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January 8, 2016 Volume 40, Issue 2

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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 PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Manufacturing, Processing, Packing or Holding of Food Code
- 2) Code Citation: 77 Ill. Adm. Code 730
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
730.1000	Amendment
730.1005	Amendment
730.1006	Amendment
730.1010	Repealed
730.1020	Repealed
730.1030	Repealed
- 4) Statutory Authority: Authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to update the incorporated and referenced materials Section of the Part to update the federal references with respect to federal good manufacturing practices preventative controls for human food rules and the control of molluscan shellfish. Updating the federal references will bring Illinois into conformance with the federal requirements as required by the Illinois Food, Drug and Cosmetic Act. The rulemaking also seeks to create a new definitions Section and relocate definitions currently located in their own Sections into the new comprehensive Section.

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? Yes
- 10) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand any State mandates on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written or e-mail comments may be submitted within 45 days after this 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
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: Food Manufacturing Plants
 - B) Reporting, bookkeeping or other procedures required for compliance: There will be no change in the reporting, bookkeeping or other procedures required for compliance.
 - 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:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 730
MANUFACTURING, PROCESSING, PACKING OR HOLDING OF FOOD CODE

SUBPART A: GENERAL PROVISIONS

Section	
730.1000	Definitions State and Federal Food, Drug and Cosmetic Acts
730.1005	Incorporated and Referenced Materials
730.1006	Compliance with National Standards
730.1010	Adequate (Repealed)
730.1020	Plant (Repealed)
730.1030	Sanitize (Repealed)

SUBPART B: CURRENT GOOD MANUFACTURING PRACTICE (SANITATION)

Section	
730.2010	Scope

SUBPART C: PLANT AND GROUNDS

Section	
730.3010	Grounds
730.3020	Plant Construction and Design

SUBPART D: EQUIPMENT AND UTENSILS

Section	
730.4010	Suitable for Intended Use
730.4020	Cleanable
730.4030	Maintenance
730.4040	Prevents Contamination
730.4050	Installation

SUBPART E: SANITARY FACILITIES AND CONTROLS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

730.5000	Adequate Sanitary Facilities and Accommodations
730.5010	Water Supply
730.5020	Sewage Disposal
730.5030	Plumbing
730.5040	Toilet Facilities
730.5050	Hand-washing Facilities
730.5060	Waste Disposal

SUBPART F: SANITARY OPERATIONS

Section

730.6010	General Maintenance
730.6020	Animal and Vermin Control
730.6030	Sanitation of Equipment and Utensils
730.6040	Storage and Handling of Cleaned Portable Equipment and Utensils

SUBPART G: PROCESSES AND CONTROLS

Section

730.7000	Adequate Sanitation Principles
730.7010	Raw Material Inspection, Storage, and Preparation
730.7020	Raw Material Carrier Inspection
730.7030	Potable Ice
730.7040	Cross Contamination
730.7050	Equipment Cleaning
730.7060	Proper Processing
730.7070	Testing Procedures
730.7080	Packaging
730.7090	Products Coded and Records Retained
730.7100	Product Storage and Carriers

SUBPART H: PERSONNEL

Section

730.8000	Management Responsibilities
730.8010	Disease Control
730.8020	Cleanliness
730.8030	Education and Training

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

730.8040 Supervision

SUBPART I: EXCLUSIONS

Section

730.9010 Operations Excluded

AUTHORITY: Implementing and authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS 620].

SOURCE: Filed November 12, 1969, effective January 12, 1970; codified at 8 Ill. Reg. 16832; amended at 35 Ill. Reg. 14187, effective August 2, 2011; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 730.1000 Definitions~~State and Federal Food, Drug and Cosmetic Acts~~

The definitions and interpretations contained in section 201 of the Federal Food, Drug and Cosmetic Act (21 USC 321) and Section 502 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] are applicable to terms used in this Part. Additional terms are defined as follows:

"Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.

"Plant" means the building or buildings or parts thereof used for, or in connection with, the manufacturing, processing, packaging, labeling or holding of human food.

"Sanitize" means adequate treatment of surfaces by a process that is effective in destroying vegetative cells of pathogenic bacteria and in substantially reducing other micro-organisms. This treatment shall not adversely affect the product and shall be safe for the consumer.

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

Section 730.1005 Incorporated and Referenced Materials

a) The following federal guidelines and regulations are incorporated by reference:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) 21 CFR 123: Fish and Fishery Products (April 1, 2010); <http://www.gpo.gov/fdsys/pkg/CFR-2010-title21-vol2/pdf/CFR-2010-title21-vol2-part123.pdf>.
 - 2) Guide for the Control of Molluscan Shellfish ~~2013~~2007 Revision. U.S. Food and Drug Administration, Office of Food Safety, Division of Food Safety, HFS-325, 5100 Paint Branch Parkway, College Park MD 20740-3835; <http://www.fda.gov/downloads/Food/GuidanceRegulation/FederalStateFoodPrograms/UCM415522.pdf>.~~<http://www.fda.gov/Food/FoodSafety/ProductSpecificInformation/Seafood/FederalStatePrograms/NationalShellfishSanitationProgram/ucm046353.htm>~~
 - 3) ~~21 CFR 117: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventative Controls for Human Food (September 17, 2015);~~ <http://www.gpo.gov/fdsys/pkg/FR-2015-09-17/pdf/2015-21920.pdf>.~~National Shellfish Sanitation Program 2007 Model Ordinance (NSSP Model Ordinance). U.S. Food and Drug Administration, Office of Food Safety, Division of Food Safety, HFS 325, 5100 Paint Branch Parkway, College Park MD 20740-3835.~~ <http://www.fda.gov/Food/FoodSafety/ProductSpecificInformation/Seafood/FederalStatePrograms/NationalShellfishSanitationProgram/ucm046412.htm>
- b) All incorporations by reference of federal guidelines and regulations refer to the materials on the date specified and do not include any amendments or editions subsequent to the date specified.

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

Section 730.1006 Compliance with National Standards

No person shall engage in the wholesale handling of shellfish, or operate or conduct an establishment for shipping, post-harvest processing, shucking, repacking or wet storage of shellfish, except in compliance with the requirements of the ~~National Shellfish Sanitation Program 2007 Model Ordinance and the~~ Guide for the Control of Molluscan Shellfish ~~2013~~2007 Revision.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 730.1010 Adequate (Repealed)

~~"Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practice.~~

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

Section 730.1020 Plant (Repealed)

~~"Plant" means the building or buildings or parts thereof, used for or in connection with the manufacturing, processing, packaging, labeling, or holding of human food.~~

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

Section 730.1030 Sanitize (Repealed)

~~"Sanitize" means adequate treatment of surfaces by a process that is effective in destroying vegetative cells of pathogenic bacteria and in substantially reducing other micro-organisms. Such treatment shall not adversely affect the product and shall be safe for the consumer.~~

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Regulations Under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
130.830	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5]
- 5) Complete Description of the Subjects and Issues Involved: The rule provides exemption from registration for Merger and Acquisition Brokers.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois rule is based on the model Merger and Acquisition Brokers rule adopted by the North American Securities Administrators Association (NASAA), of which Illinois is a member.
- 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 Section? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.874	New Section	40 Ill. Reg. 175, January 4, 2016
- 11) Statement of Statewide Policy Objectives: The proposed amendments do not require expenditures by units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Texts of the proposed amendments are posted on Secretary of State's web site, <http://www.cyberdriveillinois.com/departments/index/register/home.html>, as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Tanya Solov, Director

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Illinois Secretary of State, Department of Securities
69 West Washington St., Suite 1220
Chicago, IL 60602

tsolov@ilsos.net

The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Brokers assisting in merger and acquisition activity, predominantly of small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: This rule provides an exemption from registration. Exempted brokers must still comply with all anti-fraud provisions of the Illinois Securities Act.
 - C) Types of professional skills necessary for compliance: Understanding operations of businesses, valuations, and requirements for mergers and acquisitions.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the most recent regulatory agendas because the Department did not anticipate this rulemaking at the time the agendas were filed.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section	
130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
130.120	Place of Filing
130.130	Date of Filing
130.135	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits (Repealed)
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies – Signatures
130.190	Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section	
130.200	Definitions of Terms Used in the Act and the Rules
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210	Definition of Acts Act Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211	Definition of Acts Not Constituting Constitution an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
130.212	Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)

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NOTICE OF PROPOSED AMENDMENT

- 130.215 Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
- 130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
- 130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
- 130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
- 130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
- 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
- 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)
- 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)
- 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
- 130.242 Definition of the Term "Financial Institution" under Section 4.C of the Act
- 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)"; as Used in Section 4(F)(1) of the Act
- 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
- 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act
- 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
- 130.248 Definition of the Terms "Offers for Sale" and "~~Solicitations~~Solicitation of Offers to Buy", as Used in Section 4.L of the Act
- 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
- 130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- Act
- 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
- 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
- 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser, as Used in Section 8 of the Act
- 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.285 Definition, for Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for ~~Purposes~~ purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

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- 130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
- 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

- Section
- 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
- 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
- 130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act
- 130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
- 130.442 Report of Sale of Securities pursuant to Section 4.G of the Act
- 130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
- 130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act
- 130.492 Exemption from Registration for Certain Canadian Broker-Dealers and Agents and for Transactions Effected by Certain Canadian Broker-Dealers

SECRETARY OF STATE

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130.502	Financial Statement Requirements
130.503	Disclaimer of Control
130.505	Formal Requirements as to Consents
130.506	Consents Required in Special Cases
130.507	Application to Dispense with Consent
130.508	Consent to Use of Material Incorporated by Reference
130.510	Procedures for Registration of Securities by Coordination under Section 5.A of the Act
130.520	Procedures for Registration of Securities by Qualification under Section 5.B of the Act
130.525	Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7
130.530	Renewal of Registration of Securities Under Section 5.E of the Act
130.531	Computation of Fees
130.532	Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
130.533	Formal Requirements for Amendments Under Section 5 of the Act
130.534	Powers to Amend or Withdraw Registration Statement
130.535	Signatures of Amendments
130.536	Delaying Amendments
130.538	Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act
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130.571	Presentation of Information in Prospectuses
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- the Act
- 130.582 Contents of ~~Prospectus~~~~prospectuses~~ When Two or More Registrations Are in Effect Under Section 5.B of the Act
- 130.590 Identifying Statements
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- 130.600 Preamble
- 130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act
- 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F of the Act
- 130.650 Additional Fees Under Section 6 of the Act

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- Section
- 130.700 Preamble
- 130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
- 130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act
- 130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
- 130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
- 130.750 Additional Fees Under Section 7 of the Act
- 130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

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- 130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act
- 130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)
- 130.820 Procedures for Renewal and Withdrawal from Registration as a Dealer
- 130.821 Reporting of Dealer Branch Office Locations and Required Fees
- 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
- 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements
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- 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson
- 130.836 Hardship Exemption
- 130.837 Transition to Electronic Filing
- 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act
- 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
- 130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act
- 130.841 Reporting of Investment Adviser Branch Office Locations and Required Fees
- 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D.(9) of the Act Prior to Registration as an Investment Adviser
- 130.843 Examination and Education Program Requirements for Registration as an

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Statement of Financial Condition to Be Filed By a Registered Investment Adviser
Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of
Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and
Interim Financial Statements
- 130.845 Records Required of Investment Advisers
- 130.846 Written Disclosure Statements of a Registered Investment Adviser
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to Clients
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- 130.852 Compensation
- 130.853 Account Transactions
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130.1520	Request for Non-Binding Statements

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SUBPART Q: PUBLIC INFORMATION

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130.APPENDIX A Uniform Consent to Service of Process
130.APPENDIX B Uniform Application to Register Securities
130.APPENDIX C Uniform Application for Broker-Dealer Registration
130.APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg. 8817, effective July 6, 2001; amended at 26 Ill. Reg. 14843, effective September 30, 2002; amended at 27 Ill. Reg. 9490, effective June 9, 2003; emergency amendment at 29 Ill. Reg. 15087, effective September 23, 2005, for a maximum of 150 days; emergency expired February

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19, 2006; emergency amendment at 30 Ill. Reg. 13009, effective July 11, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18211, effective October 31, 2006; amended at 33 Ill. Reg. 12817, effective September 8, 2009; amended at 34 Ill. Reg. 17783, effective November 3, 2010; emergency amendment at 35 Ill. Reg. 4781, effective March 10, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 12810, effective July 14, 2011; amended at 36 Ill. Reg. 2852, effective February 8, 2012; amended at 40 Ill. Reg. 391, effective December 22, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: RULES OF GENERAL APPLICATION

Section 130.830 Registration Exemption for Merger and Acquisition Brokers Pursuant to Section 4(I) of the Act

- a) "Control" as, used in this Section, means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. There is a presumption of control for any person who:
- 1) is a director, general partner, member or manager of a limited liability company, or officer exercising executive responsibility (or has similar status or functions);
 - 2) has the right to vote 20 percent or more of a class of voting securities or the power to sell or direct the sale of 20 percent or more of a class of voting securities; or
 - 3) in the case of a partnership or limited liability company, has the right to receive upon dissolution, or has contributed, 20 percent or more of the capital.
- b) "Eligible Privately Held Company", as used in this Section, means a company meeting both of the following conditions:
- 1) The company does not have any class of securities registered, or required to be registered, with the U.S. Securities and Exchange Commission (SEC) under section 12 of the Securities Exchange Act of 1934 (15 USC 78o(b)), or with respect to which the company files, or is required to file, periodic information, documents and reports under section 12(d) of that Act.

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- 2) In the fiscal year ending immediately before the fiscal year in which the services of the merger and acquisition broker are initially engaged with respect to the securities transaction, the company meets either or both of the following conditions (determined in accordance with the historical financial accounting records of the company):
- A) The earnings of the company before interest, taxes, depreciation and amortization are less than \$25,000,000.
- B) The gross revenues of the company are less than \$250,000,000.
- C) Inflation Adjustment
- i) In regards to inflation, on the date that is five years after the date of the enactment of the rule, and every five years thereafter, each dollar amount in this subsection (b)(2) shall be adjusted by:
- dividing the annual value of the Employment Cost Index for wages and salaries, private industry workers (or any successor index), as published by the Bureau of Labor Statistics, for the calendar year preceding the calendar year in which the adjustment is being made by the annual value of the index (or successor) for the calendar year ending December 31, 2015; and
 - multiplying such dollar amount by the quotient obtained under the first bulleted paragraph of this subsection (b)(2)(C)(i).
- ii) In regards to rounding, each dollar amount determined under this subsection (b)(2)(C) shall be rounded to the nearest multiple of \$100,000.
- c) "Merger and Acquisition Broker", as used in this Section, means any broker and any person associated with a broker engaged in the business of effecting securities transactions solely in connection with the transfer of ownership of an eligible

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privately held company, regardless of whether that broker acts on behalf of a seller or buyer, through the purchase, sale, exchange, issuance, repurchase or redemption of, or a business combination involving, securities or assets of the eligible privately held company:

- 1) if the broker reasonably believes that, upon consummation of the transaction, any person acquiring securities or assets of the eligible privately held company, acting alone or in concert, will control and, directly or indirectly, will be active in the management of the eligible privately held company or the business conducted with the assets of the eligible privately held company; and
- 2) if any person is offered securities in exchange for securities or assets of the eligible privately held company, that person will, prior to becoming legally bound to consummate the transaction, receive or have reasonable access to:
 - A) the most recent fiscal year-end financial statements of the issuer of the securities as customarily prepared by its management in the normal course of operations and, if the financial statements of the issuer are audited, reviewed or compiled, any related statement by the independent accountant;
 - B) a balance sheet dated not more than 120 days before the date of the exchange offer; and
 - C) information pertaining to the management, business, results of operations for the period covered by the foregoing financial statements, and any material loss contingencies of the issuer.
- d) "Public Shell Company", as used in this Section, is a company that, at the time of a transaction with an eligible privately held company:
 - 1) has any class of securities registered, or required to be registered, with the SEC under section 12 of the Federal 1934 Act or with respect to which the company files, or is required to file, periodic information, documents and reports under section 12(d);
 - 2) has no or nominal operations;

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- 3) has:
 - A) no or nominal assets;
 - B) assets consisting solely of cash and cash equivalents; or
 - C) assets consisting of any amount of cash and cash equivalents and nominal other assets.

- e) Except as provided in subsections (f) and (g), a merger and acquisition broker shall be exempt from registration pursuant to Section 4(I) of the Act.

- f) A merger and acquisition broker is not exempt from registration under this subsection (f) if the broker does any of the following:
 - 1) Directly or indirectly, in connection with the transfer of ownership of an eligible privately held company, receives, holds, transmits or has custody of the funds or securities to be exchanged by the parties to the transaction.

 - 2) Engages, on behalf of an issuer, in a public offering of any class of securities that is registered, or is required to be registered, with the SEC under section 12 of the Federal 1934 Act or with respect to which the issuer files, or is required to file, periodic information, documents and reports under the Federal 1934 Act (15 USC 78o(d)).

 - 3) Engages, on behalf of any party, in a transaction involving a public shell company.

- g) A merger and acquisition broker is not exempt from registration under this subsection (g) if that broker is subject to:
 - 1) Suspension or revocation of registration under section 15(b) of the Federal 1934 Act (15 USC 78o(b)(4));

 - 2) A statutory disqualification described in section 3(a)(39) of the Federal 1934 Act (15 USC 78c(a)(39));

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- 3) A disqualification under the rules adopted by the SEC under section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 USC 77d note); or
- 4) A final order described in section 15(b)(4)(H) of the Federal 1934 Act (15 USC 78o(b)(4)(H)).
- h) Nothing in this Section shall be construed to limit any other authority of the Secretary of State to exempt any person, or any class of persons, from any provisions of the Act or this Part.
- i) Nothing in this Section shall be construed to limit any other authority of the Secretary of State to enforce other provisions of the Act or this Part.

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

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- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
250.30	Amendment
250.50	Amendment
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: Based on comments received from JCAR during the Second Notice Agreements with the rulemaking of Section 250.50, the agency agreed to publish new rulemaking defining job categories currently administered and to update the Part to conform it to its current practice for occupational categories. Also, it was requested that changes needed to be added to include provisions outlining its weighting of exam policies, grading criteria, minimum acceptable scores for being placed on an employment register, and a listing of the type of testing methods employed. This proposed rulemaking allows for these changes.
- 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 proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes.

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
250.60	Amendment	39 Ill. Reg. 13175; September 25, 2015
- 11) Statement of Statewide Policy Objective: This proposed amendment will 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 submit written comments on this proposed amendment within 45 days after the date of publication of the *Illinois Register*:

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Jeff Brownfield
Executive Director
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana IL 61802

217/278-3150
email: jeffb@sucss.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: The agency did not anticipate this rulemaking at the time the Agendas were published.

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

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amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg. 13504, effective December 1, 2015; amended at 40 Ill. Reg. _____, effective _____.

Section 250.30 The Classification Plan

- a) Coverage. The classification plan shall include all classes, as approved, and from time to time amended, by the ~~University System Merit Board~~, except those exempted by Section 36e of the ~~State Universities Civil Service Act (Act) [110 ILCS 70] Statute~~. Exemptions under Section 36e~~(3)~~ of the ~~Act Statute~~ shall be by position. When approved by the Merit Board, a position shall remain exempt until ~~thesuch~~ exemption is terminated by the Merit Board. The ~~Executive~~ Director shall publish guidelines for ~~thesuch~~ exemptions, as approved by the Merit Board. This classification plan shall apply to all positions subject to Section 250.20(a) ~~of this Part~~.
- b) Class Specifications:
 - 1) The ~~University System~~ shall maintain written specifications, ~~as approved by the Merit Board~~, for each class in the classification plan. ~~TheSuch~~ specifications shall include the class title, ~~class code number, length of probationary period,~~ function of position, characteristic duties and responsibilities, minimum acceptable qualifications, including any special licenses or certificates required by state or federal laws, ~~and~~ additional desirable qualifications, ~~and, as applicable, promotional line, occupational area and work area.~~
 - 2) The ~~University System employer~~ shall ~~provide notification to all employers post notice~~ of the addition of a new ~~classification class~~ or of the reactivation of a former class, together with a copy of the class specification. ~~Except, at each appropriate place of employment for a period of at least ten calendar days prior to the date a position of the new, or of the reactivated, class is filled, except that,~~ for status employees affected by reclassification or reallocation of their positions, as provided in ~~subsections Section 250.30(j)(1) and 250.30(j)(2)~~, this Section does not apply. The ~~notification notice~~ of the addition of a new class or of the reactivation of a former class, as provided for in this Section, shall be

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through the University System website and, if necessary for the course of recruitment, also posted in all public places allocated for Civil Service employment information, including electronic means such as official employer websites.

- c) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position. This title shall be used on all personnel records and transactions. A functional title may also be given to a position by the employer, but ~~that such~~ functional title cannot be a title approved by the Merit Board as a Civil Service class title.
- d) Use of Class Code Number. The class code number is the number that is assigned to each class title in the classification plan.
- e) Use of Promotional Line within a Class Specification Series. Each class specification series is assigned a promotional line. The promotional line can be found on the class specification.
- f) Occupational Areas within a Class Specification. Each class in the classification plan shall be assigned an occupational area. There are 16 occupational areas within the classification plan as follows:
- 1) 01 professional;
 - 2) 02 semi-professional;
 - 3) 03 managerial;
 - 4) 04 clerical;
 - 5) 05 stores;
 - 6) 06 aeronautical;
 - 7) 07 agricultural;
 - 8) 08 custodial services;
 - 9) 09 domestic services;

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- 10) 10 food services;
- 11) 11 heat, light, and power services;
- 12) 12 medical services;
- 13) 13 protective;
- 14) 14 skilled trades;
- 15) 15 semi-skilled trades; and
- 16) 16 unskilled trades.

g) Work Areas within a Class Specification. Each class in the classification plan shall be assigned a work area as follows:

- 1) 000 Special Group
- 2) 001 Admissions and Records Services
- 3) 004 Aeronautical Services
- 4) 007 Agricultural Services
- 5) 010 Architectural Services
- 6) 013 Automotive Services
- 7) 017 Building and Grounds Service
- 8) 021 Communication Services
- 9) 023 Crafts and Trade Services
- 10) 026 Custodial Services
- 11) 029 Electronic Services

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- 12) 035 Fiscal Services
- 13) 038 Food Services
- 14) 041 Heat, Light, and Power Services
- 15) 044 Hospital and Health Services
- 16) 047 Housing Services
- 17) 048 Instructional Services
- 18) 050 Laboratory Services
- 19) 053 Laundry Services
- 20) 056 Legal Services
- 21) 059 Office Services
- 22) 060 Museum and Exhibit Services
- 23) 063 Personnel Services
- 24) 066 Printing, Press and Related Arts Services
- 25) 069 Safety and Security Services
- 26) 071 Social Services
- 27) 072 Statistical and Research Services
- 28) 073 Information Technology
- 29) 075 Stores Services
- 30) 078 Student Activity and Program Services

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- ~~hd)~~ Allocation of New Positions. When a new position is established, the employer shall ~~allocate that position~~~~recommend in writing to the Director its allocation~~ to an appropriate ~~classification~~class, and the Director shall act upon such ~~recommendation~~.
- ~~ie)~~ Reallocation or Reclassification of Existing Positions-
- 1) A request to reallocate or reclassify any existing position may originate with the employee and/or the employer. When material changes occur in the duties and responsibilities of a position, the employer shall ~~reallocate or reclassify~~~~recommend to the Director in writing the reallocation or reclassification of~~ the position to its appropriate class, and the Director shall review the request, shall act upon it, and shall notify the employer of ~~his action~~.
 - 2) A position may be abolished, the class of a position may be changed, or a new class specification may be prepared, provided that ~~theno such~~ change shall not be made for the purpose of separating an employee from employment in a position in his/her class.
 - 3) In order to maintain a sound classification program, the employers, working with the staff of the University System, shall carry on continuous classification studies.
- ~~if)~~ Status of an Employee Whose Position is Reallocated or Reclassified-
- 1) An employee, whose position is reallocated or reclassified, shall be eligible for continued employment in the position ~~thatwhich~~ is reallocated or reclassified, provided ~~the employeehe~~ establishes eligibility for ~~thesuch~~ a new class. ~~An employeeHe~~ may establish eligibility by meeting the minimum qualifications for the new class to which the position has been reallocated or reclassified, and by passing an examination for the new class. ~~The employeeHe~~ must complete a probationary period in the position in the new class.
 - 2) A status employee in a position ~~thatwhich~~ is reallocated or reclassified, who chooses not to qualify for, or who fails to gain eligibility for, the new class, shall have his/her name placed by the employer on the reemployment register for the former class in accordance with Section

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250.60(b)(1).

- 3) An employee, serving a probationary period in a position ~~that~~which is reallocated or reclassified, who fails to gain eligibility for the new class, and for whom no vacant position exists in the class from which his/her position has been reallocated or reclassified, shall have his/her name placed by the employer on the register from which he/she was certified to a position in the former class in accordance with Section 250.60(b)(2) or ~~Section 250.60(b)(3)~~. If ~~the employee~~he has completed a probationary period in a position in a lower class in the same promotional line as that of his/her former position, ~~the employee's~~his name shall be placed by the employer on the reemployment register of the lower class in accordance with Section 250.60(b)(1).

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

Section 250.50 Examinations

- a) Kinds of Examinations. Each classification shall have a designated examination. Each examination may have multiple components. A candidate who obtains a score on the examination that is deemed to be passing will have his/her score placed on either an original entry register or a promotional register. Examinations ~~shall be of two kinds: original entry and promotional. Both kinds~~ shall be open and continuous competitive examinations. For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.
- b) Eligibility to Compete in Examinations
 - 1) Any citizen or resident of the State of Illinois, who applies for examination in a specific class at a constituent place of employment served by the University System, who is not rejected or disqualified under subsection (c), and who meets the minimum qualifications as prescribed in the class specification, shall be admitted to the examination. ~~For classes requiring valid licenses or certificates, an applicant must show possession of the license or certificate at, or prior to, time of taking the examination.~~ Out-of-state applicants may also be admitted for examination in accordance with conditions outlined in subsection (b)(6).

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- 2) A ~~promotional examination shall be open to a~~ status employee in a place of employment, who is not rejected or disqualified under subsection (c), who meets the minimum qualifications specified in the class specification for a higher class in the appropriate promotional line, and who, in addition, is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from ~~that~~ such a position, or is on layoff from ~~that~~ such a position and shall be admitted to an examination with the resulting passing grade having his/her score placed on a promotional employment register, or is on layoff from such a position.
- 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications, that in the opinion of the Executive Director, are considered to be compensatory, shall be admitted to the examination for the class. The names of all applicants who pass the examination shall be placed on the appropriate register in order of score.
- 4) In the absence of a name of a candidate on any existing register for a class, an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Executive Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.
- 5) In accordance with the Americans With Disabilities Act (ADA) (42 USC 12101), any applicant with a recognized disability may receive an accommodation for any examination maintained by the University System. These accommodations are to be administered in coordination with requirements contained in the ADA, the State Universities Civil Service Act ~~[10 ILCS 70]~~ and this Part, and other applicable policies at each employment location.
- 6) For classes within the 01 professional, 02 semi-professional, ~~03~~ managerial, or 13 protective occupational areas for which a broader recruitment base is typically applied, out-of-state residents may be admitted to the examination and equally considered. In these instances, when the Illinois citizenship or residency requirement is waived, out-of-state candidates must establish Illinois residency within 180

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calendar days after any employment offer or final appointment.

- 7) Any applicant may ~~complete~~rewrite an examination for a class ~~four~~three times within any ~~12~~twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the class shall be determined by the highest score achieved on any examination for the class.
- c) Rejection or Disqualification of Applicants. The employer may reject any applicant or, after examination, the Executive Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of the State Universities Civil Service Act ~~[110 ILCS 70/36f]~~ and subsection (b), fails to pass a physical examination given to determine his/her physical qualifications for employment, abuses intoxicating substances, uses illegal drugs or narcotics, has been dismissed from either private or public service for a cause detrimental to his/her employment ~~by an employer under the University System~~, has maintained an unsatisfactory employment record, has practiced deception or fraud in his/her application, examination, or material pertaining to these, or has committed an offense that, in the judgment of the Executive Director, disqualifies him/her for employment.
- d) Character of Examinations
- 1) ~~All examinations within the classification plan~~Examinations shall consist of one or more of the following: ~~cognitive or knowledge test; typing test; written test; performance test;~~ oral board test; physical fitness test; credential assessment test; or modified education and experience test or other similar examinations as authorized by the Executive Director~~aptitude test; practical test; other appropriate tests; a rating of experience and training.~~
 - 2) A cognitive or knowledge test may be utilized for certain examinations and consist of one or more of the following components: essay, multiple choice, true/false, or short answer questions. A typing test may be required for certain examinations that would require an applicant to perform this skill. Oral board and physical fitness tests are components for the Police Series examinations. A credential assessment test may be utilized for certain classifications. That test consists of a review of the applicant's resume or employment application, professional certification,

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licenses, or other education or experience deemed relevant. A modified education and experience test is a rating of an applicant's training and experience based on the applicant completing a prescribed examination form provided by the University System. For classifications requiring valid licenses or certifications, an applicant must show possession of the license or certificate prior to taking the examination.

- ~~32~~) All examination content shall be provided by the staff of the University System.
- ~~43~~) All examination supplies and materials and all examinations are the property of the University System.
- ~~54~~) An ~~original entry or promotional~~ examination may be revised, with the approval of the Executive Director, without affecting existing original entry or promotional registers for the class, providing the revision does not change the character or weighting of sections of the examination.
- ~~65~~) Upon approval of the Executive Director, the character or weighting of sections of an ~~original entry or promotional~~ examination may be changed, provided there is sufficient evidence that the current examination for the class is not a satisfactory examining instrument and the current examination has been in use for a period of at least one year. At least 30 calendar days advance notice of the change shall be given to all appropriate employers who shall then communicate the notice ~~in writing~~ to each candidate on an original entry or promotional register by score and shall further communicate the notice ~~in writing~~ to any applicant who applies for an original entry or promotional examination during the ~~30-day~~ notice period. During the ~~30-day~~ notice period, qualified applicants and candidates whose names are already on the register by score ~~may~~ will be scheduled for the examination upon his/her request. At the end of the ~~notice 30-day~~ period, the previous original entry register or promotional register of candidates by score will be voided, and a new original entry register or promotional register by score shall be established on the basis of the new examination.

- e) Security and Confidentiality Requirements in the Examination Development Process

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- 1) The examination development process requires all subject matter experts, and any other participant in the development process, to exercise discretion and maintain the confidentiality and security of ALL examination materials in their possession. Any person, including but not limited to a University System staff member, Designated Employer Representative/Human Resources employee, subject matter expert, union representative, or incumbent/volunteer involved in any step of the examination development process who willfully or corruptly discloses, distributes, or fails to secure and maintain materials used in the development of an examination instrument shall be considered in violation of the Act.
 - 2) Following the final development of the examination questions, all electronic/paper copies of questions, along with all reference sources for these questions, must be deleted from emails, computers, external hard drives, etc. Any hand written notes that contain examination data elements or comments must be returned to the University System.
 - 3) All persons must be aware that any violation of the Act is a criminal offense and is punishable under Section 46 of the Act.
 - 4) If a security breach is discovered, the University System will contact the Illinois Inspector General's Office and the State's Attorney of the county where the offense occurred for investigation and prosecution. The offending party may be held liable for costs incurred by the security breach and the position held by the party will become vacant upon conviction. Additionally, universities and agencies may be forced to freeze all registers and discontinue all employment actions in the affected classification or classifications.
- f) Administration of Examinations
- 1) As approved by the Executive Director, examinations shall be scheduled and administered by the employer. The examinations shall be conducted on an open and continuous basis. Upon request by the employer and approval by the Executive Director, examinations to original entry registers at each place of employment may be closed up to six calendar months when a sufficient number of candidates on the register has been established and further recruitment and testing is not required for a period

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of time.

- 2) In making the determination to close an original entry examination, the Executive Director will consider requests by the employer based on the number of positions in the class, projected new positions, and annual turnover rate. The employer shall be responsible for the security of all examination materials in the employer's custody and access to any electronic examination process, as provided to the employer by the University System.

gf) Rating of Examinations

- 1) The Executive Director and the staff of the University System shall use appropriate scientific techniques and procedures in rating tests and in determining resulting rank to the end that all competitors receive uniform and fair treatment.
- 2) Each examination shall contain a rating or grading form for employers to utilize in the grading of an examination. Each examination will have its own rating form and is developed by the University System at the time of a new or revised examination. The rating form provides a breakdown of how points are awarded in each area of the examination.
- ~~32)~~ Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his/her score in other portions of the examination. For each eliminating test and the final average in an examination, the Executive Director shall announce the minimum acceptable rating.
- ~~43)~~ The passing score for eligibility for certification shall be 70~~determined by the Executive Director~~. This score shall be the same for all examinations given for a class, but it may be changed if, in the judgment of the Executive Director, the change is for the best interest of the University System. The, and the change shall be applicable uniformly to all examinations for the class. The passing score shall be made known to all those taking the examination.

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- 54) An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Executive Director, elect to accept eligibility for a lower appropriate class, if his/her scores on all appropriate parts of the examination are sufficient to qualify him/her for the lower class.
- 65) All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded ~~off~~ to the nearest whole number, i.e., with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.
- hg) Notification and Review of Scores
- 1) An applicant shall be sent a written notice of the date and results of his/her examination. The notice must indicate whether the score achieved is passing or failing and if it includes credit for Veterans Preference.
 - 2) All requests by applicants for formal review of examination scores shall be submitted to the Executive Director.
- ih) Filing of Examination Records. All examinations, and all examination components, administered by the employer shall be retained by the employer, in accordance with the employer's record retention policy, or in accordance with the University System's record retention policy.

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

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- 1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
121.61	Amendment
121.76	Amendment
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]
- 5) Effective Date of Rules: January 1, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 39 Ill. Reg. 13195; October 2, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 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: Pursuant to provisions of PA 99-170, this rulemaking expands the definition of categorically eligible households. PA 99-170 amends the definition of categorically eligible households to include households that do not include an elderly, blind, or disabled person if the household's gross income is at or

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below 165% of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)). Previously, the gross income eligibility standard for these households was 130% of the nonfarm income poverty guidelines. Raising the income eligibility standard to 165% for these households will expand Illinois SNAP as more Illinois SNAP applicants will qualify for SNAP benefits.

- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/785-9772

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

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Service
- 121.8 Express Stamps Application Project
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.18 Work Requirement
- 121.19 Ending a Voluntary Quit Disqualification (Repealed)
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements
- 121.24 Individuals Exempt from Work Registration Requirements
- 121.25 Failure to Comply with Work Provisions
- 121.26 Periods of Sanction
- 121.27 Voluntary Job Quit/Reduction in Work Hours
- 121.28 Good Cause for Voluntary Job Quit/Reduction in Work Hours
- 121.29 Exemptions from Voluntary Quit/Reduction in Work Hours Rules

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits (Repealed)
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomers or Boarders
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions from Monthly Income
121.64	Supplemental Nutrition Assistance Program (SNAP) Benefit Amount

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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Section

121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting (Repealed)
121.91	Monthly Reporting (Repealed)
121.92	Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or SNAP Benefits
121.95	Restoration of Lost Benefits
121.96	Uses for SNAP Benefits
121.97	Supplemental Payments
121.98	Client Training Brochure for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program (Repealed)
121.107	New State Food Program
121.108	Transitional Food Stamp (TFS) Benefits
121.117	Farmers' Market Technology Improvement Program
121.120	Redetermination of Eligibility
121.125	Simplified Reporting
121.130	Residents of Shelters for Battered Women and their Children
121.131	Fleeing Felons and Probation/Parole Violators
121.135	Incorporation By Reference
121.136	Food and Nutrition Act of 2008
121.140	Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers
121.145	Quarterly Reporting (Repealed)

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section

121.150	Definition of Intentional Violations of the Program
121.151	Penalties for Intentional Violations of the Program
121.152	Notification To Applicant Households
121.153	Disqualification Upon Finding of Intentional Violation of the Program
121.154	Court Imposed Disqualification

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SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

121.160	Persons Required to Participate
121.162	Program Requirements
121.163	Vocational Training
121.164	Orientation (Repealed)
121.165	Community Work
121.166	Assessment and Employability Plan (Repealed)
121.167	Counseling/Prevention Services
121.170	Job Search Activity
121.172	Basic Education Activity
121.174	Job Readiness Activity
121.176	Work Experience Activity
121.177	Illinois Works Component (Repealed)
121.178	Job Training Component (Repealed)
121.179	JTPA Employability Services Component (Repealed)
121.180	Grant Diversion Component (Repealed)
121.182	Earnfare Activity
121.184	Sanctions for Non-cooperation with Food Stamp Employment and Training
121.186	Good Cause for Failure to Cooperate
121.188	Supportive Services
121.190	Conciliation
121.200	Types of Claims (Recodified)
121.201	Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202	Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203	Collecting Claim Against Households (Recodified)
121.204	Failure to Respond to Initial Demand Letter (Recodified)
121.205	Methods of Repayment of Food Stamp Claims (Recodified)
121.206	Determination of Monthly Allotment Reductions (Recodified)
121.207	Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208	Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220	Work Requirement Components (Repealed)
121.221	Meeting the Work Requirement with the Earnfare Component (Repealed)

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- 121.222 Volunteer Community Work Component (Repealed)
- 121.223 Work Experience Component (Repealed)
- 121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)
- 121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)
- 121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

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no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

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emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

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January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; preemptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; preemptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; preemptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537,

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effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; preemptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; preemptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.61 Gross Monthly Income Eligibility Standards

- a) Gross Monthly Income Eligibility Standards
 - 1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)) for all households

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~~except including~~ categorical households as defined in Section 121.76. ~~Households that do not contain an~~~~except~~ elderly, blind or disabled ~~person~~~~households that~~ shall be considered categorically eligible if the household's gross income is at or below 165% of the nonfarm income poverty guidelines. Elderly, blind or disabled households shall be considered categorically eligible if the household's gross income is at or below 200% of the nonfarm income poverty guidelines.~~200%.~~

Households containing a member who is elderly, blind or disabled that are not categorically eligible will be exempt from this gross income check (see also 7 CFR 273.9(c)), but must meet the net income standards in Section 121.60. To qualify for increased benefits, a household must contain a member who meets one of the following requirements:

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month in which he or she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis).
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability.
- E) A veteran with a service-connected disability rated or paid as totally disabled by the Department of Veterans Affairs (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the VA or a veteran's surviving child who is considered permanently incapable of self-support by the VA.

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- H) A veteran's surviving spouse or child entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death from the VA, if the spouse or child also has a disability considered permanent under Social Security requirements.
 - I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
 - J) A member receives Railroad Retirement disability benefits.
 - K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
 - L) A member receives disability-related medical assistance benefits (Categories 92, 93 and P3) under Title XIX (Medicaid) of the Social Security Act.
- 2) For those veterans, surviving spouses, or children mentioned in subsections (a)(1)(F) and (G) of this Section, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (a)(1)(E) of this Section, a verified statement, in writing, from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (a)(1)(H) of this Section, the individual must provide a statement from the Social Security Administration or from a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], or a licensed or certified psychologist under the Clinical Psychologist Licensing Act [225 ILCS 15] that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 USC 421(i)) or if the disability is obvious, by the observation of the caseworker (for example, permanent loss of use of both hands).
- 3) Legally obligated child support payments paid by a household member shall be excluded from gross income when comparing income to the gross income standard to determine eligibility.
- b) The gross income standards are:

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Household Size	Gross Income	<u>Gross Income</u>	Gross Income
	130%	<u>165%</u>	200%
One Person	\$1,276	<u>\$1,619</u>	\$1,962
Two Persons	1,726	<u>2,191</u>	2,655
Three Persons	2,177	<u>2,763</u>	3,348
Four Persons	2,628	<u>3,335</u>	4,042
Five Persons	3,078	<u>3,907</u>	4,735
Six Persons	3,529	<u>4,479</u>	5,428
Seven Persons	3,980	<u>5,051</u>	6,122
Eight Persons	4,430	<u>5,623</u>	6,815
Each Additional Member	+ 451	<u>+ 572</u>	+ 693

(Source: Amended at 40 Ill. Reg. 360, effective January 1, 2016)

SUBPART E: HOUSEHOLD CONCEPT

Section 121.76 Categorically Eligible Households

- a) A categorically eligible household is:
- 1) A household in which all members are authorized to receive TANF, ~~GA~~ or SSI, including SSI cases in recoupment or suspension status. These households are not subject to:
 - A) asset limits (see Section 121.57); or
 - B) gross or net income limits (see Section 121.60 and Section 121.61).
 - 2) A household that receives a TANF funded brochure, Guide to Services, that provides information and referrals to other services for which a household may qualify. This brochure is provided at application and annually thereafter. Through receipt of this TANF funded service, households with an elderly, blind or disabled member, as defined in Section ~~121.61~~121.62(a)(1)(A) through (L), whose total gross income is at or below 200% of the ~~nonfarm income~~federal poverty ~~guidelines~~limit and for all other households whose total gross income is at or below ~~165~~130%

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are considered categorically eligible. These categorically eligible households are not subject to:

- A) asset limits (see Section 121.57); or
 - B) net income limits (see Section 121.60).
- b) Categorical eligibility does not apply to a household in which a member is disqualified for an Intentional Program Violation or a sanction for failure to comply with work provisions.

(Source: Amended at 40 Ill. Reg. 360, effective January 1, 2016)

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- 1) Heading of the Part: Adverse Health Care Events Reporting Code
- 2) Code Citation: 77 Ill. Adm. Code 235
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
235.110	Amendment
235.120	Amendment
235.130	Amendment
235.160	Amendment
235.170	Amendment
- 4) Statutory Authority: Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522]
- 5) Effective Date of Rules: December 23, 2015
- 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 any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: July 17, 2015; 39 Ill. Reg. 9866
- 10) Has JCAR issued a State of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: None. No public comments were received regarding this rulemaking. Additionally, no changes were made in response to comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The rulemaking implements PA 98-683, which mandated the Department of Public Health to adopt a list of adverse health care events in accordance with the most recent National Quality Forum's identification of a serious reportable event.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

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

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 235
ADVERSE HEALTH CARE ~~EVENT~~ REPORTING CODE

Section

235.110	Definitions
235.120	Referenced Materials
235.130	Adverse Health Care Events
235.140	Adverse Health Care Event Reporting System
235.150	Root Cause Analysis Findings and Corrective Action Plan
235.160	Communication and Annual Report
235.170	Enforcement
235.180	Confidentiality

AUTHORITY: Implementing and authorized by the Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522].

SOURCE: Adopted at 33 Ill. Reg. 15763, effective October 30, 2009; amended at 40 Ill. Reg. 375, effective December 23, 2015.

Section 235.110 Definitions

For the purpose of this Part:

~~"ABO incompatible blood or blood products" means blood or blood products that are inconsistent with a given patient's blood type.~~

"Act" means the Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522].

"Admitting diagnosis code" means a standard medical code associated with an injury or illness of a patient, which is assigned to the patient at the time of admission to the health care facility.

"Adverse health care event" means any event identified as a serious reportable event as listed in Section 235.130 ~~of this Part~~.

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"ASA Class I patient", as designated by the American Society of Anesthesiologists (ASA) Physical Status Classification System, means a normal, healthy patient prior to surgery.

"Biologics" means products made from living organisms. Biologics are derived from living material (human, plant, animal or microorganism) and used for the treatment, prevention, or cure of disease in humans.

"Contamination" means the presence of a detectable foreign substance or material that renders a substance, preparation, device or equipment impure, unstable or unsuitable for use.

"Corrective action plan" means a document that describes the specific steps that the health care facility has taken or intends to take to resolve or reduce the risk of similar adverse health care events occurring in the facility. This document will address responsibility for implementation, oversight, time lines and strategies for measuring the effectiveness of the actions.

"Death" means patient death related to an adverse event and not related solely to the natural course of the patient's illness or underlying condition. Events otherwise reportable under this Part shall be reported even if the death might have otherwise occurred as the natural course of the patient's illness or underlying condition. (Section 10-15(h) of the Act)

"Decisional capacity" means the ability to understand and appreciate the nature and consequences of a decision regarding medical treatment or forgoing life-sustaining treatment and the ability to reach and communicate an informed decision in the matter as determined by the attending physician as defined by Section 10 of the Health Care Surrogate Act. [755 ILCS 40/10]

"Department" means the Illinois Department of Public Health. (Section 10-10 of the Act)

"Device" includes, but is not limited to, catheters, drains and other specialized tubes, infusion pumps, ventilators, and procedural and monitoring equipment.~~*"Device" includes, but is not limited to, catheters, drains and other specialized tubes, infusion pumps and ventilators. (Section 10-15 of the Act)*~~

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"Findings of root cause analysis" means the conclusions of the organizational root cause analysis that summarize how the adverse event happened and reasons for the adverse event occurrence. Reportable findings do not include investigatory notes, data, staff interviews and other unrelated documentation that led to the conclusions of the root cause analysis.

"Guardian" means a court appointed guardian of the person who serves as a representative of a minor or as a representative of a person under legal disability as defined by Section 10 of the Health Care Surrogate Act. [755 ILCS 40/10]

"Health care facility" or "health care setting" means a hospital maintained by the State or any department or agency of the State where such department or agency has authority under law to establish and enforce standards for the hospital under its management and control a hospital maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation, a hospital licensed under the Hospital Licensing Act [210 ILCS 85], a hospital organized under the University of Illinois Hospital Act [110 ILCS 330], and an ambulatory surgical treatment center licensed under the Ambulatory Surgical Treatment Center Act [210 ILCS 5]. (Section 10-10 of the Act)

"Health care facility environment" means the totality of the conditions of a health care facility, including infrastructure, services and physical plant.

~~"Hypoglycemia" is defined as blood glucose levels <70 milligrams/deciliter, based on National Institute of Health (NIH) guidelines and American Diabetes Association Standards of Medical Care, although severe hypoglycemia usually occurs with blood glucose levels <60 mg/dl. Hypoglycemia may occur with or without symptoms, as hypoglycemic unawareness can be present in some individuals. Patient death or serious disability related to hypoglycemia that occurs while the patient is being cared for in a health care facility for a condition unrelated to hypoglycemia (such as congestive heart failure or foot amputation) would qualify as an adverse event.~~

"Immediately post-operative" means within 24 hours after surgery or other invasive procedure was completed or after administration of anesthesia (if surgery/procedure not completed).

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"Licensed health care provider" means any person licensed by the State to provide medical, nursing or other health care services.

"Low risk pregnancy" means a pregnancy that is anticipated to be free of problems based on a woman's past medical history, past gynecological and obstetric history and any other relevant issues as the pregnancy continues.

"Major life activity" means an activity of daily living that an individual can perform with little or no difficulty, such as walking, seeing, hearing, eating, speaking, breathing, learning, performing manual tasks or taking care of one's self.

"Principal procedure code" means a code that identifies the procedure performed for definitive treatment of a patient, rather than for diagnostic or exploratory purposes, or that is necessary to take care of a complication.

"Process" means a systematic sequence of actions used to produce something or achieve an end.

"Product" means something produced by human or mechanical effort or by a natural process.

"Restraint" means any method of restricting a patient's freedom of movement that: is not a usual and customary part of a medical diagnostic or treatment procedure to which the patient or his or her legal representative has consented; is not indicated to treat the patient's medical condition or symptoms; or does not promote the patient's independent functioning.

"Root cause" means a fundamental reason or reasons for an adverse event, without which the adverse health care event would not have occurred.

"Root cause analysis" means the process for determining how an error occurred.

"Serious disability" means a physical or mental impairment, including loss of a body part, related to an adverse event and not related solely to the natural course of the patient's illness or underlying condition, that substantially limits one or more of the major life activities of an individual or results in a loss of bodily function, if the impairment or loss lasts more than 7 days prior to discharge or is

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still present at the time of discharge from an inpatient health care facility.
(Section 10-15(h) of the Act)

"Serious injury" means an injury that can result in death, loss of a body part, disability, loss of bodily function, or require major intervention for correction (for example, higher level of care, surgery).

"Sexual abuse" includes criminal sexual abuse or criminal sexual assault as defined in Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

"Sexual Assault" includes, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012~~means an act of nonconsensual forced sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961 [720 ILCS 5], including, without limitation, acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961.~~

~~"Significant injury" means harm or hurt through damage inflicted on the body by an external force.~~

"Staff member" means any full-time or part-time employee, contractor or volunteer who is authorized to work at the reporting facility and who is responsible for carrying out the work of the reporting facility whether in a paid or unpaid capacity.

"Surgery" means an invasive operative procedure in which skin or mucous membranes and connective tissue is incised or the procedure is carried out using an instrument that is introduced through a natural body orifice. Surgery includes minimally invasive procedures involving biopsies or placement of probes or catheters requiring the entry into a body cavity through a needle or trocar. Surgeries include a range of procedures from minimally invasive dermatological procedures (biopsy, excision and deep cryotherapy for malignant lesions) to Caesarian delivery to extensive multiorgan transplantation. Surgery does not include such things as otoscopes and drawing blood.~~treatment of diseases or injuries by manual and/or instrumental methods. Such methods may include invasive, minimally invasive or non-invasive procedures, depending on the conditions treated and the nature of the instruments and technology used.~~

"System" means a set of interdependent elements, both human and nonhuman, interacting to achieve a common goal.

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~~"Systemic disturbance" means a human or nonhuman malfunction, intrusion or interruption that affects multiple organs, tissues or processes, or affects the health care organization as a whole.~~

"Unemancipated minor" means a minor who has not been granted the legal status of emancipated, pursuant to the Emancipation of Minors Act.

(Source: Amended at 40 Ill. Reg. 375, effective December 23, 2015)

Section 235.120 Referenced Materials

The following materials are referenced in this Part:

- a) State of Illinois statutes:
 - 1) Hospital Licensing Act [210 ILCS 85]
 - 2) Ambulatory Surgical Treatment Center Act [210 ILCS 5]
 - 3) University of Illinois Hospital Act [110 ILCS 330]
 - 4) Criminal Code of ~~2012-1961~~ [720 ILCS 5]
 - 5) Code of Civil Procedure, Article VIII, Part 21 [735 ILCS 5/Art. VIII, Part 21]
 - 6) Health Care Surrogate Act [755 ILCS 40]
 - 7) Emancipation of Minors Act [750 ILCS 30]
- b) State of Illinois Administrative Rules
Rules of Practice and Procedure in Administrative Hearings (Illinois Department of Public Health) (77 Ill. Adm. Code 100)

(Source: Amended at 40 Ill. Reg. 375, effective December 23, 2015)

Section 235.130 Adverse Health Care Events

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The following are "adverse health care events" for the purposes of ~~the requirements of~~ the Act and this Part:

- a) Surgical or Invasive Procedure Events. Events reportable under this subsection are: ~~Surgical events. Events reportable under this subsection are:~~
- 1) Any surgery or other invasive procedure performed on the wrong body part or site and that is not consistent with the correct documented informed consent for that patient, excluding emergent situations that occur in the course of surgery or other invasive procedure when exigency precludes obtaining informed consents. ~~Surgery performed on a wrong body part that is not consistent with the documented informed consent for that patient. Reportable events under this subsection do not include situations requiring prompt action that occur in the course of surgery or situations whose urgency precludes obtaining informed consent.~~
 - 2) Surgery or other invasive procedure performed on the wrong patient. ~~Surgery performed on the wrong patient.~~
 - 3) The wrong surgical or other invasive procedure performed on a patient that is not consistent with the correct documented informed consent for that patient. ~~The wrong surgical procedure performed on a patient that is not consistent with the documented informed consent for that patient. Reportable events under this subsection do not include situations requiring prompt action that occur in the course of surgery or situations whose urgency precludes obtaining informed consent.~~
 - 4) Unintended retention of a foreign object in a patient after surgery or other invasive procedure, including medical or surgical items intentionally placed by medical providers that are unintentionally left in place. Unintended retention of a foreign object excludes:
 - A) Objects present prior to surgery or other invasive procedure that are intentionally left in place;
 - B) Objects intentionally implanted as part of a planned intervention; and

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- C) Objects not present prior to surgery or other invasive procedure that are intentionally left in when the risk of removal exceeds the risk of retention (such as micro-needles, broken screws).~~Retention of a foreign object in a patient after surgery or other procedure, excluding objects intentionally implanted as part of a planned intervention and objects present prior to surgery that are intentionally retained.~~
- 5) Intraoperative or immediately postoperative or postprocedure death in an ASA Class I patient, including all ASA Class I patient deaths in situations in which anesthesia was administered, regardless of whether the planned surgical procedure was performed.~~Death during or immediately after surgery of a normal, healthy patient who has no organic, physiologic, biochemical, or psychiatric disturbance and for whom the pathologic processes for which the operation is to be performed are localized and do not entail a systemic disturbance. (Section 10-15(b) of the Act)~~
- b) Product or Device Events. Events reportable under this subsection are:~~Product or device events. Events reportable under this subsection are:~~
- 1) Patient death or serious injury associated with the use of contaminated drugs, devices or biologics provided by the health care setting, including contaminants in drugs, devices or biologics regardless of the source of the contamination or the product.~~Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the health care facility when the contamination is the result of generally detectable contaminants in drugs, devices, or biologics regardless of the source of the contamination or the product. For example, devices and drugs that are intended to be sterile and are not, rather than devices that may be contaminated after use begins.~~
- 2) Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended, including, but not limited to, catheters, drains and other specialized tubes, infusion pumps, ventilators and procedural and monitoring equipment.~~Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended. "Device" includes, but is not limited to, catheters, drains, and other specialized tubes, infusion pumps, and~~

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~~ventilators. For example, use of a Foley catheter (for urinary drainage) to insert a central venous line, thus using the wrong equipment. Not, for example, using the correct device incorrectly, such as inserting a nasogastric tube in the larynx instead of the esophagus.~~

- 3) Patient death or serious injury associated with intravascular air embolism that occurs while being cared for in a health care setting, excluding deaths or serious injury associated with neurosurgical procedures known to present a high risk of intravascular air embolism.~~*Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in a health care facility, excluding deaths associated with neurosurgical procedures known to present a high risk of intravascular air embolism. (Section 10-15(c) of the Act)*~~

- c) Patient Protection Events. Events reportable under this subsection are:~~*Patient protection events. Events reportable under this subsection are:*~~

- 1) Discharge or release of a patient or resident of any age, who lacks decisional capacity, to anyone other than a guardian or other legally authorized person.~~*An infant discharged to the wrong person.*~~
- 2) Patient death or serious injury associated with patient elopement (disappearance), excluding events involving competent adults with decisionmaking capacity who leave against medical advice or voluntarily leave without being seen.~~*Patient death or serious disability associated with patient disappearance for more than 4 hours, excluding events involving adults who have decision-making capacity.*~~
- 3) Patient suicide, attempted suicide or self-harm that results in serious injury while being cared for in a health care setting. Deaths resulting from self-inflicted injuries that were the reason for admission or presentation to the health care facility are excluded from reporting requirements.~~*Patient suicide or attempted suicide resulting in serious disability while being cared for in a health care facility due to patient actions after admission to the health care facility, excluding deaths resulting from self-inflicted injuries that were the reason for admission to the health care facility. (Section 10-15(d) of the Act)*~~

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- d) Care Management Events. Events reportable under this subsection are:~~Care management events. Events reportable under this subsection are:~~
- 1) Patient death or serious injury associated with a medication error (for example, errors involving the wrong drug, wrong dose, wrong patient, wrong time, wrong rate, wrong preparation, or wrong route of administration).~~Patient death or serious disability associated with a medication error, including, but not limited to, errors involving the wrong drug, the wrong dose, the wrong patient, the wrong time, the wrong rate, the wrong preparation, or the wrong route of administration, excluding reasonable differences in clinical judgment on drug selection and dose.~~
 - 2) Patient death or serious injury associated with unsafe administration of blood products.~~Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO-incompatible blood or blood products.~~
 - 3) Maternal death or serious injury associated with labor or delivery in a low-risk pregnancy while being cared for in a health care setting, including events that occur within 42 days post-delivery, but not deaths from pulmonary or amniotic fluid embolism, acute fatty liver of pregnancy, or cardiomyopathy.~~Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in a health care facility, excluding deaths from pulmonary or amniotic fluid embolism, acute fatty liver of pregnancy, or cardiomyopathy.~~
 - 4) Death or serious injury of a neonate associated with labor or delivery in a low-risk pregnancy, including for the office-based surgery, birthing center or "home" setting, unplanned admission to an inpatient setting within 24 hours after delivery.~~Patient death or serious disability directly related to hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility for a condition unrelated to hypoglycemia. (Section 10-15(e) of the Act)~~
 - 5) Patient death or serious injury associated with a fall while being cared for in a health care setting, including, but not limited to, fractures, head injuries and intracranial hemorrhage.

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- 6) Any Stage 3, Stage 4 and unstageable pressure ulcers acquired after admission or presentation to a healthcare setting unless:
- A) Stage 2 pressure ulcer, which was recognized upon admission, progresses to a Stage 3; or
 - B) A pressure ulcer develops in an area where deep tissue injury was documented as present upon admission or presentation.
- 7) Artificial insemination with the wrong donor sperm or wrong egg.
- 8) Patient death or serious injury resulting from the irretrievable loss of an irreplaceable biological specimen, including events in which specimens are misidentified or when another procedure cannot be done to produce a specimen.
- 9) Patient death or serious injury resulting from failure to follow up or communicate laboratory, pathology or radiology test results.
- e) Environmental Events. Events reportable under this subsection
~~are: *Environmental events. Events reportable under this subsection are:*~~
- 1) Patient or staff death or serious injury associated with an electric shock in the course of a patient care process in a health care facility, excluding events involving patients during planned treatments such as electric countershock or elective cardioversion.~~*Patient death or serious disability associated with an electric shock while being cared for in a health care facility, excluding events involving planned treatments such as electric countershock.*~~
 - 2) Any incident in which systems designated for oxygen or other gas to be delivered to a patient contain no gas, or the wrong gas, or is contaminated by toxic substances.~~*Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances.*~~
 - 3) Patient or staff member death or serious injury associated with a burn incurred from any source in the course of a patient care process in a health care setting.~~*Patient death or serious disability associated with a burn*~~

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~~incurred from any source while being cared for in a health care facility that is not consistent with the documented informed consent for that patient. Reportable events under this subsection do not include situations requiring prompt action that occur in the course of surgery or situations whose urgency precludes obtaining informed consent.~~

- 4) ~~Patient death or serious disability associated with a fall while being cared for in a health care facility.~~
- 45) ~~Patient death or serious injury associated with the use of physical restraints or bedrails while being cared for in a health care setting. Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a health care facility. (Section 10-15(f) of the Act)~~
- f) Radiologic Events. Reportable under this subsection is *Physical security events. Events reportable under this subsection are:* 1) death or serious injury of a patient or staff member associated with the introduction of a metallic object into the Magnetic Resonance Imaging area, including events related to material inside the patient's body or projectiles outside the patient's body. Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider.
- 2) ~~Abduction of a patient of any age.~~
- 3) ~~Sexual assault on a patient within or on the grounds of a health care facility.~~
- 4) ~~Death or significant injury of a patient or staff member resulting from a physical assault that occurs within or on the grounds of a health care facility. (Section 10-15(g) of the Act)~~
- 5) ~~In case of an event listed in subsection (f)(4) in which a staff member is harmed, the health care facility shall generate a report to the Department, substituting staff information for patient information.~~
- g) Potential Criminal Events. Events reportable under this subsection are:

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- 1) Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist or other licensed health care provider.
- 2) Abduction of a patient or resident of any age.
- 3) Sexual abuse or sexual assault on a patient or staff member within or on the grounds of, a health care setting.
- 4) Death or serious injury of a patient or staff member resulting from a physical assault (for example, battery) that occurs within or on the grounds of a health care setting.

(Source: Amended at 40 Ill. Reg. 375, effective December 23, 2015)

Section 235.160 Communication and Annual Report

The Department will communicate with *health care facilities to maximize the use of the adverse health care event reporting system to improve health care quality.* (Section 10-30(b) of the Act)

- a) The Department will collect and analyze data from adverse health care event reports to *determine patterns of ~~system~~ failure in the health care system and successful methods to correct these failures.* (Section 10-30(b) of the Act)
- b) The data collected will be used to provide adverse health care event prevention recommendations to Illinois health care facilities and to help to ensure a data base of adverse health care event reports that will provide greater understanding of adverse health care events and promote the reduction of risk for those events.
- c) The Department will publish an annual report to increase general knowledge about adverse health care events, their causes, and strategies for prevention. This report will be made available to the public.

(Source: Amended at 40 Ill. Reg. 375, effective December 23, 2015)

Section 235.170 Enforcement

- a) A health care facility that fails to comply with the requirements of the Act and this Part shall be subject to enforcement action by the Department.

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- b) *After notice and opportunity for a hearing, the Department may deny, suspend, or revoke a license to open, conduct, operate, and maintain a hospital in any case in which the Department finds that there has been a substantial failure to comply with the provisions of ~~the~~ Act or this Part. (Section 7(a) of the Hospital Licensing Act)*
- c) *When the Department determines that an ambulatory surgical treatment center has failed to comply with ~~the~~ Act or this Part, the Department may issue a notice of fine assessment which shall specify the violations for which the fine is assessed. (Section 10(d) of the Ambulatory Surgical Treatment Center Act) Fines will be assessed in accordance with Section 10(d) of the Ambulatory Surgical Treatment Center Act. The Department will provide notice and opportunity for hearing to the ambulatory surgical treatment center.*
- d) Hearings shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 40 Ill. Reg. 375, effective December 23, 2015)

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- 1) Heading of the Part: Regulations Under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Number: 130.100 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5]
- 5) Effective Date of Rule: December 22, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: As this rule is an internal rulemaking, first notice filing was not required.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: As this rule is a Title 2 internal rulemaking, first notice filing was not required.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? As this rule is an internal rulemaking, first notice filing was not required.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
130.874	New Section	40 Ill. Reg. 175, January 4, 2016
130.830	New Section	40 Ill. Reg. 329, January 8, 2016

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- 15) Summary and Purpose of Rulemaking: The amendment updates the rule to reflect the current physical address of the Springfield Office for the Department of Securities.
- 16) Information and questions regarding this adopted rule shall be directed to:
- Tanya Solov, Director
Illinois Secretary of State, Department of Securities
69 West Washington St., Suite 1220
Chicago IL 60602
- tsolov@ilsos.net
- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] No

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

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section	
130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
130.120	Place of Filing
130.130	Date of Filing
130.135	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits (Repealed)
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies – Signatures
130.190	Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section	
130.200	Definitions of Terms Used in the Act and the Rules
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210	Definition of Act Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211	Definition of Acts Not Constitution an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
130.212	Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)

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- 130.215 Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
- 130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
- 130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
- 130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
- 130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
- 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
- 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)
- 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)
- 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
- 130.242 Definition of the Term "Financial Institution" under Section 4.C of the Act
- 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)", as Used in Section 4(F)(1) of the Act
- 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
- 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act
- 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
- 130.248 Definition of the Terms "Offers for Sale" and "Solicitation of Offers to Buy", as Used in Section 4.L of the Act
- 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
- 130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the

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- Act
- 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
- 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
- 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser, as Used in Section 8 of the Act
- 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.285 Definition, for Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

- Section
- 130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
- 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

- Section
- 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
- 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
- 130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act
- 130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
- 130.442 Report of Sale of Securities pursuant to Section 4.G of the Act
- 130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
- 130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act
- 130.492 Exemption from Registration for Certain Canadian Broker-Dealers and Agents and for Transactions Effected by Certain Canadian Broker-Dealers

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SUBPART E: REGISTRATION OF SECURITIES

Section	
130.501	Title of Securities
130.502	Financial Statement Requirements
130.503	Disclaimer of Control
130.505	Formal Requirements as to Consents
130.506	Consents Required in Special Cases
130.507	Application to Dispense with Consent
130.508	Consent to Use of Material Incorporated by Reference
130.510	Procedures for Registration of Securities by Coordination under Section 5.A of the Act
130.520	Procedures for Registration of Securities by Qualification under Section 5.B of the Act
130.525	Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7
130.530	Renewal of Registration of Securities Under Section 5.E of the Act
130.531	Computation of Fees
130.532	Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
130.533	Formal Requirements for Amendments Under Section 5 of the Act
130.534	Powers to Amend or Withdraw Registration Statement
130.535	Signatures of Amendments
130.536	Delaying Amendments
130.538	Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act
130.540	Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorization and Post-Effective Amendments
130.550	Additional Fees Under Section 5 of the Act
130.570	Legibility of Prospectuses
130.571	Presentation of Information in Prospectuses
130.572	Summaries or Outlines of Documents
130.573	Preparation of Application for Registration
130.574	Incorporation of Certain Information by Reference
130.575	Form of and Limitation Upon Incorporation by Reference
130.576	Statement Required in Prospectuses
130.577	Prospectuses Supplementing Preliminary, Material Supplied Previously
130.578	Application of Amendments to this Part Governing Contents of Prospectuses
130.581	Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of

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- the Act
- 130.582 Contents of Prospectuses When Two or More Registrations Are in Effect Under Section 5.B of the Act
- 130.590 Identifying Statements
- 130.591 Requirements as to Appraisals
- 130.592 Omission of Substantially Identical Documents
- 130.593 Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

- Section
- 130.600 Preamble
- 130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act
- 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F of the Act
- 130.650 Additional Fees Under Section 6 of the Act

SUBPART G: INVESTMENT FUND SHARES

- Section
- 130.700 Preamble
- 130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
- 130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act
- 130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
- 130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
- 130.750 Additional Fees Under Section 7 of the Act
- 130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

- Section
- 130.805 Exemptions From Registration as an Investment Adviser Under Section 8.A of the

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- Act
- 130.806 Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act
- 130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act
- 130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)
- 130.820 Procedures for Renewal and Withdrawal from Registration as a Dealer
- 130.821 Reporting of Dealer Branch Office Locations and Required Fees
- 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
- 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements
- 130.824 Financial Statements to be Filed by a Registered Dealer
- 130.825 Records Required of Dealers and Customer Fees
- 130.826 Registered Dealer Net Capital Requirements
- 130.827 Confirmations
- 130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer
- 130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act
- 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson
- 130.836 Hardship Exemption
- 130.837 Transition to Electronic Filing
- 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act
- 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
- 130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act
- 130.841 Reporting of Investment Adviser Branch Office Locations and Required Fees
- 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D.(9) of the Act Prior to Registration as an Investment Adviser
- 130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
- 130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser

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	Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements
130.845	Records Required of Investment Advisers
130.846	Written Disclosure Statements of a Registered Investment Adviser
130.847	Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients
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130.849	Consumer Information Privacy Provisions
130.850	Account Transactions
130.851	Commission, Profit or Other Compensation
130.852	Compensation
130.853	Account Transactions
130.854	Use of the Term "Investment Counsel"
130.855	Use of Senior Certifications and Professional Designations
130.860	Additional Fees Under Section 8 of the Act
130.872	Procedures with Respect to Abandoned Dealer Applications
130.873	Procedures with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

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130.1001	Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

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130.1100	Preamble
130.1101	Qualifications and Duties of the Hearing Officer
130.1102	Notice of Hearing
130.1103	Institution of a Contested Case by the Securities Department
130.1104	Requirement to File an Answer
130.1105	Amendment or Withdrawal of the Notice of Hearing
130.1106	Representation
130.1107	Special Appearance (Repealed)
130.1108	Substitution of Parties
130.1109	Failure to Appear
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130.1113	Form of Papers
130.1114	Bill of Particulars (Repealed)
130.1115	Discovery
130.1116	Examination of Witnesses
130.1117	Subpoenas
130.1118	Pre-Hearing Conferences
130.1119	Record of a Pre-Hearing Conference
130.1120	Hearings
130.1121	Record of Proceedings
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130.1123	Orders
130.1124	Burden of Proof
130.1125	Stipulations
130.1126	Open Hearings
130.1127	Corrections to the Transcript
130.1128	Imposition of Fines
130.1129	Application for Hearing to Present Newly Discovered Evidence
130.1130	Failure to Comply With Order or Rules
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SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section	
130.1520	Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

Section	
130.1661	Investors Syndicate of America, Inc.
130.1662	State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section	
130.1701	Inspection of Applications
130.1702	Inspection of Dealer, Salesperson and Investment Adviser Records
130.1703	Non-Public Distribution of Information

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- 130.APPENDIX A Uniform Consent to Service of Process
130.APPENDIX B Uniform Application to Register Securities
130.APPENDIX C Uniform Application for Broker-Dealer Registration
130.APPENDIX D Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg. 8817, effective July 6, 2001; amended at 26 Ill. Reg. 14843, effective September 30, 2002; amended at 27 Ill. Reg. 9490, effective June 9, 2003; emergency amendment at 29 Ill. Reg. 15087, effective September 23, 2005, for a maximum of 150 days; emergency expired February 19, 2006; emergency amendment at 30 Ill. Reg. 13009, effective July 11, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18211, effective October 31, 2006; amended at 33 Ill. Reg. 12817, effective September 8, 2009; amended at 34 Ill. Reg. 17783, effective November 3, 2010;

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emergency amendment at 35 Ill. Reg. 4781, effective March 10, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 12810, effective July 14, 2011; amended at 36 Ill. Reg. 2852, effective February 8, 2012; amended at 40 Ill. Reg. 391, effective December 22, 2015.

SUBPART A: RULES OF GENERAL APPLICATION

Section 130.100 Business Hours of the Securities Department

- a) ~~An~~The principal office of the Securities Department at 421 East Capitol Street~~Jefferson Terrace, Suite 300A, 300 W. Jefferson Street~~, Springfield IL 62701~~62702~~ is open each day, except Saturdays, Sundays and holidays, from 8:00 a.m. to 4:30 p.m.
- b) An office of the Securities Department at 69 West Washington Street, Suite 1220, Chicago, Illinois 60602 is open each day, except Saturdays, Sundays and holidays, from 8:30 a.m. to 5:00 p.m.

(Source: Amended at 40 Ill. Reg. 391, effective December 22, 2015)

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

Section 22.4(a) of the Environmental Protection Act (Act) [415 ILCS 5/22.4(a)] requires the Board to adopt regulations that are "identical in substance" to U.S. Environmental Protection Agency (USEPA) hazardous waste rules adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. 6921 et seq. (2008)). These rules are contained in 35 Ill. Adm. Code 701 through 705, 720 through 728, 733, and 739.

Section 7.2(a) of the Act [415 ILCS 5/7.2(a)] requires the Board to complete its identical-in-substance rulemaking actions within one year after the date of the USEPA action on which they are based. Section 7.2(b) [415 ILCS 5/7.2(b)] allows the Board to extend the deadline for adoption by publication of a notice of reason for delay in the *Illinois Register*.

By an order dated December 22, 2015, the Board set forth reasons for delay and extended the deadline for final action on the amendments from January 13, 2016 to June 30, 2016. That order stated in significant part as follows:

EXTENSION OF DEADLINE

The Board requires additional time to develop a proposal for public comment in this matter. The Board notes two primary reasons for an extended deadline. First, the volume and complexity of the underlying USEPA amendments was significant, taking considerable effort. The Board anticipates that the opinion and order proposing the amendments will exceed 1,000 pages in length affects numerous sections of existing Board rules. Second, USEPA submitted a number of comments on existing rules based on USEPA's periodic review for federal authorization of the Illinois RCRA Subtitle C regulations. Examining the differences between USEPA and Illinois texts and formulating responses to USEPA's observations took considerable effort.

For the foregoing reasons, the Board finds that delay was unavoidable and an extension of the one-year deadline is necessary. The Board will adhere to the following schedule:

Due date: **June 30, 2016**

Date of Board vote to propose amendments: March 3, 2016

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

Submission for <i>Illinois Register</i> publication:	March 14, 2016
Probable <i>Illinois Register</i> publication date:	March 25, 2016
Probable End of 45-day public comment period:	May 9, 2016
Date of Board vote to adopt amendments:	May 19, 2016
End of 30-day hold period for USEPA review:	June 20, 2016
Probable filing and effective date:	June 27, 2016
Probable <i>Illinois Register</i> publication date:	July 8, 2016

At present, the Board hopes to assemble the necessary proposal for public comment more rapidly than the times projected above—perhaps as early as January 2016. This would allow the Board to complete the rulemaking activities early as May 2016. However, to accommodate the unanticipated possibility for further delay, the Board extends the deadline for final action until June 30, 2016.

The Board hereby extends the deadline for completion of this rulemaking under Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2014)). The Board also directs staff to cause publication of a Notice of Public Information on Proposed Rules in the *Illinois Register*, based on this order, which sets forth reasons for delay and extends the due date for this proceeding.

Direct inquiries as follows, referencing consolidated docket R16-7:

Michael J. McCambridge, Staff Attorney
Illinois Pollution Control Board

312/814-6924
mccambm@ipcb.state.il.us

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of December 22, 2015 through December 28, 2015. The rulemakings are scheduled for review at the Committee's January 13, 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>
2/3/16	<u>State Universities Civil Service System</u> , State Universities Civil Service System (80 Ill. Adm. Code 250)	9/25/15 39 Ill. Reg.13175	1/13/16
2/5/16	<u>Illinois State Toll Highway Authority</u> , State Toll Highway Rules (92 Ill. Adm. Code 2520)	10/30/15 39 Ill. Reg. 14128	1/13/16

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING
ROOM C-1
SRPINGFIELD, ILLINOIS
JANUARY 13, 2016
10:30 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

8-85-15-14044 BT

1. Diseased Animals (8 Ill. Adm. Code 85)
 - First Notice Published: 39 Ill. Reg. 14044 – 10/30/15
 - Expiration of Second Notice: 1/29/16

8-90-15-14061 BT

2. Illinois Dead Animal Disposal Act (8 Ill. Adm. Code 90)
 - First Notice Published: 39 Ill. Reg. 14061 – 10/30/15
 - Expiration of Second Notice: 1/29/16

8-105-15-14078 BT

3. Swine Disease Control and Eradication Act (8 Ill. Adm. Code 105)

- First Notice Published: 39 Ill. Reg. 14078 – 10/30/15
- Expiration of Second Notice: 1/29/16

8-110-15-14089 BT

4. Animal Disease Laboratories Act (8 Ill. Adm. Code 110)
 - First Notice Published: 39 Ill. Reg. 14089 – 10/30/15
 - Expiration of Second Notice: 1/29/16

8-125-15-14101 BT

5. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
 - First Notice Published: 39 Ill. Reg. 14101 – 10/30/15
 - Expiration of Second Notice: 1/29/16

Attorney General

44-1300-15-13542 MR

6. Attorney General's Procurement (44 Ill. Adm. Code 1300)
 - First Notice Published: 39 Ill. Reg. 13542 – 10/16/15
 - Expiration of Second Notice: 1/20/16

Education

23-1-15-13595 LB

7. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 39 Ill. Reg. 13595 – 10/16/15
 - Expiration of Second Notice: 1/29/16

23-30-15-13210 LB

8. Programs for the Preparations of Principals in Illinois (23 Ill. Adm. Code 30)
 - First Notice Published: 39 Ill. Reg. 13210 – 10/2/15
 - Expiration of Second Notice: 1/29/16

23-180-15-13214 LB

9. Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180)
 - First Notice Published: 39 Ill. Reg. 13214 – 10/2/15
 - Expiration of Second Notice: 1/29/16

23-260-15-13246 LB

10. Reading Improvement Program (23 Ill. Adm. Code 260)
 - First Notice Published: 39 Ill. Reg. 13246 – 10/2/15
 - Expiration of Second Notice: 1/29/16

23-675-15-13254 LB

11. Providers of Supplemental Educational Services (23 Ill. Adm. Code 675)
 - First Notice Published: 39 Ill. Reg. 13254 – 10/2/15
 - Expiration of Second Notice: 1/29/16

Elections

26-201-15-12485 ES

12. Established Political Party and Independent Candidate Nominating Petitions (26 Ill. Adm. Code 201)
 - First Notice Published: 39 Ill. Reg. 12485 – 9/11/15
 - Expiration of Second Notice: 2/1/16

26-202-15-12490 ES

13. New Political Party Nominating Petitions (26 Ill. Adm. Code 202)
 - First Notice Published: 39 Ill. Reg. 12490 – 9/11/15
 - Expiration of Second Notice: 2/1/16

Financial and Professional Regulation

68-1285-15-10341 LB

14. Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)
 - First Notice Published: 39 Ill. Reg. 10341 – 7/24/15
 - Expiration of Second Notice: 1/14/16

68-1500-15-12677 LB

15. Veterinary Medicine and Surgery Practice Act of 2004 (68 Ill. Adm. Code 1500)
 - First Notice Published: 39 Ill. Reg. 12677 – 9/18/15
 - Expiration of Second Notice: 1/21/16

68-1505-15-12699 LB

16. Certified Veterinary Technicians (68 Ill. Adm. Code 1505)
 - First Notice Published: 39 Ill. Reg. 12699 – 9/18/15
 - Expiration of Second Notice: 1/21/16

Gaming Board

11-1800-15-08363 LB

17. Video Gaming (General) (11 Ill. Adm. Code 1800)
 - First Notice Published: 39 Ill. Reg. 8363 – 6/19/15
 - Expiration of Second Notice: 2/14/16

Health Care and Family Services

89-120-15-01403 EMS

18. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 39 Ill. Reg. 1403 – 1/23/15
 - Expiration of Second Notice: 1/29/16

Health Facilities and Services Review Board

77-1126-15-10577 AC

19. Specialized Mental Health Rehabilitation Facilities (SMHRFs) (77 Ill. Adm. Code 1126)
 - First Notice Published: 39 Ill. Reg. 10577 – 7/31/15
 - Expiration of Second Notice: 1/27/16

Secretary of State

23-3035-15-13147 MR

20. Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)
 - First Notice Published: 39 Ill. Reg. 13147 – 9/25/15
 - Expiration of Second Notice: 1/14/16

State Toll Highway Authority

92-2520-15-14128 LB

21. State Toll Highway Rules (92 Ill. Adm. Code 2520)
 - First Notice Published: 39 Ill. Reg. 14128 – 10/30/15
 - Expiration of Second Notice: 2/5/16

State Universities Civil Service System

80-250-15-13175 MR

22. State Universities Civil Service System (80 Ill. Adm. Code 250)
 - First Notice Published: 39 Ill. Reg. 13175 – 9/25/15
 - Expiration of Second Notice: 2/3/16

PEREMPTORY RULEMAKINGCentral Management Services

80-310-15-15807P EMS

23. Pay Plan (80 Ill. Adm. Code 310)
 - Notice Published: 39 Ill. Reg. 15807 – 12/11/15

Human Services

77-2070-15-16482P EMS

24. Schedule of Controlled Substances (77 Ill. Adm. Code 2070)
- Notice Published: 39 Ill. Reg. 16482 – 12/28/15

INTERNAL RULEMAKINGEducation

2-5001-15-15615A LB

25. Access to Information of the State Board of Education under the Freedom of Information Act (2 Ill. Adm. Code 5001)
- Notice Published: 39 Ill. Reg. 15615 – 12/4/15

Higher Education

2-5050-15-16387A BT

26. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 5050)
- Notice Published: 39 Ill. Reg. 16387 – 12/28/15

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2016 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Hospital Licensing Requirements (77 Ill. Adm. Code 250)
- 1) Rulemaking:
- A) Description: The Department of Public Health will introduce several rulemakings to implement the following: PA 99-480 which requires the Department of Public Health to develop, in rule, a form for the purpose of reporting drug overdoses to the Department; and PA 99-454 concerning the billing of sexual assault survivors for hospital emergency and forensic services
- B) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Hospitals will be required to submit the requisite paperwork to the Department, and to follow the requirements for billing sexual assault survivors.
- F) Agency Contact Person for Information:
- Elizabeth Paton
Assistant General Counsel/Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citations): End Stage Renal Disease Facility Code (77 Ill. Adm. Code 285)

DEPARTMENT OF PUBLIC HEALTH

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- 1) Rulemaking:
 - A) Description: This rulemaking will implement the End Stage Renal Disease Facility Act to cover all facets of the regulation of End Stage Renal Disease Facilities, including licensure, inspections, violations, treatment services, patient rights, staffing requirements, record keeping, quality assurance, physical plant requirements and remote stations.
 - B) Statutory Authority: End Stage Renal Disease Facility Act [210 ILCS 62]
 - C) Scheduled Meeting/Hearing Date: Spring 2016
 - D) Date Agency anticipates First Notice: Summer 2016
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: ESRDFs will be required to demonstrate compliance with the new regulations.
 - F) Agency Contact Person for Information:

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 - G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

- 1) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

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- A) Description: This rulemaking will clean up sections related to construction codes, striking outdated and redundant language and adding statutory language to clarify the requirements.
- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will eliminate discrepancies between statutory and regulatory requirements for skilled nursing facilities.
- F) Agency Contact Person for Information:

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- G) Related rulemakings and other pertinent information: None
- d) Parts (Headings and Code Citations): Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
- 1) Rulemaking:
- A) Description: The Department of Public Health will introduce several rulemakings to implement the following: PA 99-430 which authorized electronic monitoring by patients in long-term care facilities; PA 96-1372 which created a new classification of long-term care facilities called

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distressed facilities; and PA 98-989 concerning access to residents of long-term care facilities by the State Long Term Care Ombudsman Program

- B) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Facilities will be required to upgrade electrical systems to accommodate electronic monitoring equipment. Facilities placed on the distressed facilities list will be required to implement enhanced measures to remove themselves from the list.
- F) Agency Contact Person for Information:

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Illinois Department of Public Health
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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, a new Part, Authorized Electronic Monitoring in Long-Term Care Facilities (77 Ill. Adm. Code 389) will be proposed.
- e) Part (Heading and Code Citations): Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- 1) Rulemaking:
 - A) Description: This rulemaking will implement PA 99-430 which authorized electronic monitoring by patients in long-term care facilities.

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- B) Statutory Authority: ID/DD Community Care Act [210 ILCS 47]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Facilities may be required to upgrade electrical systems to accommodate electronic monitoring equipment.
- F) Agency Contact Person for Information:
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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, a new Part, Authorized Electronic Monitoring in Long-Term Care Facilities (77 Ill. Adm. Code 389) will be proposed.
- f) Part (Heading and Code Citations): Authorized Electronic Monitoring in Long-Term Care Facilities (77 Ill. Adm. Code 389)
- 1) Rulemaking:
- A) Description: This rulemaking will implement PA 99-430 which authorized electronic monitoring by patients in long-term care facilities
- B) Statutory Authority: Authorized Electronic Monitoring in Long-Term Care Facilities Act [210 ILCS 32]
- C) Scheduled Meeting/Hearing Date: Spring 2016

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- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Facilities will be required to upgrade electrical systems to accommodate electronic monitoring equipment
- F) Agency Contact Person for Information:

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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Sheltered Care Facilities Code (77 Ill. Adm. Code 330); Illinois Veterans' Homes Code (77 Ill. Adm. Code 340) and the Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350) will also be amended.

- g) Part (Heading and Code Citations): Illinois Vital Records Code (77 Ill. Adm. Code 500)

1) Rulemaking:

- A) Description: This rulemaking will implement PA 99-480 concerning the reporting of deaths to the Department in which a drug overdose has determined to be the cause or a contributing factor in the death.
- B) Statutory Authority: Implementing and authorized by the Vital Records Act [410 ILCS 535], Adoption Act [750 ILCS 50], and Jane Doe II v. Lumpkin, United States District Court, Central District of Illinois, Case No. 89-1224.
- C) Scheduled Meeting/Hearing Date: Spring 2016

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- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:

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- G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citations): Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 Ill. Adm. Code 515)

1) Rulemaking:

- A) Description: This rulemaking will implement PA 98-973 concerning the updating to federal EMS education standards. The rulemaking will also implement PA 99-480 to address the carrying and administration of opioid antagonists.
- B) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: Educational institutions and hospitals that educate and train emergency medical technicians will need to adjust their curriculums to meet the new federal education standards.
- F) Agency Contact Person for Information:
- Elizabeth Paton
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Illinois Department of Public Health
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dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citations): Automated External Defibrillator Code (77 Ill. Adm. Code 525)
- 1) Rulemaking:
- A) Description: This rulemaking will implement PA 99-0246 concerning the liability for civil damages in sheriff offices and police departments owning an automated external defibrillator (AED).
- B) Statutory Authority: Automated External Defibrillator Act [410 ILCS 4]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2016 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citations): Heartsaver AED Grant Code (77 Ill. Adm. Code 530)

1) Rulemaking:

- A) Description: This rulemaking will implement PA 99-0480 concerning the ability of sheriff offices and police departments to apply for Heartsaver AED grants.
- B) Statutory Authority: Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-371.5]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking could potentially assist sheriff offices and police departments in offset the cost of the purchase of an AED.
- F) Agency Contact Person for Information:

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DEPARTMENT OF PUBLIC HEALTH

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- G) Related rulemakings and other pertinent information: None
- k) Part (Heading and Code Citations): Certified Local Health Department Code (77 Ill. Adm. Code 600)
- 1) Rulemaking:
- A) Description: This rulemaking will update various sections of the rule to reflect changes brought about by accreditation, including updating definitions, requests for extensions for renewals of certification and upDate to public health practice standards and the IPLAN planning process.
- B) Statutory Authority: Implementing and authorized Division 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois [20 ILCS 2310/55].
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:
- Elizabeth Paton
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G) Related rulemakings and other pertinent information: None1) Part (Heading and Code Citations): Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)1) Rulemaking:

- A) Description: The Department of Public Health will introduce several rulemakings for the following purposes: update definitions and codify two subcommittees of the Perinatal Advisory Committee related to maternal mortality, both pregnancy-related and violence; modify language related to site visits for redesignation of perinatal centers within the regionalized system to allow Perinatal Advisory Committee members to attend sessions via teleconference or videoconference in addition to on-site; and add new language regarding the Department's ability to collect data related to the morbidity and mortality of infants and women from perinatal hospitals for disease surveillance, quality improvement projects, and program and policy evaluation
- B) Statutory Authority: Developmental Disability Prevention Act [410 ILCS 250]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:

Elizabeth Paton
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- G) Related rulemakings and other pertinent information: None
- m) Part (Heading and Code Citations): Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- 1) Rulemaking:
- A) Description: This rulemaking proposes to reinstitute the reporting of Campylobacter to the Department of Public Health. The proposed amendments seek to add the method of reporting, time reporting requirements, disease-specific case control measures, and laboratory reporting requirements. The restitution of the reporting of Campylobacter will aid IDPH in the detection of cases, clusters, and outbreaks of campylobacteriosis in Illinois.
- B) Statutory Authority: Communicable Disease Report Act [745 ILCS 45]
- C) Scheduled Meeting/Hearing Date: November/December 2015
- D) Date Agency anticipates First Notice: January 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have a minimum impact on the regulated industry.
- F) Agency Contact Person for Information:
- Elizabeth Paton
Assistant General Counsel/Rules Coordinator
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535 W. Jefferson St., 5th Floor
Springfield IL 62761

DEPARTMENT OF PUBLIC HEALTH

JANUARY 2016 REGULATORY AGENDA

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G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citations): AIDS Drug Assistance Program (77 Ill. Adm. Code 692)

1) Rulemaking:

A) Description: This rulemaking will update Appendix A with respect to the federal poverty level.

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

C) Scheduled Meeting/Hearing Date: Winter 2016

D) Date Agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PUBLIC HEALTH

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- o) Part (Heading and Code Citations): Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693)

1) Rulemaking:

- A) Description: This rulemaking will update the rule with respect to partner services.
- B) Statutory Authority: Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Spring 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:

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Assistant General Counsel/Rules Coordinator
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- G) Related rulemakings and other pertinent information: None

- p) Part (Heading and Code Citations): HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)

1) Rulemaking:

DEPARTMENT OF PUBLIC HEALTH

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- A) Description: This rulemaking will update definitions and clarify the conditions under which a physician may notify the spouse or civil partner of HIV test results.
- B) Statutory Authority: Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; the Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:

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Illinois Department of Public Health
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Springfield IL 62761

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- G) Related rulemakings and other pertinent information: None
- q) Part (Heading and Code Citations): Manufacturing, Processing, Packing or Holding of Food Code (77 Ill. Adm. Code 730)
- 1) Rulemaking:
- A) Description: The Department of Public Health will introduce several rulemakings for the following purposes: to update incorporated and

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references material of the rule to update federal references with respect to preventative control rules and the control of Molluscan shellfish; and to create a permit, including a fee, for manufactured food facilities, incorporate 21 CFR 101 on food labeling, and incorporate provisions of the following Parts into Part 730: Processors of Fresh and Smoked Fish (77 Ill. Adm. Code 735), Processors of Cacao Products and Confectionery (77 Ill. Adm. Code 738), Soft Drink Manufacturers (77 Ill. Adm. Code 740), and Sanitary Vending of Food and Beverages (77 Ill. Adm. Code 743).

- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled Meeting/Hearing Dates: November/December 2015
- D) Date Agency anticipates First Notice: January 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will impact food manufacturing plants and will assist those that want to participate in interstate commerce as the Illinois regulations will become consistent with federal compliance regulations. Manufactured food facilities will be required to make application to the Department for a permit and pay the associated fee.
- F) Agency Contact Person for Information:
- Elizabeth Paton
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Division of Legal Services
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535 W. Jefferson St., 5th Floor
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- 217/782-2043
dph.rules@illinois.gov
- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the following Parts will be repealed: Processors of Fresh and Smoked Fish (77 Ill. Adm. Code 735), Processors of Cacao Products

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and Confectionery (77 Ill. Adm. Code 738), Soft Drink Manufacturers (77 Ill. Adm. Code 740), and Sanitary Vending of Food and Beverages (77 Ill. Adm. Code 743).

- r) Part (Heading and Code Citations): Processors of Fresh and Smoked Fish (77 Ill. Adm. Code 735)
- 1) Rulemaking:
- A) Description: This rulemaking will repeal Part 735.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:
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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the Manufacturing, Processing, Packing and Holding of Food Code (77 Ill. Adm. Code 730) will be amended to incorporate provisions of Part 735.

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s) Part (Heading and Code Citations): Processors of Cacao Products and Confectionery (77 Ill. Adm. Code 738)1) Rulemaking:

- A) Description: This rulemaking will repeal Part 738.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:

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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the Manufacturing, Processing, Packing and Holding of Food Code (77 Ill. Adm. Code 730) will be amended to incorporate provisions of Part 738.

t) Part (Heading and Code Citations): Soft Drink Manufacturers (77 Ill. Adm. Code 740)1) Rulemaking:

- A) Description: This rulemaking will repeal Part 740.

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- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:
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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the Manufacturing, Processing, Packing and Holding of Food Code (77 Ill. Adm. Code 730) will be amended to incorporate provisions of Part 740.
- u) Part (Heading and Code Citations): Sanitary Vending of Food and Beverages (77 Ill. Adm. Code 743)
- 1) Rulemaking:
- A) Description: This rulemaking will repeal Part 743.
- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
- C) Scheduled Meeting/Hearing Date: Spring 2016

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- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No effect is anticipated.
- F) Agency Contact Person for Information:

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- G) Related rulemakings and other pertinent information: In conjunction with this rulemaking, the Manufacturing, Processing, Packing and Holding of Food Code (77 Ill. Adm. Code 730) will be amended to incorporate provisions of Part 743.
- v) Part (Heading and Code Citations): Food Service Sanitation Code (77 Ill. Adm. Code 750)
- 1) Rulemaking:
- A) Description: The Department of Public Health intends to introduce several rulemaking for the following purposes: to update provisions regarding temporary food service establishments with respect to defining and categorizing this type of food service establishment by risk similar to retail food establishments to provide for consistent and standardized criteria for food safety and permits; and to implement PA 99-0062 concerning food service sanitation manager certification exam scores and food handler training programs.

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- B) Statutory Authority: Illinois Food, Drug and Cosmetic Act [410 ILCS 620], Sanitary Food Preparation Act [410 ILCS 650], and the Food Handling Regulation Enforcement Act [410 ILCS 625]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The inspection criteria for a particular temporary food establishment may change depending on what criteria the local health department is currently using to inspect facilities within its jurisdiction. The proposed rulemaking will allow for high-risk food processing operations unlike the current rules.
- F) Agency Contact Person for Information:

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- G) Related rulemakings and other pertinent information: None

w) Part (Heading and Code Citations): Recreational Area Code (77 Ill. Adm. Code 800)

1) Rulemaking:

- A) Description: This rulemaking will update and clarify incorporated referenced material, add and update definitions, and provide for current requirements for water, sewer, electric and buildings.
- B) Statutory Authority: Campground Licensing and Recreational Area Act [210 ILCS 95]

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- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Spring 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have a minimum impact on the regulated industry.
- F) Agency Contact Person for Information:
- Elizabeth Paton
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- G) Related rulemakings and other pertinent information: None
- x) Part (Heading and Code Citations): Youth Camp Code (77 Ill. Adm. Code 810)
- 1) Rulemaking:
- A) Description: This rulemaking will update and clarify incorporated referenced material, add and update definitions, and provide for current requirements for water, sewer, electric and buildings.
- B) Statutory Authority: Youth Camp Act [210 ILCS 100]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Spring 2016

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E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have a minimum impact on the regulated industry.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

y) Part (Heading and Code Citations): Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)

1) Rulemaking:

A) Description: This rulemaking will implement PA 98-0690 made numerous changes to the Lead Poisoning Prevention Act, including definitions and enforcement provisions.

B) Statutory Authority: Lead Poisoning Prevention Act [410 ILCS 45]

C) Scheduled Meeting/Hearing Date: Spring 2016

D) Date Agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: New statutory changes to enforcement and penalties are being codified. It is anticipated that only non-compliant entities will be affected.

F) Agency Contact Person for Information:

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JANUARY 2016 REGULATORY AGENDA

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- G) Related rulemakings and other pertinent information: None
- z) Part (Heading and Code Citations): Manufactured Home Community Code (77 Ill. Adm. Code 860)
- 1) Rulemaking:
- A) Description: This rulemaking will update and clarify incorporated referenced material, add and update definitions, and provide for current requirements for water, sewer, and electric and provisions to issue fines for non-compliance.
- B) Statutory Authority: Mobile Home Park Act [210 ILCS 115]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Spring 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have a minimum impact on the regulated industry.
- F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

aa) Part (Heading and Code Citations): Field Sanitation Code (77 Ill. Adm. Code 910)

1) Rulemaking:

A) Description: This rulemaking will update and clarify incorporated referenced material, add and update definitions, and provide for current requirements for water and sewer.

B) Statutory Authority: Field Sanitation Act [210 ILCS 105]

C) Scheduled Meeting/Hearing Date: Spring 2016

D) Date Agency anticipates First Notice: Spring 2016

E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have a minimum impact on the regulated industry.

F) Agency Contact Person for Information:

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G) Related rulemakings and other pertinent information: None

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bb) Part (Heading and Code Citations): Migrant Labor Camp Code (77 Ill. Adm. Code 935)1) Rulemaking:

- A) Description: This rulemaking will update and clarify incorporated referenced material, add and update definitions, and provide for current requirements for water, sewer, electric and buildings.
- B) Statutory Authority: Migrant Labor Camp Law [210 ILCS 110]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Spring 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have a minimum impact on the regulated industry.
- F) Agency Contact Person for Information:

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- G) Related rulemakings and other pertinent information: None

cc) Part (Heading and Code Citations): Health Care Worker Background Check Code (77 Ill. Adm. Code 955)1) Rulemaking:

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- A) Description: This rulemaking will update cross-references to be consistent with the Criminal Code of 2012.
- B) Statutory Authority: Health Care Worker Background Check Act [225 ILCS 46]
- C) Scheduled Meeting/Hearing Date: Spring 2016
- D) Date Agency anticipates First Notice: Summer 2016
- E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the amendments will have minimal impact upon the regulated industry.
- F) Agency Contact Person for Information:
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- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE
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