35-year easement to a permanent easement, the payment to the landowner will be as follows:

A) Payment for 15-year Easement Amended to a Permanent Easement
The payment to a landowner for a 15-year easement amended to a permanent easement will be the formulas found in subsections

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(a)(1)(A) and (B) minus the lump sum payment that will equal 50% of the payment for a voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 15-year easement).

B) Payment for a 35-year Easement Amended to a Permanent Easement

The payment to a landowner for a 35-year easement amended to a permanent easement will be the formulas found in subsections (a)(1)(A) and (B) minus the lump sum payment that will equal 75% of the payment for a voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 35-year easement).

- 5) For those landowners who amend their existing CREP conservation easement from a 15-year easement to a 35-year easement, the payment to the landowner will be the formulas found in subsection (a)(3) minus the lump sum payment that will equal 50% of the payment for the voluntary, permanent easement (current CRP maximum annual soil rental rate, exclusive of any federal incentive payments, times 15 years, times 30%, times number of acres enrolled in the initial 15-year easement.

b) Landowner Cost-Share Payments

Landowners who enter the State ~~CREP incentive program~~ will also receive cost-share payments for the installation of CREP approved ~~CP practices~~ based on the following formulas:

- 1) Landowners who enter into a voluntary CREP permanent easement will receive reimbursement at a ~~50% percent~~ cost-share rate from the State based upon FSA guidelines for the installation of CREP approved ~~CP practices~~. The amount of reimbursement to a landowner from all sources may not exceed ~~100% percent~~ of the cost-share rate of the practice established by FSA. ~~For practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100 percent of paid receipts for the approved practice.~~

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- 2) Landowners who enter into a 15-year or 35-year easement on acres defined as riparian areas, farmed wetlands, prior converted wetlands, wetlands farmed under natural conditions, or acres enrolled on the basis of erodibility ($EI \geq 8$), will receive reimbursement at a ~~40% percent~~ cost-share rate from the State based upon FSA guidelines for the installation of CREP approved ~~CPs practices~~. The amount of reimbursement to a landowner from all sources may not exceed ~~100% percent~~ of the cost-share rate of the ~~CP practice~~ established by FSA.
 - 3) Landowners enrolling acres that meet all eligibility requirements in Section 1515.40 ~~(c)(d) or (e)~~ are not eligible for State CREP cost-share payment for any conservation practice previously established on these acres. ~~CPs Practices~~ that enhance or create habitat or desired environment as part of an IDNR approved CREP conservation plan may be eligible for cost-share on the enrolled property. If applicable, the landowner may use another ~~federal~~ Federal and/or State cost-share program to implement acceptable ~~CPs practices~~ on these acres.
 - 4) Landowners who have a recorded permanent CREP conservation easement and approved conservation plan may be eligible to receive financial and technical assistance for long-term improvements of conservation practices to enhance or restore declining habitats to benefit wildlife species in greatest need of conservation, as defined in the IDNR 2005 Illinois Wildlife Action Plan (<http://www.dnr.illinois.gov/conservation/IWAP/documents/WildlifeActionPlan.pdf>), with the overall goal of improving water quality within the CREP watersheds. For CPs that enhance or create habitat or desired environment as part of an IDNR approved conservation plan, reimbursement shall not exceed 100% of any payments for the approved practice.
- c) Mechanics of Payment
- 1) For executed 15-year, 35-year and permanent easements, the ~~county~~ SWCD shall complete an invoice voucher and submit to IDNR a request for a lump sum bonus payment to the landowner.
 - 2) The ~~county~~ SWCD will submit an invoice voucher to IDNR for the landowner's cost-share payment with completed USDA ~~forms form~~ AD-862 and completed USDA form AD-245.

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- 3) ~~The county SWCD is responsible for providing surveyors with written directions that include all necessary information to conduct an appropriate survey (exclusionary or full boundary) for an enrollment. If proper information is not provided, the county SWCD may not receive full reimbursement for costs.~~
- 34) No individual, or ~~consortium~~~~the combined maximum~~ of governmental organizations, not-for-profit organizations, or mutually related benefiting organizations associated with a collective enrollment, shall receive payments greater than \$500,000 or ~~5% percent~~, whichever is less, of available CREP State funds for any given State fiscal year.
- 45) Total available funds for conservation practices that enhance or create habitat or desired environment as part of an IDNR approved conservation plan shall not exceed \$500,000 or ~~5% percent~~, whichever is less, of available CREP State funds for any given State fiscal year.

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.60 Violation

- a) Landowners who have been determined to violate the terms of their 15-year, 35-year or permanent easement ~~shall; must either~~
- 1) restore the conservation practices in full, according to the terms of the 15-year, 35-year or permanent easement, at their own expense within a reasonable time frame agreed to by IDNR, the SWCD and the landowner~~(1 year or less)~~; or
- 2) refund to IDNR the total of all money from the State lump sum payment, the State cost-share payment, the amount paid to the ~~county~~-SWCD by IDNR for administrative costs to enroll the land and hold the easement;
- 3) refund attorney fees paid by the SWCD;
- 4) pay survey costs, title work, cost-share payments and; recording fees; and
- 5) pay a ~~15% percent~~ per annum penalty fee (~~15% percent~~ of the total of all

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State payments made to the county SWCD for ~~the 15-year, 35-year or permanent~~ easement times the number of years the ~~15-year, 35-year or permanent~~ easement has been in effect).

- b) Except upon a recommendation for enforcement by IDNR that seeks a revocation of a conservation right and easement, any payment for violation or refund payment by the landowner shall not be construed as a buy-out of a conservation easement by either IDNR or the SWCD, and shall not release the landowner or the grantor from the terms of the Grant of Conservation Right and Easement.
- c) Any payment for violation or refund that is collected from a landowner who has been determined to violate the terms of the Grant of Conservation Right and Easement may be deposited into the Illinois Habitat Fund (see 520 ILCS 25).

(Source: Amended at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.70 Compliance and Easement Stewardship

- a) The landowner shall allow access to IDNR and the SWCD for monitoring site visits and to take site photographs at least once every three years for each CREP conservation easement held by the SWCD.
- b) Monitoring reports and site photographs shall be submitted to IDNR on a triennial basis. The landowner may request a copy of the monitoring reports. The reports may include the CREP Easement Monitoring Inspection Report, the CREP monitoring checklist, and the conservation plan, including any site operation schedules, with a baseline data report and other data related to the condition observed at the CREP conservation easement property.
- c) The landowner shall allow access to the site for an annual verification of ownership by IDNR and/or the SWCD.
- d) The landowner shall meet with the SWCD or IDNR, as requested, to discuss any provision of the Grant of Conservation Right and Easement in order to resolve all issues of noncompliance and violations.

(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.80 Modifications to Grant of Conservation Right and Easement

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a) Storage Buildings

- 1) Landowners may apply for approval from IDNR to amend the Restrictions and Covenants of their CREP Grant of Conservation Right and Easement and to build a storage building to aid solely in the implementation of approved conservation practices as described in the conservation plan or in an IDNR approved management plan of the easement. A storage building may be permitted on properties encumbered by a CREP easement if the landowner can demonstrate hardship in implementing the approved conservation practices as follows:
 - A) the landowner does not own any adjacent property or properties in close proximity that could serve as an adequate site for equipment storage; and
 - B) other facts supporting the petition of hardship.
- 2) If IDNR determines that the landowner has successfully demonstrated hardship, as provided in subsection (a)(1), the landowner shall agree that:
 - A) the storage building will not allow for or accommodate human habitation;
 - B) any stored equipment will be used only for on-site maintenance of the CREP easement property;
 - C) the storage building will not be used for bulk storage of flammable or ignitable materials in commercial tanks or containers; and
 - D) the storage building will not be used for any agriculture, livestock, infrastructure, hunting or residential purposes.
- 3) Any storage building permitted and constructed on the CREP easement property shall conform to, or be modified in accordance with, the storage building specifications proposed by the landowner and approved by DNR.
- 4) The storage building shall be made available for inspection by the SWCD and/or IDNR. If the building is utilized for any purpose other than

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

equipment storage intended for on-site maintenance, IDNR may initiate enforcement proceedings against the landowner for eviction and/or removal of the storage building at the landowner's expense. (See Section 1515.70.)

b) Public Benefit

- 1) IDNR and/or the SWCD may subordinate the Grant of Conservation Right and Easement and provide a partial release or full release of portions of the CREP easement land for public benefit purposes such as improvements in transportation or public utilities, or mitigation of eminent public danger.
- 2) IDNR may work with the SWCD and the landowner to negotiate reasonable alternatives to the terms of the Grant of Conservation Right and Easement. If no reasonable alternative can be identified, IDNR will work with the SWCD and the landowner to facilitate a release and to recoup transaction costs and current market value of the area of the CREP easement released or subordinated for the public works project.

(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2016)

Section 1515.90 Transfer of a Grant of Conservation Right and Easement

At the request and/or approval of IDNR, the SWCD (or other CREP easement holding entity) may transfer or assign the Grant of Conservation Right and Easement to an agency of the State, a unit of local government, or a not-for-profit corporation or trust pursuant to the Real Property Conservation Rights Act [765 ILCS 120].

(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2016)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 1515.EXHIBIT B List of CREP Eligible Illinois Soil and Water Conservation DistrictsADAMS COUNTY SWCD338 S. 36th St., Quincy IL 62301Phone: 217/224-9305 (Ext. 3)BOND COUNTY SWCD1111 E. Harris Ave., Greenville IL 62246Phone: 618/664-0555 (Ext. 3)BROWN COUNTY SWCD511 E. Main, Mt. Sterling IL 62353Phone: 217/773-3993 (Ext. 101)BUREAU COUNTY SWCD312 E. Backbone Rd., Princeton IL 61356Phone: 815/875-8732 (Ext. 3)CALHOUN COUNTY SWCDP.O. Box 516, Hardin IL 62047(UPS Address: RR 2, Box 80)Phone: 618/576-2717 (Ext. 3)CASS COUNTY SWCD652 S. Main St., Virginia IL 62691Phone: 217/452-3535 (Ext. 3)CHAMPAIGN COUNTY SWCD2110 W. Park Court, Suite C, Champaign IL 61821Phone: 217/352-3536 (Ext. 3)CHRISTIAN COUNTY SWCD620 N. Webster St., Taylorville IL 62568Phone: 217/287-1315 (Ext. 3)CLINTON COUNTY SWCD1780 N. 4th St., Breese IL 62230

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NOTICE OF ADOPTED AMENDMENTS

Phone: 618/526-7919 (Ext. 3)

COLES COUNTY SWCD

6021 Development Dr., Suite 2, Charleston IL 61920

Phone: 217/345-3901 (Ext. 3)

DEKALB COUNTY SWCD

1350 W. Prairie Dr., Sycamore IL 60178

Phone: 815/756-3237 (Ext. 3)

Web Address: www.dekalbilswcd.org

DEWITT COUNTY SWCD

5920 Revere Rd., Clinton IL 61727

Phone: 217/935-6504 (Ext. 3)

DOUGLAS COUNTY SWCD

900 S. Washington St., Tuscola IL 61953

Phone: 217/253-2022 (Ext. 3)

EFFINGHAM COUNTY SWCD

2701 S. Banker St., Suite 101A, Effingham IL 62401

Phone: 217/347-7107 (Ext. 3)

FAYETTE COUNTY SWCD

301 S. Third St., Vandalia IL 62471

Phone: 618/283-1095 (Ext. 3)

E-mail Address: fayettecountyswcd@att.net

FORD COUNTY SWCD

1380 W. Ottawa Rd., Paxton IL 60957

Phone: 217/379-2372 (Ext. 3)

FULTON COUNTY SWCD

15381 N. State Hwy. 100, Lewistown IL 61542

Phone: 309/547-2215 (Ext. 3)

GREENE COUNTY SWCD

RR 3, Box 129, Carrollton IL 62016

Phone: 217/942-5464 (Ext. 101)

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NOTICE OF ADOPTED AMENDMENTS

GRUNDY COUNTY SWCD3605 N. IL Rt. 47, Suite B, Morris IL 60450Phone: 815/942-0359 (Ext. 3)E-Mail Address: grundycountyswcd@yahoo.comHANCOCK COUNTY SWCD110 Buchanan St., Carthage IL 62321Phone: 217/357-2180 (Ext. 3)HENDERSON COUNTY SWCD323 E. Main St., Stronghurst IL 61480Phone: 309/924-1167 (Ext. 3)HENRY COUNTY SWCDP.O. Box 162, Cambridge IL 61238(UPS Address: 301 E. North St.)Phone: 309/937-5263 (Ext. 3)IROQUOIS COUNTY SWCD1001 E. Grant St., Suite A, Watseka IL 60970Phone: 815/432-6055 (Ext. 3)JEFFERSON COUNTY SWCD221 Withers Dr., Mt. Vernon IL 62864Phone: 618/244-0773 (Ext. 3)JERSEY COUNTY SWCD604 E. Franklin, Jerseyville IL 62052Phone: 618/498-3712 (Ext. 3)E-Mail Address: jerseyswcd@yahoo.comKANE-DUPAGE COUNTY SWCD2315 Dean St., Suite 100, St. Charles IL 60175Phone: 630/584-7961 (Ext. 3)KANKAKEE COUNTY SWCD685 Larry Power Rd., Bourbonnais IL 60914Phone: 815/937-8940 (Ext. 3)

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NOTICE OF ADOPTED AMENDMENTS

KENDALL COUNTY SWCD7775A Rt. 47, Yorkville IL 60560Phone: 630/553-5821 (Ext. 3)KNOX COUNTY SWCD233 S. Soangetaha Rd., Galesburg IL 61401Phone: 309/342-5714 (Ext. 3)Web Address: <http://knoxcountyswcd.tripod.com>LASALLE COUNTY SWCD1691 N. 31st Rd., Ottawa IL 61350Phone: 815/433-0551 (Ext. 3)LEE COUNTY SWCD319 S. Mason Ave., Amboy IL 61310Phone: 815/857-3621 (Ext. 3)LIVINGSTON COUNTY SWCDP.O. Box 80, Pontiac IL 61764(UPS Address: 1510 W. Reynolds)Phone: 815/844-6127 (Ext. 3)E-mail Address: livingstoncountyswcd@gmail.comLOGAN COUNTY SWCD1650 5th St. Rd., Lincoln IL 62656Phone: 217/735-5508 (Ext. 3)MACON COUNTY SWCD4004 College Park Rd., Decatur IL 62521Phone: 217/877-5670 (Ext. 3)MACOUPIN COUNTY SWCD300 Carlinville Plaza, Carlinville IL 62626Phone: 217/854-2628 (Ext. 3)MADISON COUNTY SWCD7205 Marine Rd., Edwardsville IL 62025Phone: 618/656-7300 (Ext. 3)

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NOTICE OF ADOPTED AMENDMENTS

MARION COUNTY SWCD1550 E. Main St., Salem IL 62881Phone: 618/548-2230 (Ext. 3)MARSHALL-PUTNAM COUNTY SWCD1511 University Ct., Henry IL 61537Phone: 309/364-3913 (Ext. 3)E-mail Address: mpswcd4@yahoo.comMASON COUNTY SWCD930 E. Laurel, Suite B, Havana IL 62644Phone: 309/543-6075 (Ext. 3)McDONOUGH COUNTY SWCD1607 W. Jackson St., Macomb IL 61455Phone: 309/833-1711 (Ext. 3)McHENRY-LAKE COUNTY SWCD1648 S. Eastwood Dr., Woodstock IL 60098Phone: 815/338-0099 (Ext. 3)McLEAN COUNTY SWCD402 N. Kays Dr., Normal IL 61761Phone: 309/452-0830 (Ext. 3)MENARD COUNTY SWCD17781 Village Green Rd., Petersburg IL 62675Phone: 217/632-7590 (Ext. 3)MONROE COUNTY SWCD140 Williamsburg Ln., Waterloo IL 62298Phone: 618/939-6181 (Ext. 3)MONTGOMERY COUNTY SWCD1621 Vandalia Rd., Hillsboro IL 62049Phone: 217/532-3610 (Ext. 3)MORGAN COUNTY SWCD

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1904 W. Lafayette, Jacksonville IL 62650

Phone: 217/243-1535 (Ext. 3)

MOULTRIE COUNTY SWCD

1412A S. Hamilton St., Sullivan IL 61951

Phone: 217/728-7921 (Ext. 3)

NORTH COOK COUNTY SWCD

2358 Hassell Rd., Suite B, Hoffman Estates IL 60169

Phone: 847/885-8830

PEORIA COUNTY SWCD

6715 N. Smith Rd., Edwards IL 61528

Phone: 309/671-7040 (Ext. 3)

PERRY COUNTY SWCD

617 N. Main St., Pinckneyville IL 62274

Phone: 618/357-6016 (Ext. 3)

PIKE COUNTY SWCD

1319 W. Washington, Pittsfield IL 62363

Phone: 217/285-5448 (Ext. 3)

RANDOLPH COUNTY SWCD

313 W. Belmont St., Sparta IL 62286

Phone: 618/443-4381 (Ext. 3)

ST. CLAIR COUNTY SWCD

2031 Mascoutah Dr., Belleville IL 62220

Phone: 618/233-5583 (Ext. 102)

SANGAMON COUNTY SWCD

2623 Sunrise Dr., Suite 1, Springfield IL 62703-7302

Phone: 217/241-6635 (Ext. 3)

SCHUYLER COUNTY SWCD

715 Macomb Rd., Rushville IL 62681

Phone: 217/322-3359 (Ext. 3)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

SCOTT COUNTY SWCD656 N. Main St., Winchester IL 62694Phone: 217/742-9561 (Ext. 3)SHELBY COUNTY SWCD111 N. Cedar St., Suite 3, Shelbyville IL 62565Phone: 217/774-5564 (Ext. 116)STARK COUNTY SWCD7419B State Rt. 17, Toulon IL 61483Phone: 309/286-2261 (Ext. 3)TAZEWELL COUNTY SWCD1440 Valle Vista Blvd., Suite B, Pekin IL 61554-6224Phone: 309/346-4462 (Ext. 3)VERMILION COUNTY SWCD1905-A U.S. Rt. 150, Danville IL 61832Phone: 217/442-8511 (Ext. 101)WARREN COUNTY SWCD701 N. Main St., Monmouth IL 61462Phone: 309/734-8569 (Ext. 3)E-mail Address: warrencountyswcd@frontiernet.netWASHINGTON COUNTY SWCD424 E. Holzhauer Dr., Nashville IL 62263Phone: 618/327-3078 (Ext. 101)WILL-SOUTH COOK COUNTY SWCD1201 S. Gougar Rd., New Lenox IL 60451Phone: 815/462-3106 (Ext. 3)E-mail Address: info@will-scookswcd.orgWINNEBAGO COUNTY SWCD4833 Owen Center Rd., Rockford IL 61101Phone: 815/965-2392 (Ext. 3)WOODFORD COUNTY SWCD

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937 W. Center St., Eureka IL 61530

Phone: 309/467-2308 (Ext. 3)

(Source: IL Department of Agriculture, 2014 Illinois Soil and Water Conservation District Directory)

(Source: Added at 40 Ill. Reg. 5654, effective March 16, 2016)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of March 15, 2016 through March 21, 2016. The rulemakings are scheduled for review at the Committee's April 12, 2016 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>
4/28/16	<u>Department of Revenue</u> , Payment of Taxes By Electronic Funds Transfer (86 Ill. Adm. Code 750)	1/22/16 40 Ill. Reg.1660	4/12/16
5/4/16	<u>Department of Public Health</u> , Nursing Education Scholarships (77 Ill. Adm. Code 597)	1/22/16 40 Ill. Reg. 1450	4/12/16

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for medical services in the *Illinois Register*: 5 ILCS 100/5-70(c)
2. Summary of information: The Illinois Department of Healthcare and Family Services (HFS) gives notice of planned on-site visits to the following facilities participating in the HCBS Waiver Program. These visits are part of the process described in the HFS Home- and Community-Based Services (HCBS) Statewide Transition Plan (STP). A copy of the current draft of the plan is available at <http://www.illinois.gov/hfs/SiteCollectionDocuments/HCBS%20STP%202-29-16.pdf>

The Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) published regulations in the Federal Register (42 CFR 441.301(c) (4)-(5)) on January 16, 2014, effective March 17, 2014, which clarify the definition of HCBS settings for Medicaid waivers granted pursuant to section 1915(c) of the Social Security Act. To begin its assessment of current provider settings' compliance with the new regulations, the State asked all of its HCBS waiver settings to complete a self-assessment survey. Based on the results of those surveys, the State will conduct an on-site visit of a sample of settings. During these visits, the State will validate its survey results and assess setting compliance with the HCBS regulations. On-site visits will also occur at all settings where the survey process indicated that the settings could be at risk of being unable to meet the federal requirements or settings that must be presumed to be institutional under the new federal definition. Through the federal heightened scrutiny process, the State may be able to provide justification/evidence to show that the presumably institutional settings do not have the characteristics of an institution and do in fact have the qualities of home and community based settings.

HFS invites feedback regarding both (1) whether the listed sites exhibit the characteristics of an HCBS setting as defined in the new federal regulations, and (2) any unlisted settings that may be at risk of being unable to meet the federal requirements and settings that may not be home and community based. Public comment is welcome through May 13, 2016.

Comments may be submitted via email or by mail. Email comments should be sent to: HFS.SWTransitionPlan@illinois.gov.

3. Name and address of person that written comments should be mailed to:

Illinois Department of Healthcare and Family Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

Attn: Waiver Management
201 South Grand Avenue East, 2nd Floor
Springfield IL 62763

e-mail address: HFS.bpra@illinois.gov

Persons who are unable to access the Internet may request a hard copy of the Draft Statewide Transition Plan by calling HFS at 217 524-4148.

Note: This list omits certain facilities due to client privacy and security concerns. As noted above, the State nonetheless invites public input on any settings not listed.

Listing of Facilities:

Note: This list omits certain facilities due to client privacy and security concerns. As noted above, the State nonetheless invites public input on any settings not listed.

Listing of Facilities:

Accolade Adult Day Care
Oak Park

Ada S. Nes Adult Day Services
Chicago

Achievement Unlimited, Inc. (2 Sites)
Stephenson and Sangamon Counties

Advocate BroMenn Adult Day Services
Normal

Advocate Lutheran General Adult Day Service
Park Ridge

Apostolic Christian Home for the Handicapped
Tazewell County

Ashbury Court
Desplaines

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

Asbury Gardens
North Aurora

Aurora Supportive Living Facility
Aurora

Boyd
Amboy

Brookstone of Aledo
Aledo

Center for Disabilities
Wl County

Center for Residential Alternatives
Cook County

Champaign County Adult Day Care
Urbana

Circle of Friends Adult Day Center
Champaign

Courtyard Estates of Sullivan
Sullivan

Community Workshop and Training Center
Chlicothe

Community Workshop and Training Center
Lewistown

Community Workshop and Training Center
Pekin

Community Workshop and Training Center
Peoria

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

Day Health Services of McDonough County
Macomb

Developmental Foundations, Inc. (10 sites)
Coles and Douglas Counties

Developmental Planning & Services, Inc. (7 sites)
Jackson, Wayne and Jefferson Counties

Evergreen Place of Beardstown
Beardstown

Evergreen Place
Litchfield

Evergreen Place – Streator
Streator

Famy & Friends Adult Day Center
Joliet

Foxes Grove
Wood River

Galena Stauss Adult Day Care Center
Galena

Goldie Floberg Center (2 sites)
Winnebago County

Good Shepherd Manor (7 sites)
Kankakee County

Gottlieb Adult Day Center
Melrose Park

Hawthorne Inn of Clinton
Clinton

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

Hawthorne Inn of Freeport
Freeport

Hawthorne Inn of Princeton
Princeton

Heritage Woods of DeKalb
DeKalb

Hope Institute
Sangamon County

Hoyleton Youth & Family Services
Washington County

Joseph Rehabilitation Center
Cook County (4 sites)

Kaskaskia Workshop, Inc.
Kaskaskia County

Lamb Farms, Inc. (10 sites)
Libertyville

Little City
Palentine

Lutheran Home for the Aged, Inc.
West Dundee

Magnolia Terrace
Waterloo

Maple Point Supportive Living
Monticello

Maple Street Home
Sycamore

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

Marion County Horizon Center
Marion County

Milestone, Inc.
Winnebago County

Misericordia
Chicago

Moraine Court
Bridgeview

Moraine
Highland Park

Oakview Via Supportive Living
Mt. Carmel

Oak Wood Estates Retirement Village
Stronghurst

OSF Saint Anthony's Adult Day Services
Alton

Park Pointe Supportive Living
Morris

Prairie Crossing Supportive Living
Shabbona

Presence Saint Joseph Adult Day Center
Freeport

Saint Clare's Via
Alton

St. Abe's Adult Day Services
Chicago

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

St. Mary's Adult Day Service
Decatur

St. Mary Providence School
Chicago

Sasser House
Park Ridge

Shamrock Services (4 sites)
St. Clair Wliamson, Wayne and Madison Counties,

Shore Home West
Skokie

Sunrise Court
Roselle

Supportive Living of Wabash
Carmi

Supportive Living of Washington
Washington

TASH Incorporated (2 sites)
Jackson County

TDL Group, Inc. (4 sites)
Wayne and Hamton Counties

The Ivy Apartments
Chicago

The Pointe at Kpatrick
Crestwood

Trinity Services
Wl County

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

UCP Seguin of Greater Chicago
Chicago

Weber House
Springfield

ILLINOIS ADMINISTRATIVE CODE
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