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September 30, 2016 Volume 40, Issue 40

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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

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
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 HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Schedule of Controlled Substances
- 2) Code Citation: 77 Ill. Adm. Code 2070
- 3) Section Number: 2070.271      Proposed Action: New Section
- 4) Statutory Authority: Implementing and authorized by Section 100 of the Illinois Controlled Substances Act [720 ILCS 570/100]
- 5) A Complete Description of the Subjects and Issues Involved: 77 Ill. Adm. Code 2070 establishes a listing of substances that are scheduled as Controlled Substances in Illinois and also controls to what schedule each substance is assigned. This emergency amendment will add U-47700, an opioid analog with no medical use but with a high potential for substance abuse, addiction, overdose and death, to Schedule I. Placing U-47700 on to Schedule I effectively bans it from distribution and consumption in Illinois.
- 6) Published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this proposed rule replace an emergency rule currently in effect? Yes
- 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? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENT

100 South Grand Avenue East  
Harris Building, 3rd Floor  
Springfield IL 62762

217/785-9772

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

The full text of the Proposed Amendment is identical to that of the Emergency Amendment for this rulemaking, and begins in this issue of the *Illinois Register* on page 13718:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
148.160	Amendment
148.170	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments place an end date for the cost-based per diem payment methodology for Large Public Hospitals through inpatient dates of discharge of December 31, 2015. Effective with dates of discharge January 1, 2016, the payment methodology will be based on the APR-DRG reimbursement system. Historically, the per diem amounts were derived by dividing total estimated cost by the number of covered days. Under the new payment methodology, the method of calculating the estimated cost target will not change. The APR-DRG base rate for the Large Public Hospitals will be set so that the estimated payments on the base set of claims will equal the estimated cost.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: July 2015

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 148

## HOSPITAL SERVICES

## SUBPART A: GENERAL PROVISIONS

## Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

## Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments (Repealed)
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments (Repealed)
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments (Repealed)
148.100	County Trauma Center Adjustment Payments
148.103	Outpatient Service Adjustment Payments (Repealed)
148.105	Reimbursement Methodologies for Inpatient Rehabilitation Services
148.110	Reimbursement Methodologies for Inpatient Psychiatric Services
148.112	Medicaid High Volume Adjustment Payments
148.115	Reimbursement Methodologies for Long Term Acute Care Services
148.116	Reimbursement Methodologies for Children's Specialty Hospitals
148.117	Outpatient Assistance Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
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148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Large Public Hospitals
- 148.170 Payment Methodology for University-Owned Large Public Hospitals
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act (Repealed)
- 148.180 Payment for Pre-operative Days and Patient Specific Orders
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems (Repealed)
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions (Repealed)
- 148.230 Admissions Occurring on or after September 1, 1991 (Repealed)
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals (Repealed)
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates (Repealed)
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals (Repealed)
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements (Repealed)
- 148.285 Excellence in Academic Medicine Payments (Repealed)
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments
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- 148.297 Physician Development Incentive Payments
- 148.298 Pediatric Inpatient Adjustment Payments (Repealed)
- 148.299 Medicaid Facilitation and Utilization Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives (Repealed)
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Sub-acute Alcoholism and Substance Abuse Treatment Services
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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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148.418	Long Term Acute Care Hospital Adjustment Payments (Repealed)
148.420	Obstetrical Care Adjustment Payments (Repealed)
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148.424	Outpatient Utilization Payments (Repealed)
148.426	Outpatient Complexity of Care Adjustment Payments (Repealed)
148.428	Rehabilitation Hospital Adjustment Payments (Repealed)
148.430	Perinatal Outpatient Adjustment Payments (Repealed)
148.432	Supplemental Psychiatric Adjustment Payments (Repealed)
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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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148.850	Medication Management
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## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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

**SOURCE:** Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg.

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENTS

maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; peremptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; expedited correction at 38 Ill. Reg. 12618, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; emergency amendment at 36 Ill. Reg. 10326, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 148.70(g) suspended at 36 Ill. Reg. 13737, effective August 15, 2012; suspension withdrawn from Section 148.70(g) at 36 Ill. Reg. 18989, December 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 148.70(g) at 36 Ill. Reg. 18976, effective December 12, 2012 through June 30, 2013; emergency amendment to Section 148.140(b)(1)(F) suspended at 36 Ill. Reg. 13739, effective August 15, 2012; suspension withdrawn from Section 148.140(b)(1)(F) at 36 Ill. Reg. 14530, September 11, 2012; emergency amendment to Sections 148.140(b) and 148.190(a)(2) in response to Joint Committee on Administrative Rules action at 36 Ill. Reg. 14851, effective September 21, 2012 through June 30, 2013; amended at 37 Ill. Reg. 402, effective December 27, 2012; emergency rulemaking at 37 Ill. Reg. 5082, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10432, effective June 27, 2013; amended at 37 Ill. Reg. 17631, effective October 23, 2013; amended at 38 Ill. Reg. 4363, effective January 29, 2014; amended at 38 Ill. Reg. 11557, effective May 13, 2014; amended at 38 Ill. Reg. 13263, effective June 11, 2014; amended at 38 Ill. Reg. 15165, effective July 2, 2014; emergency amendment at 39 Ill. Reg. 10453, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 10824, effective July 27, 2015; amended at 39 Ill. Reg. 16394, effective December 14, 2015; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## NOTICE OF PROPOSED AMENDMENTS

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

**Section 148.160 Payment Methodology for County-Owned Large Public Hospitals**

- a) Effective for dates of outpatient services on or after July 1, 2014 and inpatient discharges on ~~or after~~ July 1, 2014 through December 31, 2015:
- 1a) Inpatient Reimbursement Methodology  
In accordance with 89 Ill. Adm. Code 149.50(b)(5), county-owned hospitals, as defined in Section 148.25(a)(1), are excluded from the DRG PPS for reimbursement for inpatient hospital services and are reimbursed on a per diem basis.
- A+) Inpatient Per Diem Rate Calculation  
County-owned hospital inpatient per diem rates are calculated as follows:
- iA) Each county-owned hospital's inpatient base year costs, including operating capital and direct medical education costs, shall be calculated using inpatient base period claims data and Medicare cost report data with reporting periods matching the inpatient base period.
- iiB) The inpatient base year costs shall be inflated from the midpoint of the inpatient base period claims data to the midpoint of the time period for which rates are being set (rate period) based on an inflation methodology determined by the Department and approved by Centers for Medicare and Medicaid Services (CMMS).
- iiiE) Calculate the sum of:
- +)The total hospital inflated base year costs, excluding non-Medicare crossover claims, in the inpatient base period claims data; and
  - ii)Total uncovered Medicare crossover claim cost in the inpatient base period claims data.

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- ivD) The inpatient per diem rate shall be the quotient of:
- i) Combined inflated base year cost and uncovered Medicare crossover claims cost, per subsection (a)(1)(C); and
  - ii) Total hospital base year covered days, excluding non-Medicare crossover claims, in the inpatient base period claims data.
- vE) The inpatient per diem rates shall be reduced if resulting payments exceed available Department funding or the CMMS Upper Payment Limit.
- B2) Rate Updates  
County-owned hospital per diem rates shall be updated on an annual basis using more recent inpatient base period claims data, Medicare cost report data and cost inflation data.
- C3) New hospitals, for which inpatient base period claims data or Medicare cost reports are not on file, will be reimbursed the per diem rate calculated in subsection (a)(1)(A).
- D4) Review Procedure  
The review procedure shall be in accordance with Section 148.310.
- 2b) Outpatient Reimbursement Methodology  
Large public hospitals, as defined in Section 148.25(a), are included in the EAPG PPS for reimbursement for outpatient hospital services as described in Section 148.140, and are to receive provider-specific EAPG standardized amounts.
- A1) Outpatient EAPG Standardized Amount Calculation  
County-owned hospital outpatient EAPG standardized amounts are calculated as follows:
- iA) Each county-owned hospital's outpatient base year costs, including operating, capital and direct medical education

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costs, shall be calculated using outpatient base period claims data and Medicare cost report data with reporting periods matching the outpatient base period.

- ii~~B~~) The outpatient base year costs shall be inflated from the midpoint of the outpatient base period claims data to the midpoint of the rate period based on an inflation methodology determined by the Department and approved by CMMS.
- iii~~C~~) EAPG standardized amounts shall be determined for each county-owned hospital such that simulated EAPG payments are equal to outpatient base period costs inflated to the rate period, based on outpatient based period paid claims data.
- iv~~D~~) EAPG standardized amounts shall be reduced if resulting payments exceed available HFS funding or the CMMS Upper Payment Limit.

B2) Rate Updates and Adjustments

- i~~A~~) County-owned hospital EAPG standardized amounts shall be updated on an annual basis using more recent outpatient base period claims data, Medicare cost report data, and costs inflation data.
- ii~~B~~) Restructuring Adjustments  
Adjustments to outpatient base year costs, as described in subsection (a)(2)(A)~~(b)(1)~~, will be made to reflect restructuring since filing the base year costs reports. The restructuring must have been mandated to meet State, federal or local health and safety standards. The allowable Medicare/Medicaid costs (see 42 CFR 405, Subpart D, (1982)) must be incurred as a result of mandated restructuring and identified from the most recent audited cost reports available before or during the rate year. The restructuring cost must be significant, i.e., on a per unit basis; they must constitute one percent or more of the total

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allowable Medicare/Medicaid unit costs for the same time period. The Department will use the most recent available cost reports to determine restructuring costs.

C3) New hospitals, for which outpatient base period claims data or Medicare cost reports are not on file, will be reimbursed the EAPG standardized amount calculated in subsection (a)(2)(A)(b)(4).

D4) Review Procedure  
The review procedure shall be in accordance with Section 148.320.

3e) Definitions

"Inpatient base period paid claims data" means Medicaid fee-for-service inpatient paid claims data from the State fiscal year ending 36 months prior to the beginning of the rate period.

"Outpatient base period paid claims data" means Medicaid fee-for-service outpatient paid claims data from the State fiscal year ending 36 months prior to the beginning of the rate period, excluding crossover claims.

"Rate period" means the State fiscal year for which the county-owned hospital inpatient and outpatient rates are effective.

b) Effective for inpatient acute care discharges on or after January 1, 2016, county-owned hospitals, as defined in Section 148.25(a)(1), shall be reimbursed at allowable cost on a DRG basis. The DRG base payment shall be the product, rounded to the nearest hundredth, of:

- 1) The DRG weighting factor of the DRG and SOI (severity of illness), to which the inpatient stay was assigned by the grouper.
- 2) The DRG base rate determined such that simulated base period as defined in subsection (a)(3) DRG payments are equal to adjusted base period costs, as determined in subsection (a)(1)(A)(ii).

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

**Section 148.170 Payment Methodology for University-Owned Large Public Hospitals**

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- a) Effective for dates of outpatient services on or after July 1, 2014 and inpatient discharges on ~~or after~~ July 1, 2014 through December 31, 2015:
- 1a) Inpatient Reimbursement Methodology  
In accordance with 89 Ill. Adm. Code 149.50(b)(5), a large public hospital, as defined in Section 148.25(a)(2), is excluded from the DRG PPS for reimbursement for inpatient hospital services and shall be reimbursed on a per diem basis.
- A+) Inpatient Per Diem Rate Calculation  
University-owned hospital inpatient per diem rates are calculated as follows:
- iA) Each University-owned hospital's inpatient base year costs, including operating, capital and direct medical education costs, shall be calculated using inpatient base period claims data and Medicare cost report data with reporting periods matching the inpatient base period.
- iiB) The inpatient base year costs shall be inflated from the midpoint of the inpatient base period claims data to the midpoint of the time period, for which rates are being set (rate period) based on an inflation methodology determined by the Department and approved by the Center for Medicare and Medicaid Services (CMMS).
- iiiC) Calculate the sum of:
- i) The total hospital inflated base year costs, excluding non-Medicare crossover claims, in the inpatient base period claims data; and
  - ii) Total uncovered Medicare crossover claim cost in the inpatient base period claims data.
- ivD) The inpatient per diem rate shall be the quotient of:

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- ~~i)~~ Combined inflated base year cost and uncovered Medicare crossover claims cost, per subsection (a)(1)(~~AC~~)(iii); and
  - ~~ii)~~ Total hospital base year covered days, excluding non-Medicare crossover claims, in the inpatient base period claims data.
- ~~vE)~~ The inpatient per diem rates shall be reduced if resulting payments exceed available Department funding or the CMMS Upper Payment Limit.
- ~~B2)~~ Rate Updates and Adjustments  
University-owned hospital per diem rates shall be updated on an annual basis using more recent inpatient base period claims data, Medicare cost report data and cost inflation data.
- ~~C3)~~ New hospitals, for which inpatient base period claims data or Medicare cost reports are not on file, will be reimbursed the per diem rate calculated in subsection (a)(1)(~~A~~).
- ~~D4)~~ Review Procedure  
The review procedure shall be in accordance with Section 148.310.
- ~~E5)~~ Applicable Adjustment for DSH Hospitals  
The criteria and methodology for making applicable adjustments to DSH hospitals shall be in accordance with Section 148.120.
- ~~2b)~~ Outpatient Reimbursement Methodology  
Large public hospitals, as defined in Section 148.25(a)(~~2~~), are included in the EAPG PPS for reimbursement for outpatient hospital services as described in Section 148.140 and are to receive a provider-specific EAPG standardized amount.
- ~~A±)~~ Outpatient EAPG Standardized Amount Calculation  
University-owned hospital outpatient EAPG standardized amount is calculated as follows:

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- iA) Each University-owned hospital's outpatient base year costs, including operating, capital and direct medical education costs, shall be calculated using outpatient base period claims data and Medicare cost report data with reporting periods matching the outpatient base period.
  - iiB) The outpatient base year costs shall be inflated from the midpoint of the outpatient base period claims data to the midpoint of the rate period based on an inflation methodology determined by the Department and approved by CMMS.
  - iiiC) EAPG standardized amounts shall be determined for each State-owned hospital such that simulated EAPG payments are equal to outpatient base period costs inflated to the rate period, based on outpatient based period paid claims data.
  - ivD) EAPG standardized amounts shall be reduced if resulting payments exceed available Department funding or the Centers for Medicare and Medicaid Services Upper Payment Limit.
- B2) Rate Updates and Adjustments  
State-owned hospital EAPG standardized amounts shall be updated on an annual basis using more recent outpatient base period claims data, Medicare cost report data and cost inflation data.
- C3) Review Procedure  
The review procedure shall be in accordance with Section 148.310.
- 3e) Definitions
- "Inpatient base period paid claims data" means Medicaid fee-for-service inpatient paid claims data from the State fiscal year ending 36 months prior to the beginning of the rate period.
- "Outpatient base period paid claims data" means Medicaid fee-for-service outpatient paid claims data from the State fiscal year ending 36 months prior to the beginning of the rate period, excluding crossover claims.

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"Rate period" means the State fiscal year for which the University-owned hospital inpatient and outpatient rates are effective.

- b) Effective for inpatient acute care discharges on or after January 1, 2016, University-owned hospitals, as defined in Section 148.25(a)(2), shall be reimbursed at allowable cost on a DRG basis. The DRG base payment shall be the product, rounded to the nearest hundredth, of:
- 1) The DRG weighting factor of the DRG and SOI, to which the inpatient stay was assigned by the grouper.
  - 2) The DRG base rate determined such that simulated base period as defined in subsection (a)(3) DRG payments are equal to adjusted base period costs, as determined in subsection (a)(1)(A)(ii).

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

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## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
- 2) Code Citation: 89 Ill. Adm. Code 149
- 3) Section Number: 149.50                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments place an end date for the cost-based per diem payment methodology for Large Public Hospitals through inpatient dates of discharge of December 31, 2015. Effective with dates of discharge January 1, 2016, the payment methodology will be based on the APR-DRG reimbursement system. Historically, the per diem amounts were derived by dividing total estimated cost by the number of covered days. Under the new payment methodology, the method of calculating the estimated cost target will not change. The APR-DRG base rate for the Large Public Hospitals will be set so that the estimated payments on the base set of claims will equal the estimated cost.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 149

## DIAGNOSIS RELATED GROUPING (DRG) PROSPECTIVE PAYMENT SYSTEM (PPS)

## Section

- 149.5 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (Repealed)
- 149.10 Applicability of Other Provisions
- 149.25 General Provisions
- 149.50 Hospital Inpatient Services Subject to and Excluded from the DRG Prospective Payment System
- 149.75 Conditions for Payment Under the DRG Prospective Payment System
- 149.100 Methodology for Determining DRG PPS Payment Rates
- 149.105 Payment For Outlier Cases
- 149.125 Special Treatment of Certain Facilities (Repealed)
- 149.140 Methodology for Determining Primary Care Access Health Care Education Payments (Repealed)
- 149.150 Payments to Hospitals Under the DRG Prospective Payment System (Repealed)
- 149.175 Payments to Contracting Hospitals (Repealed)
- 149.200 Admitting and Clinical Privileges (Repealed)
- 149.205 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Repealed)
- 149.225 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Repealed)
- 149.250 Contract Monitoring (Repealed)
- 149.275 Transfer of Recipients (Repealed)
- 149.300 Validity of Contracts (Repealed)
- 149.305 Termination of ICARE Contracts (Repealed)
- 149.325 Hospital Services Procurement Advisory Board (Repealed)

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

SOURCE: Recodified from 89 Ill. Adm. Code 140.940 through 140.972 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 12095, effective July 15, 1988; amended at 13 Ill. Reg. 554, effective January 1, 1989; amended at 13 Ill. Reg. 15070, effective September 15, 1989; amended at 15 Ill.

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Reg. 1826, effective January 28, 1991; emergency amendment at 15 Ill. Reg. 16308, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6195, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11937, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14733, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19868, effective December 7, 1992; amended at 17 Ill. Reg. 3217, effective March 1, 1993; emergency amendment at 17 Ill. Reg. 17275, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3378, effective February 25, 1994; amended at 19 Ill. Reg. 10674, effective July 1, 1995; amended at 21 Ill. Reg. 2238, effective February 3, 1997; emergency amendment at 22 Ill. Reg. 13064, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19866, effective October 30, 1998; amended at 25 Ill. Reg. 8775, effective July 1, 2001; amended at 26 Ill. Reg. 13676, effective September 3, 2002; emergency amendment at 27 Ill. Reg. 11080, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18872, effective November 26, 2003; amended at 28 Ill. Reg. 2836, effective February 1, 2004; amended at 38 Ill. Reg. 15477, effective July 2, 2014; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 149.50 Hospital Inpatient Services Subject to and Excluded from the DRG Prospective Payment System**

Effective for dates of discharge on or after July 1, 2014:

- a) Inpatient Services Subject to Submission for DRG Grouping. All hospital inpatient services provided to enrollees of the Medical Assistance programs, without regard to balance due or expected reimbursement methodology to be applied by the Department, must be documented on a claim and submitted to the Department. The Department shall process and group all hospital inpatient claims through the DRG grouper.
- b) Excluded from DRG PPS reimbursements are:
  - 1) Psychiatric services provided by:
    - A) A psychiatric hospital, as described in 89 Ill. Adm. Code 148.25(d)(1).
    - B) A distinct part psychiatric unit, as described in 89 Ill. Adm. Code 148.25(c)(1).
  - 2) Physical rehabilitation services provided by:

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- A) A rehabilitation hospital, as described in 89 Ill. Adm. Code 148.25(d)(2).
- B) A distinct part rehabilitation unit, as described in 89 Ill. Adm. Code 148.25(c)(2).
- 3) Services provided by a long term acute care hospital, as described in 89 Ill. Adm. Code 148.25(d)(4), that are not psychiatric services or services described in subsections (b)(6) through (b)(7).
- 4) Inpatient services, reimbursed pursuant to 89 Ill. Adm. Code 148.330.
- 5) Services provided by a large public hospital, as described in 89 Ill. Adm. Code 148.25(a)(3).
- 6) Services provided by a large public hospital, as described in 89 Ill. Adm. Code 148.25(a)(1) and (2), through December 31, 2015.
- 7~~6~~) Hospital residing long term care services, as described in 89 Ill. Adm. Code 148.50(c).
- 8~~7~~) Sub-acute alcoholism and substance abuse treatment services, as defined in 77 Ill. Adm. Code 2090.40.
- 9~~8~~) Inpatient services provided by Children's Specialty Hospitals as described in 89 Ill. Adm. Code 148.116.
- 10~~9~~) Non-transplant inpatient services provided by non-cost reporting hospitals, which will be reimbursed at a rate equal to the higher of \$672.24 per day or the provider's per diem rate in effect on June 30, 2014.~~Inpatient services provided by non-cost reporting hospitals, which will be reimbursed at a rate of \$672.24 per day.~~

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) Section Number: 710.70                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ICLS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to remove zones during the youth season and to create a youth spring turkey season that is two consecutive weekends.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Dan Nelson, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because the Department did not anticipate this amendment at the time the agendas were filed.

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 710  
THE TAKING OF WILD TURKEYS – SPRING SEASON

## Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10, 2.11 and 2.20].

**SOURCE:** Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

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Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008; amended at 34 Ill. Reg. 4868, effective March 19, 2010; amended at 35 Ill. Reg. 3705, effective February 16, 2011; amended at 35 Ill. Reg. 20588, effective December 9, 2011; amended at 37 Ill. Reg. 1898, effective February 4, 2013; amended at 37 Ill. Reg. 20688, effective December 12, 2013; amended at 38 Ill. Reg. 22780, effective November 18, 2014; amended at 39 Ill. Reg. 10951, effective July 27, 2015; amended at 40 Ill. Reg. 10630, effective July 20, 2016; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 710.70 Spring Youth Turkey Hunt**

- a) Hunting Dates: March 25-26, 2017 and April 1-2, 2017. The North Zone and South Zone are open concurrently for all 4 days.
  - 1) ~~Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.~~
  - 2) ~~Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.~~
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to hunters who have not reached the age of 18 prior to the opening date of the youth season. Hunters must have an apprentice or youth hunting license, or they must have completed a State-approved Hunter Education course and have a hunting license, unless exempt. In addition, hunters must have a Habitat Stamp, unless exempt.
- d) Permit Requirements – Spring Youth Turkey Hunt

## DEPARTMENT OF NATURAL RESOURCES

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- 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). Hunters are eligible to purchase only one Youth Turkey Hunt Permit. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).
  - 2) For a county permit: Youth Turkey Hunt Permits valid for counties open to youth turkey hunting will be available for sale over-the-counter (OTC) from agents beginning the first Tuesday in March through the last day of the Youth Turkey Season.
  - 3) For a Special Hunt Area permit: Youth hunters may apply online (<http://dnr.state.il.us/admin/turkey.htm>) for a site-specific permit valid for one of the Special Hunt Areas. The application period begins the third Tuesday in January and ends the third Monday in February. Permits will be allocated via a lottery drawing in which Illinois residents will be given preference.
  - 4) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
  - 5) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
  - 6) The Youth Turkey Hunt Permit shall be valid only for the dates and counties/Special Hunt Area listed on the permit.
  - 7) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)(3)) an individual can receive for the Spring Wild Turkey Season.
- e) Youth Turkey Hunting Regulations
- 1) Each hunter participating in the Illinois Youth Turkey Hunt while using an Apprentice Hunter License or Youth Hunting License must be accompanied by a non-hunting, validly-licensed (Illinois hunting license) parent, guardian or grandparent. All other hunters (using other types of hunting licenses or license-exempt) participating in the Youth Turkey

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Hunt must each be accompanied by a non-hunting supervisor (parent, guardian or responsible adult) who has a valid Illinois hunting license or who has in his or her possession a valid Firearm Owners Identification (FOID) Card. An Illinois resident serving as a youth supervisor must have a valid FOID card regardless of whether he or she has a valid Illinois hunting license. FOID cards are not issued to non-residents, so non-residents serving as youth supervisors must have a valid Illinois hunting license. The non-hunting supervisor must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

- 2) All regulations prescribed by Section 710.30 apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions. Sites that require use of windshield cards by hunters as specified in 17 Ill. Adm. Code 510.10 are followed by a (2).

Anderson Lake State Fish and Wildlife Area

Apple River Canyon State Park – Thompson and Salem Units (2)

Argyle Lake State Park

Big Bend State Fish and Wildlife Area (Whiteside County)

Big River State Forest (2)

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake State Fish and Wildlife Area (2)

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Carlyle Lake State Fish and Wildlife Area – East Fork Management Unit  
(2)

Copperhead Hollow State Wildlife Area (2)

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County State Fish Wildlife Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

Dog Island State Wildlife Management Area

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area (2)

Hanover Bluff State Natural Area (2)

Horseshoe Lake State Conservation Area – Alexander County

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)  
– Moultrie County

Lake Shelbyville Project Land (U.S. Army Corps of Engineers managed)  
– Shelby County

Mackinaw River State Fish and Wildlife Area (2)

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Marshall State Fish and Wildlife Area

Mermet Lake State Fish and Wildlife Area (2)

Moraine View State Park (2)

Mississippi River Area Pools 21, 22, 24, 25 and 26

Mt. Vernon Game Propagation Center (1)

Nauvoo State Park (Max Rowe Unit Only) (2)

Newton Lake State Fish and Wildlife Area (2)

Pere Marquette State Park (open area east of Graham Hollow Road only)  
(2)

Pyramid State Park (2)

Pyramid State Park – East Conant Unit (2)

Rall Woods State Natural Area (2)

Ray Norbut State Fish and Wildlife Area (2)

Rend Lake Corps of Engineers-managed land in Jefferson and  
Franklin Counties

Rend Lake State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area (2)

Sam Parr State Fish and Wildlife Area (2)

Shelbyville State Fish and Wildlife Area (2)

Sielbeck Forest State Natural Area (2)

Siloam Springs State Park (2)

## DEPARTMENT OF NATURAL RESOURCES

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Siloam Springs State Park (Buckhorn Unit) (2)

Skinner Farm State Habitat Area

Spoon River State Forest (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County State Conservation Area

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit) (2)

Weinberg-King State Park (Scripps Unit) (2)

Weinberg-King State Park (Spunky Bottoms Unit) (2)

Winston Tunnel State Natural Area (2)

Wise Ridge State Natural Area

Witkowsky State Wildlife Area (2)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

Burning Star State Fish and Wildlife Area (2)

Butterfield Trail State Recreation Area (2)

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Castle Rock State Park (2)

Clinton Lake State Recreation Area (2)

Coffeen Lake State Fish and Wildlife Area (2)

Crab Orchard National Wildlife Refuge (Closed Portion)

Eldon Hazlet State Park (2)

Embarras River Bottoms State Habitat Area (2)

Ferne Clyffe State Park – Ferne Clyffe Hunting Area

Harry "Babe" Woodyard State Natural Area (2)

Hidden Springs State Forest (2)

Iroquois County State Fish and Wildlife Area (2)

Jim Edgar Panther Creek State Fish and Wildlife Area

Kankakee River State Park

Kickapoo State Recreation Area (2)

Middle Fork State Fish and Wildlife Area (2)

Momence Wetlands

Ramsey Lake State Park (2)

Sam Dale Lake State Fish and Wildlife Area (2)

Sand Ridge State Forest

Sangchris Lake State Park

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South Shore State Park (must have Eldon Hazlet State Park permit)

Stephen A. Forbes State Park (2)

Wayne Fitzgerald State Recreation Area

Weldon Springs – Piatt County Unit (2)

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

## OFFICE OF THE TREASURER

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Uniform Disposition of Unclaimed Property Act
- 2) Code Citation: 74 Ill. Adm. Code 760
- 3) Section Number: 760.100                      Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 26 of the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025/26]
- 5) A Complete Description of the Subjects and Issues Involved: These changes to the Part are intended to simplify and expedite the claims process to account for new technologies and allow online claims by apparent owners for smaller value properties.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

G. Allen Mayer  
Deputy Legal Counsel  
Illinois State Treasurer  
219 State House  
Springfield IL 62706

## OFFICE OF THE TREASURER

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217/557-2673

fax: 217/785-2777

e-mail: AMayer@illinoistreasurer.gov

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

- 13) Initial Regulatory Flexibility Analysis: Small businesses, small municipalities, and not for profit corporations that either claim or report unclaimed property may be affected. The proposed amendments should simplify the process for small businesses, small municipalities or not-for-profit corporations to claim property for which they are the apparent owner. Authorization of on-line claims will significantly reduce required paperwork, postage, and other bureaucratic costs for claimants, including businesses, local governments, and not-for-profits.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

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TITLE 74: PUBLIC FINANCE  
CHAPTER V: TREASURERPART 760  
UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

Section	
760.10	Definitions
760.15	Presumption of Abandonment
760.20	Negative Reports
760.21	Reporting
760.22	Format/Form of Reports
760.24	Incomplete/Inaccurate Report or Remittance
760.25	Filing Extensions
760.30	Safe Deposit Boxes
760.35	Due Diligence
760.40	Cost of Mailing
760.50	Nominee and Street Name Property
760.60	Lawful Charges
760.70	Discontinuance of Interest or Dividends
760.80	Statute of Limitations (Repealed)
760.85	Situs
760.89	Fees
760.90	Examination of Property Holders
760.92	Remittance of Securities and Commodities
760.94	Receipt and Sale of Securities and Commodities
760.95	Examination Gap
760.100	Claims
760.110	Hearings on Claims
760.115	Non-Claim Hearings

**AUTHORITY:** Implementing and authorized by Section 26 of the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025/26].

**SOURCE:** Filed November 20, 1977; emergency amendment at 3 Ill. Reg. 39, p. 225, effective September 14, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 48, p. 153, effective November 20, 1979; rules repealed, new rules adopted and codified at 8 Ill. Reg. 1464, effective January 18, 1984; amended at 15 Ill. Reg. 8555, effective May 24, 1991; amended at 17 Ill. Reg. 123, effective December 21, 1992; emergency amendment at 17 Ill. Reg. 6321, effective April 6,

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1993; amended at 17 Ill. Reg. 9893, effective June 21, 1993; amended at 18 Ill. Reg. 18001, effective December 12, 1994; amended at 20 Ill. Reg. 8325, effective June 8, 1996; recodified from the Department of Financial Institutions (38 Ill. Adm. Code 180) to the State Treasurer, pursuant to PA 91-16, at 26 Ill. Reg. 8164; emergency amendment at 28 Ill. Reg. 13919, effective October 5, 2004, for a maximum of 150 days; emergency expired March 3, 2005; amended at 36 Ill. Reg. 12162, effective July 12, 2012; amended at 37 Ill. Reg. 5886, effective April 18, 2013; amended at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 760.100 Claims**

- a) In General  
Any person claiming an interest in any property delivered to the State under the Act may file a claim to that interest or to the proceeds from the sale of the property on the form prescribed by the State Treasurer and that is available on the Treasurer's website at <https://icash.illinoistreasurer.gov/> [765 ILCS 1025/19]. Any claim of an interest in property that is filed pursuant to the Act shall be considered and a finding and decision shall be issued by the Office of the State Treasurer in a timely and expeditious manner [765 ILCS 1025/20(a)].
- b) Burden of Proof  
The Treasurer is the custodian for property delivered to the State under the Act and is responsible for the safekeeping of that property [765 ILCS 1025/14]. Therefore, any person who files a claim for any property held by the Treasurer pursuant to the Act shall bear the burden of proof in establishing that person is the lawful owner of the property or an interest in the property. The Office of the State Treasurer will release the property to a claimant only after the person establishes his or her ownership of the property or an interest in the property by a preponderance of the evidence.
- ca) Filing of Claims
- 1) Claimants may file claims with the Office of the State Treasurer as provided in this Section, either in writing on forms prescribed by the Treasurer or through completion of an internet form on the Treasurer's website. Claims shall be verified or signed by the claimant under penalty of perjury. ~~Claims shall be prepared and filed only on the following forms, provided by the State Treasurer upon request:~~
- A) Owner Claim Form;

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- B) ~~Owner Indemnification Form;~~
  - C) ~~Holder Claim Form;~~
  - D) ~~Corporate Claim Form;~~
  - E) ~~Heir/Other Claim Form; or~~
  - F) ~~Small Estate Affidavit.~~
- 2) The claimant shall assert on the appropriate form that he or she is the true owner of the unclaimed property and agrees to indemnify and hold harmless the Treasurer, its officers and employees, and the State of Illinois in the event of a successful claim to the property by another claimant.
  - 3) If the subject property is valued at more than ~~\$500+00~~, the signatures of the claimants shall be notarized by a notary public or be guaranteed by an officer of a bank or financial institution with which the claimants currently do business.
  - 4) If a claimant is the owner and the value of the property does not exceed \$500, a fully completed owner claim form and owner indemnification form, submitted to the Treasurer either in writing or through completion of an internet form on the Treasurer's website, will be accepted as prima facie evidence of validity of the claim "proof of claim", unless the Office of the State Treasurer has facts within its knowledge that would tend to rebut the claim.
  - 5) A claim will be considered complete when a claimant has provided all the information and documentation requested by the Treasurer as necessary to establish legal ownership and such information or documentation is entered into the Treasurer's unclaimed property system. Unless extended for reasonable cause, the Treasurer shall issue a decision no more than 90 days after a claim is complete. If a claimant fails to provide all the information and documentation requested by the Treasurer as necessary to establish legal ownership of the property and the claim is inactive for at least 90 days, then the Treasurer may close the claim without issuing a final decision. However, if the claimant makes a request in writing for a

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final decision prior to the Treasurer's closing of the claim, the Treasurer shall issue a final decision. If, after a claim is closed, a claimant subsequently provides additional information or documentation concerning the same property, the Treasurer shall open a new claim and shall incorporate by reference all information and documentation provided for the closed claim.

- 65) If the subject property is a two-party check, the claimant must, in addition to submitting a fully completed claim form:
- A) submit the original check; or
  - B) submit verification in the form of an affidavit from the issuing agent of the check that the claimant is the true owner of the check and the issuing agent would pay the value of the check to the claimant if the issuing agent had not remitted the funds to the ~~Treasurer~~Director; or
  - C) post a surety bond, issued by an insurance company with an A+ or A rating by A.M. Best and Company, in the amount of the check; however, if the amount of the two-party check is \$500 or less, the original check is missing or has been destroyed, and the issuing agent of the check no longer has sufficient records to identify the legal owner of the check, the Treasurer shall waive the requirement of posting a surety bond unless the Office of the State Treasurer has facts within its knowledge that would tend to rebut the claim; or
  - D) submit a release of interest executed by all persons not claiming the property; or
  - E) submit an indemnification form if:
    - i) the original check is missing or has been destroyed;
    - ii) incomplete information was reported by the holder and is no longer obtainable; and
    - iii) the amount of the two-party check is \$500 or less.

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db) Assignment of Interest

The Treasurer shall consider the claim of a designee or attorney-in-fact of any claimant, provided that:

- 1) a properly executed and notarized release of interest or power of attorney is submitted with the claim form;
- 2) the person filing the claim has submitted an affidavit stating that the claimant is the true owner of the property;
- 3) claim proceeds shall only be delivered to the rightful owner; and
- 4) *no person or company shall be entitled to a fee for discovering presumptively abandoned property until it has been in the custody of the Treasurer for at least 24 months. Fees for discovering property that has been in the custody of the Treasurer for more than 24 months shall be limited to not more than 10% of the amount collected. [765 ILCS 1025/20(c)]*~~compensation shall not exceed 10% of the claim amount collected, except as provided by Section 20(e) of the Act.~~

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

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permits and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
201.103	Amendment
201.104	Amendment
201.146	Amendment
201.500	New Section
201.505	New Section
201.510	New Section
201.515	New Section
201.520	New Section
201.525	New Section
201.530	New Section
201.535	New Section
201.540	New Section
201.600	New Section
201.605	New Section
201.610	New Section
201.615	New Section
201.620	New Section
201.625	New Section
201.630	New Section
201.635	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27]
- 5) A Complete Description of the Subjects and Issues involved: General provisions for permits by rule and provisions applying to small boilers seeking to obtain a permit by rule.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None cited by IEPA
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Do this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: Reduce administrative burden on owners of small boilers without affecting environmental protection goals; set standards for future permits by rule to achieve same objectives.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least forty-five (45) days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R17-09 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
JRTC  
100 W. Randolph St., Suite 11-500  
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

Interested persons may request copies of the Board's opinion and order in R17-09 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information, contact hearing officer Jason James at 312/814-6929 or by e-mail at [Jason.James@illinois.gov](mailto:Jason.James@illinois.gov).

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses that must obtain a permit for small boilers
- B) Reporting, bookkeeping or other procedures required for compliance: Notice of intent to be covered by a permit by rule required to be filed with IEPA

POLLUTION CONTROL BOARD

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- C) Types of professional skills necessary for compliance: Equivalent to skills needed to apply for existing permits for boilers
  
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2016

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

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONSPART 201  
PERMITS AND GENERAL PROVISIONS

## SUBPART A: DEFINITIONS

Section	
201.101	Other Definitions
201.102	Definitions
201.103	Abbreviations and Units
201.104	Incorporations by Reference

## SUBPART B: GENERAL PROVISIONS

Section	
201.121	Existence of Permit No Defense
201.122	Proof of Emissions
201.123	Burden of Persuasion Regarding Exceptions
201.124	Annual Report
201.125	Severability
201.126	Repealer

## SUBPART C: PROHIBITIONS

Section	
201.141	Prohibition of Air Pollution
201.142	Construction Permit Required
201.143	Operating Permits for New Sources
201.144	Operating Permits for Existing Sources
201.146	Exemptions from State Permit Requirements
201.147	Former Permits
201.148	Operation Without Compliance Program and Project Completion Schedule
201.149	Operation During Malfunction, Breakdown or Startups
201.150	Circumvention
201.151	Design of Effluent Exhaust Systems

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## SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section	
201.152	Contents of Application for Construction Permit
201.153	Incomplete Applications (Repealed)
201.154	Signatures (Repealed)
201.155	Standards for Issuance (Repealed)
201.156	Conditions
201.157	Contents of Application for Operating Permit
201.158	Incomplete Applications
201.159	Signatures
201.160	Standards for Issuance
201.161	Conditions
201.162	Duration
201.163	Joint Construction and Operating Permits
201.164	Design Criteria
201.165	Hearings
201.166	Revocation
201.167	Revisions to Permits
201.168	Appeals from Conditions
201.169	Special Provisions for Certain Operating Permits
201.170	Portable Emission Units
201.175	Registration of Smaller Sources (ROSS)

SUBPART E: SPECIAL PROVISIONS FOR OPERATING  
PERMITS FOR CERTAIN SMALLER SOURCES

Section	
201.180	Applicability (Repealed)
201.181	Expiration and Renewal (Repealed)
201.187	Requirement for a Revised Permit (Repealed)

## SUBPART F: CAAPP PERMITS

Section	
201.207	Applicability
201.208	Supplemental Information
201.209	Emissions of Hazardous Air Pollutants

## POLLUTION CONTROL BOARD

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- 201.210 Categories of Insignificant Activities or Emission Levels
- 201.211 Application for Classification as an Insignificant Activity
- 201.212 Revisions to Lists of Insignificant Activities or Emission Levels

## SUBPART G: EXPERIMENTAL PERMITS (Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND  
PROJECT COMPLETION SCHEDULES

## Section

- 201.241 Contents of Compliance Program
- 201.242 Contents of Project Completion Schedule
- 201.243 Standards for Approval
- 201.244 Revisions
- 201.245 Effects of Approval
- 201.246 Records and Reports
- 201.247 Submission and Approval Dates

## SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

## Section

- 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup
- 201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup
- 201.263 Records and Reports
- 201.264 Continued Operation or Startup Prior to Granting of Operating Permit
- 201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

## SUBPART J: MONITORING AND TESTING

## Section

- 201.281 Permit Monitoring Equipment Requirements
- 201.282 Testing
- 201.283 Records and Reports

## SUBPART K: RECORDS AND REPORTS

## POLLUTION CONTROL BOARD

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Section	
201.301	Records
201.302	Reports

## SUBPART L: CONTINUOUS MONITORING

Section	
201.401	Continuous Monitoring Requirements
201.402	Alternative Monitoring
201.403	Exempt Sources
201.404	Monitoring System Malfunction
201.405	Excess Emission Reporting
201.406	Data Reduction
201.407	Retention of Information
201.408	Compliance Schedules

SUBPART M: PERMIT BY RULE (PBR) –  
GENERAL PROVISIONS

<u>Section</u>	
<u>201.500</u>	<u>Purpose</u>
<u>201.505</u>	<u>Applicability</u>
<u>201.510</u>	<u>Notice of Intent to Be Covered By a PBR (Notification)</u>
<u>201.515</u>	<u>Commencing Construction or Modification</u>
<u>201.520</u>	<u>Modification or Change in Status of an Emission Unit Covered by a PBR</u>
<u>201.525</u>	<u>Standard Conditions for PBR</u>
<u>201.530</u>	<u>Recordkeeping and Reporting</u>
<u>201.535</u>	<u>Authority to Operate</u>
<u>201.540</u>	<u>Enforcement Authority</u>

SUBPART N: PERMIT BY RULE (PBR) –  
BOILERS LESS THAN OR EQUAL TO 100 MMBTU/HR

<u>Section</u>	
<u>201.600</u>	<u>Applicability</u>
<u>201.605</u>	<u>Boiler Notice of Intent to Be Covered by a PBR (Notification)</u>
<u>201.610</u>	<u>Federal NSPS and NESHAP Requirements</u>
<u>201.615</u>	<u>Opacity Requirements</u>
<u>201.620</u>	<u>Requirements for Use of Diesel Fuel and Refinery Fuel Gas</u>

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<a href="#">201.625</a>	<a href="#">Carbon Monoxide (CO) Requirements</a>
<a href="#">201.630</a>	<a href="#">Nitrogen Oxide (NO<sub>x</sub>) Requirements</a>
<a href="#">201.635</a>	<a href="#">PBR Boiler Reporting Requirements</a>

201.APPENDIX A	Rule into Section Table
201.APPENDIX B	Section into Rule Table
201.APPENDIX C	Past Compliance Dates

AUTHORITY: Implementing Sections 10, 39, 39.5, and 39.12 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/10, 39, 39.5, and 39.12].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. 21483, effective December 7, 1993; amended in R94-12 at 18 Ill. Reg. 15002, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15760, effective October 17, 1994; amended in R96-17 at 21 Ill. Reg. 7878, effective June 17, 1997; amended in R98-13 at 22 Ill. Reg. 11451, effective June 23, 1998; amended in R98-28 at 22 Ill. Reg. 11823, effective July 31, 1998; amended in R02-10 at 27 Ill. Reg. 5820, effective March 21, 2003; amended in R05-19 and R05-20 at 30 Ill. Reg. 4901, effective March 3, 2006; amended in R07-19 at 33 Ill. Reg. 11965, effective August 6, 2009; amended in R10-21 at 34 Ill. Reg. 19575, effective December 1, 2010; amended in R12-10 at 35 Ill. Reg. 19790, effective December 5, 2011; amended in R13-18 at 38 Ill. Reg. 1005, effective December 23, 2013; amended in R17-09 at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: DEFINITIONS

**Section 201.103 Abbreviations and Units**

- a) The following abbreviations have been used in this Part:

<a href="#">Act</a>	<a href="#">Illinois Environmental Protection Act</a>
<a href="#">AER</a>	<a href="#">Annual Emissions Report</a>
btu or Btu	British thermal units (60°F)
<a href="#">CAA</a>	<a href="#">Clean Air Act</a>

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<u>CAAPP</u>	<u>Clean Air Act Permit Program</u>
<u>CO</u>	<u>carbon monoxide</u>
<u>CP<sub>2e</sub></u>	<u>carbon dioxide equivalent</u>
gal	gallons
<u>HAPs</u>	<u>hazardous air pollutants</u>
hp	horsepower
hr	hour
gal/mo	gallons per month
gal/yr	gallons per year
kPa	kilopascals
kPa absolute	kilopascals absolute
kW	kilowatts
l	liters
Mg	megagrams
m <sup>3</sup>	cubic meters
mm or M	million
MW	megawatts; one million watts
<u>NESHAP</u>	<u>National Emission Standards for Hazardous Air Pollutants</u>
NMOC	nonmethane organic compounds
<u>NO<sub>x</sub></u>	<u>nitrogen oxide</u>
<u>NSPS</u>	<u>New Source Performance Standards</u>
<u>NSR</u>	<u>New Source Review</u>
<u>PBR</u>	<u>permit by rule</u>
<u>PM</u>	<u>particulate matter</u>
<u>PM<sub>10</sub></u>	<u>particulate matter with an aerodynamic diameter less than or equal to 10 micrometers</u>
<u>PM<sub>2.5</sub></u>	<u>particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers</u>
<u>PSD</u>	<u>Prevention of Significant Deterioration</u>
psi	pounds per square inch
psia	pounds per square inch absolute
<u>ROSS</u>	<u>Registration of Smaller Sources</u>
<u>SO<sub>2</sub></u>	<u>sulfur dioxide</u>
<u>TPY</u>	<u>tons per year</u>
<u>USEPA</u>	<u>United States Environmental Protection Agency</u>
<u>VOM</u>	<u>volatile organic material</u>
yr	year

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- b) The following conversion factors have been used in this Part:

English	Metric
1 gal	3.785 l
1,000 gal	3.785 m <sup>3</sup>
1 HP	0.7452 kW
1 mmbtu/hr	0.293 MW
1 psi	6.897 kPa

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

**Section 201.104 Incorporations by Reference**

The following materials are incorporated by reference:

- a) Standard Industrial Classification Manual (1972), Superintendent of Documents, U.S. Government Printing Office, Washington ~~DC, D.C.~~ 20402.
- b) ASAE Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers, American Society of Agricultural Engineers, 2950 Niles Road, St. Joseph, MI 49085.
- c) [Prevention of Significant Deterioration of Air Quality, 40 CFR 52.21 \(2015\)](#).
- d) [Standards of Performance for New Stationary Sources, 40 CFR 60:](#)
  - 1) [Subpart A – General Provisions \(2015\)](#);
  - 2) [Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, Subpart Dc \(2015\)](#);
  - 3) [Appendix A-4, Reference Method 10 – Determination of Carbon Monoxide Emissions from Stationary Sources \(2015\)](#); and
  - 4) [Subpart Ja – Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 \(2015\)](#).

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- e) National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63:
- 1) Subpart A – General Provisions (2015);
  - 2) Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (2015); and
  - 3) Subpart JJJJJ – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources (2015).

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

## SUBPART C: PROHIBITIONS

**Section 201.146 Exemptions from State Permit Requirements**

Construction or operating permits, pursuant to Sections 201.142, 201.143 and 201.144 of this Part, are not required for the classes of equipment and activities listed below in this Section. The permitting exemptions in this Section do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements, including the obligation to obtain a permit pursuant to Sections 9.1(d) and 39.5 of the Act, sections 165, 173 and 502 of the Clean Air Act or any other applicable permit or registration requirements.

- a) Air contaminant detectors or recorders, combustion controllers or combustion shutoffs;
- b) Air conditioning or ventilating equipment not designed to remove air contaminants generated by or released from associated equipment;
- c) Each fuel burning emission unit for indirect systems and for heating and reheating furnace systems used exclusively for residential, or commercial establishments using gas and/or fuel oil exclusively with a design heat input capacity of less than 14.6 MW (50 mmbtu/hr), except that a permit shall be required for any such emission unit with a design heat input capacity of at least 10 mmbtu/hr that was constructed, reconstructed or modified after June 9, 1989 and that is subject to 40 CFR 60, subpart D;

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- d) Each fuel burning emission unit other than those listed in subsection (c) of this Section for direct systems used for comfort heating purposes and indirect heating systems with a design heat input capacity of less than 2930 kW (10 mmbtu/hr);
- e) Internal combustion engines or boilers (including the fuel system) of motor vehicles, locomotives, air craft, watercraft, lifttrucks and other vehicles powered by nonroad engines;
- f) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis, including associated laboratory fume hoods, vacuum producing devices and control devices installed primarily to address potential accidental releases;
- g) Coating operations located at a source using not in excess of 18,925 l (5,000 gal) of coating (including thinner) per year;
- h) Any emission unit acquired exclusively for domestic use, except that a permit shall be required for any incinerator and for any fuel combustion emission unit using solid fuel with a design heat input capacity of 14.6 MW (50 mmbtu/hr) or more;
- i) Any stationary internal combustion engine with a rated power output of less than 1118 kW (1500 bhp) or stationary turbine, except that a permit shall be required for the following:
  - 1) Any internal combustion engine with a rating at equal to or greater than 500 bhp output that is subject to the control requirements of 35 Ill. Adm. Code 217.388(a) or (b); or
  - 2) Any stationary gas turbine engine with a rated heat input at peak load of 10.7 gigajoules/hr (10 mmbtu/hr) or more that is constructed, reconstructed or modified after October 3, 1977 and that is subject to requirements of 40 CFR 60, subpart GG;
- j) Rest room facilities and associated cleanup operations, and stacks or vents used to prevent the escape of sewer gases through plumbing traps;
- k) Safety devices designed to protect life and limb, provided that a permit is not

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otherwise required for the emission unit with which the safety device is associated;

- l) Storage tanks and fuel dispensing equipment that are both used for the dispensing of fuel to mobile sources, including on-road and off-road vehicles, for use in such mobile sources;
- m) Printing operations with aggregate organic solvent usage that never exceeds 2,839 l (750 gal) per year from all printing lines at the source, including organic solvent from inks, diluents, fountain solutions and cleaning materials;
- n) Storage tanks of:
  - 1) Organic liquids with a capacity of less than 37,850 l (10,000 gal), provided the storage tank is not used to store any amount of material or mixture of any material listed as a hazardous air pollutant pursuant to section 112(b) of the Clean Air Act;
  - 2) Any size containing exclusively soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials; or
  - 3) Any size containing virgin or re-refined distillate oil (including kerosene and diesel fuel), hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil or residual fuel oils;
- o) Threaded pipe connections, vessel manways, flanges, valves, pump seals, pressure relief valves, pressure relief devices and pumps;
- p) Sampling connections used exclusively to withdraw materials for testing and analyses;
- q) All storage tanks of Illinois crude oil with capacity of less than 151,400 l (40,000 gal) located on oil field sites;
- r) All organic material-water single or multiple compartment effluent water separator facilities for Illinois crude oil of vapor pressure of less than 34.5 kPa absolute (5 psia);

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- s) Grain-handling operations, exclusive of grain-drying operations, with an annual grain through-put not exceeding 300,000 bushels;
- t) Grain-drying operations with a total grain-drying capacity not exceeding 750 bushels per hour for 5% moisture extraction at manufacturer's rated capacity, using the American Society of Agricultural Engineers Standard 248.2, Section 9, Basis for Stating Drying Capacity of Batch and Continuous-Flow Grain Dryers;
- u) Portable grain-handling equipment and one-turn storage space;
- v) Cold cleaning degreasers that are not in-line cleaning machines, where the vapor pressure of the solvents used never exceeds 2 kPa (15 mmHg or 0.3 psi) measured at 38°C (100°F) or 0.7 kPa (5 mmHg or 0.1 psi) at 20°C (68°F);
- w) Coin-operated dry cleaning operations;
- x) Dry cleaning operations at a source that consume less than 30 gallons per month of perchloroethylene;
- y) Brazing, soldering, wave soldering or welding equipment, including associated ventilation hoods;
- z) Cafeterias, kitchens, and other similar facilities, including smokehouses, used for preparing food or beverages, but not including facilities used in the manufacturing and wholesale distribution of food, beverages, food or beverage products, or food or beverage components;
- aa) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sand blast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, wood or wood products, where such equipment is either:
  - 1) Used for maintenance activity;
  - 2) Manually operated;
  - 3) Exhausted inside a building; or

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- 4) Vented externally with emissions controlled by an appropriately operated cyclonic inertial separator (cyclone), filter, electro-static precipitor or a scrubber;
- bb) Feed mills that produce no more than 10,000 tons of feed per calendar year, provided that a permit is not otherwise required for the source pursuant to Section 201.142, 201.143 or 201.144;
- cc) Extruders used for the extrusion of metals, minerals, plastics, rubber or wood, excluding:
  - 1) Extruders used in the manufacture of polymers;
  - 2) Extruders using foaming agents or release agents that contain volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act; and
  - 3) Extruders processing scrap material that was produced using foaming agents containing volatile organic materials or Class I or II substances subject to the requirements of Title VI of the Clean Air Act;
- dd) Furnaces used for melting metals, other than beryllium, with a brim full capacity of less than 450 cubic inches by volume;
- ee) Equipment used for the melting or application of less than 22,767 kg/yr (50,000 lbs/yr) of wax to which no organic solvent has been added;
- ff) Equipment used for filling drums, pails or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;
- gg) Loading and unloading systems for railcars, tank trucks, or watercraft that handle only the following liquid materials: soaps, detergents, surfactants, lubricating oils, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, corn syrup, aqueous salt solutions or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials;

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- hh) Equipment used for the mixing and blending of materials at ambient temperatures to make water based adhesives, provided each material mixed or blended contains less than 5% organic solvent by weight;
- ii) Die casting machines where a metal or plastic is formed under pressure in a die located at a source with a through-put of less than 2,000,000 lbs of metal or plastic per year, in the aggregate, from all die casting machines;
- jj) Air pollution control devices used exclusively with other equipment that is exempt from permitting, as provided in this Section;
- kk) (Reserved);
- ll) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy;
- mm) Equipment used for hydraulic or hydrostatic testing;
- nn) General vehicle maintenance and servicing activities conducted at a source, motor vehicle repair shops, and motor vehicle body shops, but not including motor vehicle refinishing;
- oo) Equipment using water, water and soap or detergent, or a suspension of abrasives in water for purposes of cleaning or finishing, provided no organic solvent has been added to the water;
- pp) Administrative activities including, but not limited to, paper shredding, copying, photographic activities and blueprinting machines. This does not include incinerators;
- qq) Laundry dryers, extractors, and tumblers processing that have been cleaned with water solutions of bleach or detergents that are:
  - 1) Located at a source and process clothing, bedding and other fabric items used at the source, provided that any organic solvent present in such items before processing that is retained from cleanup operations shall be addressed as part of the VOM emissions from use of cleaning materials;

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- 2) Located at a commercial laundry; or
- 3) Coin operated;
- rr) Housekeeping activities for cleaning purposes, including collecting spilled and accumulated materials, including operation of fixed vacuum cleaning systems specifically for such purposes, but not including use of cleaning materials that contain organic solvent;
- ss) Refrigeration systems, including storage tanks used in refrigeration systems, but excluding any combustion equipment associated with such systems;
- tt) Activities associated with the construction, on-site repair, maintenance or dismantlement of buildings, utility lines, pipelines, wells, excavations, earthworks and other structures that do not constitute emission units;
- uu) Piping and storage systems for natural gas, propane and liquefied petroleum gas;
- vv) Water treatment or storage systems, as follows:
  - 1) Systems for potable water or boiler feedwater;
  - 2) Systems, including cooling towers, for process water, provided that such water has not been in direct or indirect contact with process streams that contain volatile organic material or materials listed as hazardous air pollutants pursuant to section 112(b) of the Clean Air Act;
- ww) Lawn care, landscape maintenance and grounds keeping activities;
- xx) Containers, reservoirs or tanks used exclusively in dipping operations to coat objects with oils, waxes or greases, provided no organic solvent has been mixed with such materials;
- yy) Use of consumer products, including hazardous substances as that term is defined in the Federal Hazardous Substances Act (15 USC 1261 et seq.), where the product is used at a source in the same manner as normal consumer use;
- zz) Activities directly used in the diagnosis and treatment of disease, injury or other medical condition;

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- aaa) Activities associated with the construction, repair or maintenance of roads or other paved or open areas, including operation of street sweepers, vacuum trucks, spray trucks and other vehicles related to the control of fugitive emissions of such roads or other areas;
- bbb) Storage and handling of drums or other transportable containers, where the containers are sealed during storage and handling;
- ccc) Activities at a source associated with the maintenance, repair or dismantlement of an emission unit or other equipment installed at the source, not including the shutdown of the unit or equipment, including preparation for maintenance, repair or dismantlement, and preparation for subsequent startup, including preparation of a shutdown vessel for entry, replacement of insulation, welding and cutting, and steam purging of a vessel prior to startup;
- ddd) Equipment used for corona arc discharge surface treatment of plastic with a power rating of 5 kW or less or equipped with an ozone destruction device;
- eee) Equipment used to seal or cut plastic bags for commercial, industrial or domestic use;
- fff) Each direct-fired gas dryer used for a washing, cleaning, coating or printing line, excluding:
  - 1) Dryers with a rated heat input capacity of 2930 kW (10 mmbtu/hr) or more; and
  - 2) Dryers for which emissions other than those attributable to combustion of fuel in the dryer, including emissions attributable to use or application of cleaning agents, washing materials, coatings or inks or other process materials that contain volatile organic material are not addressed as part of the permitting of such line, if a permit is otherwise required for the line;
- ggg) Municipal solid waste landfills with a maximum total design capacity of less than 2.5 million Mg or 2.5 million m<sup>3</sup> that are not required to install a gas collection and control system pursuant to 35 Ill. Adm. Code 220 or 800 through 849 or Section 9.1 of the Act;

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- hhh) Replacement or addition of air pollution control equipment for existing emission units in circumstances where:
- 1) The existing emission unit is permitted and has operated in compliance for the past year;
  - 2) The new control equipment will provide equal or better control of the target pollutants;
  - 3) The new control device will not be accompanied by a net increase in emissions of any non-targeted criteria air pollutant;
  - 4) Different State or federal regulatory requirements or newly proposed regulatory requirements will not apply to the unit; and
- BOARD NOTE: All sources must comply with underlying federal regulations and future State regulations.
- 5) Where the existing air pollution control equipment had required monitoring equipment, the new air pollution control equipment will be equipped with the instrumentation and monitoring devices that are typically installed on the new equipment of that type.
- BOARD NOTE: For major sources subject to Section 39.5 of the Act, where the new air pollution control equipment will require a different compliance determination method in the facility's CAAPP permit, the facility may need a permit modification to address the changed compliance determination method;
- iii) Replacement, addition, or modification of emission units at facilities with federally enforceable State operating permits limiting their potential to emit in circumstances where:
- 1) The potential to emit any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit, is less than 0.1 pound per hour or 0.44 tons per year;

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- 2) The raw materials and fuels used or present in the emission unit that cause or contribute to emissions, based on the information contained in Material Safety Data Sheets for those materials, do not contain equal to or greater than 0.01 percent by weight of any hazardous air pollutant as defined under section 112(b) of the federal Clean Air Act;
  - 3) The emission unit or modification is not subject to an emission standard or other regulatory requirement pursuant to section 111 of the federal Clean Air Act;
  - 4) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5, permitting requirements under section 165 or 173 of the federal Clean Air Act, or the requirement to obtain a revised federally enforceable State operating permit limiting the source's potential to emit; and
  - 5) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source;
- jjj) Replacement, addition, or modification of emission units at permitted sources that are not major sources subject to Section 39.5 of the Act and that do not have a federally enforceable State operating permit limiting their potential to emit, in circumstances where:
- 1) The potential to emit of any regulated air pollutant in the absence of air pollution control equipment from the new emission unit, or the increase in the potential to emit resulting from the modification of any existing emission unit is either:
    - A) Less than 0.1 pound per hour or 0.44 tons per year; or
    - B) Less than 0.5 pound per hour, and the permittee provides prior notification to the Agency of the intent to construct or install the unit. The unit may be constructed, installed or modified immediately after the notification is filed;

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- 2) The emission unit or modification is not subject to an emission standard or other regulatory requirement under section 111 or 112 of the federal Clean Air Act;
  - 3) Potential emissions of regulated air pollutants from the emission unit or modification will not, in combination with the emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5 of the Act or the requirement to obtain a federally enforceable permit limiting the source's potential to emit; and
  - 4) The source is not currently the subject of a Non-compliance Advisory, Clean Air Act Section 114 Request, Violation Notice, Notice of Violation, Compliance Commitment Agreement, Administrative Order, or civil or criminal enforcement action, related to the air emissions of the source;
- kkk) The owner or operator of a CAAPP source is not required to obtain an air pollution control construction permit for the construction or modification of an emission unit or activity that is an insignificant activity as addressed by Section 201.210 or 201.211 of this Part. Section 201.212 of this Part must still be followed, as applicable. Other than excusing the owner or operator of a CAAPP source from the requirement to obtain an air pollution control construction permit for the emission units or activities, nothing in this subsection shall alter or affect the liability of the CAAPP source for compliance with emission standards and other requirements that apply to the emission units or activities, either individually or in conjunction with other emission units or activities constructed, modified or located at the source;
- lll) Plastic injection molding equipment with an annual through-put not exceeding 5,000 tons of plastic resin in the aggregate from all plastic injection molding equipment at the source, and all associated plastic resin loading, unloading, conveying, mixing, storage, grinding, and drying equipment and associated mold release and mold cleaning agents;:-

[mmm\) Sources required to comply with Section 201.175 \(Registration of Smaller Sources \(ROSS\)\).](#)

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

SUBPART M: PERMIT BY RULE (PBR) –

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GENERAL PROVISIONS**Section 201.500 Purpose**

The purpose of this Subpart is to implement the PBR program provided for in Section 39.12 of the Act for classes of emission units described in this and following Subparts. By fulfilling all the applicable requirements of this Subpart and the applicable Subpart for the specific type of emission unit, an owner or operator of a source seeking a PBR for an emission unit is considered to have met the requirement to submit an application for a construction permit and obtain such a construction permit pursuant to Section 9(b) of the Act and 35 Ill. Adm. Code 201.142, 201.152, and 201.160(a).

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

**Section 201.505 Applicability**

- a) An owner or operator of a source is eligible to obtain a PBR for a proposed new or modified emission unit if:
- 1) The proposed emission unit will be located at a CAAPP source that has a CAAPP permit pursuant to Section 39.5 of the Act;
  - 2) There is a PBR that has been adopted and become effective within this Part that is applicable to the proposed emission unit;
  - 3) The proposed emission unit, either alone or as part of a larger project, is not subject to any pre-construction permitting requirements for a major new source or major modification pursuant to 40 CFR 52.21 or Section 9.1(c) of the Act, including 35 Ill. Adm. Code 203 and any other regulations adopted pursuant to Section 9.1(c) of the Act; and
  - 4) The proposed emission unit is not an element in a larger project that otherwise requires a construction permit pursuant to this Part or the Act.
- b) A PBR does not:
- 1) Exempt any owner or operator from the requirements of the CAA or the Act, including a determination of whether construction or modification of

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an emission unit, by itself or as part of a project, constitutes a major modification or major source;

- 2) Exempt any owner or operator from any requirement to notify the Agency or list insignificant activities and emissions levels for CAAPP permit purposes;
- 3) Relieve the owner or operator of a source from the requirement of including the emissions associated with the emission unit in any pre-construction permitting application for a major new source or major modification pursuant to 40 CFR 52.21 or Section 9.1(c) of the Act, including 35 Ill. Adm. Code 203 and any other regulations adopted pursuant to Section 9.1(c) of the Act;
- 4) Relieve the owner or operator of the emission unit from any applicable requirements of Section 39.5 of the Act for the emission unit, including any requirement to submit a timely application for a new or modified CAAPP permit that addresses the emission unit; or
- 5) Relieve the owner or operator of the source from compliance with other applicable statutes and regulations of the United States or the State of Illinois, or with applicable local laws, ordinances, and regulations.

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

**Section 201.510 Notice of Intent to Be Covered by a PBR (Notification)**

- a) An owner or operator of a source seeking to construct or modify an emission unit pursuant to this Subpart M and the applicable PBR Subpart must submit a complete Notification, including fees, prior to commencing construction or modification of the emission unit. A complete Notification containing the following information and fees must be submitted to the EPA Permit Section at the address provided in Section 201.530(f)(1):
  - 1) The owner's or operator's name or names, the name of the source, and the applicable EPA Bureau of Air Identification Number;
  - 2) Name, site address, mailing address (if different from site address), e-mail address, and telephone number of the source's contact;

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- 3) Statement noting whether the emission unit is a new emission unit or a modified emission unit (including a reconstructed emission unit);
- 4) The location of the emission unit at the source;
- 5) The identity of the new emission unit or the identity of the current emission unit prior to modification, applicable permit numbers, and the description of the modification or reconstruction of the emission unit;
- 6) A statement that indicates which PBR applies to the emission unit;
- 7) A statement as to whether the proposed emission unit will be an element in a larger project; if it is, all of the following information must also be included:
  - A) A description of the larger project;
  - B) A statement describing why a construction permit will not be required for any element of that project; and
  - C) A demonstration that the potential emissions of each regulated NSR pollutant, as defined in 40 CFR 52.21, as incorporated by reference in Section 201.104, from the project will be less than 80 percent of the relevant significant emission rates under 40 CFR 52.21, 35 Ill. Adm. Code 203, and any other regulations adopted pursuant to Section 9.1(c) of the Act;
- 8) Identification of construction permits and PBRs received in the last two years and a demonstration that the requested PBR should not be aggregated with, and considered an element of, any of these projects that were addressed by the construction permits and PBRs identified;
- 9) The specific information required by the applicable PBR Subpart Notification requirement for this type of emission unit;
- 10) A statement noting whether the source is major or non-major for emissions of HAPs pursuant to Section 39.5(2)(c)(i) of the Act. If the

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source is non-major, the Notification must include documentation for the determination;

- 11) A certification signed by the responsible official that, under penalty of law, based on information and belief formed after reasonable inquiry, the statements and information contained in the Notification are true, accurate, and complete and that the emission unit is eligible for the PBR selected pursuant to subsection (a)(6); and
- 12) Payment of the fee that applies to the owner or operator of the source pursuant to Section 9.12 of the Act for the proposed construction or modification of a single emission unit.

b) The Agency will acknowledge receipt of the Notification within 30 days.

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

**Section 201.515 Commencing Construction or Modification**

- a) For the emission unit addressed by a complete Notification, the owner or operator of the source may commence construction or modification after submittal of a complete Notification in accordance with Section 201.510.
- b) If the submitted Notification is incomplete, the emission unit is not covered by a PBR and the owner or operator has not met the requirement to submit an application for a construction permit and to obtain the construction permit pursuant to Section 9(b) of the Act and 35 Ill. Adm. Code 201.142, 201.152, and 201.160(a). The owner or operator of the source may not commence construction or modification of the emission unit until it has submitted a complete Notification to the Agency in accordance with Section 201.510 or received a construction permit issued by the Agency.

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

**Section 201.520 Modification or Change in Status of an Emission Unit Covered by a PBR**

- a) If the owner or operator proposes to modify an emission unit covered by a PBR, the owner or operator of the source must submit a new Notification for a PBR or

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obtain a construction permit for the modification pursuant to this Part and the Act, as applicable.

- b) If a proposed modification of the source at which an emission unit covered by a PBR is located will cause the source to become a major source of HAPs as defined in Section 39.5(2)(c)(i) of the Act, the owner or operator must submit a new Notification for a PBR for the emission unit.

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

**Section 201.525 Standard Conditions for PBR**

- a) Duration. A PBR will expire one year from the date of submittal of the complete Notification unless a continuous program of construction on this project has commenced by that time.
- b) The construction covered by a PBR must be performed in compliance with applicable provisions of the PBR, the Act, and regulations adopted by the Board.
- c) The owner or operator of the emission unit must comply with all applicable requirements of Subpart M and the applicable PBR Subpart.
- d) The owner or operator of the emission unit must submit an updated Fee Determination for CAAPP Permit form prior to commencing operation of the proposed emission unit if there is an increase in allowable emissions over the existing permitted allowable emissions for fee purposes as a result of the construction or modification of the emission unit.

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

**Section 201.530 Recordkeeping and Reporting**

The owner or operator of the emission unit must:

- a) Keep and maintain all records used to demonstrate initial compliance and ongoing compliance with the applicable requirements of Subpart M and the applicable PBR Subpart, as well as any additional records required by and reported pursuant to those Subparts, for at least five years from the date the document is created and make all records available to the Agency for inspection and copying upon request.

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These records include any records required by State or federal laws or regulations and any materials submitted to the Agency or USEPA pertaining to the emission unit. Any record retained in an electronic format must be capable of being retrieved and printed on paper during normal source office hours.

- b) Notify the Agency of the emission unit's actual start-up date no later than 30 days after that date, unless an earlier date is specified in the applicable PBR.
- c) Except as otherwise provided in this Subpart M or the applicable PBR Subpart, submit a written report of any deviations from the applicable emission standards, emission limitations, operational restrictions, qualifying criteria, work practice requirements, or control equipment operating parameter limitations set forth in this Subpart M and the applicable PBR Subpart. The report must be submitted to the Agency within 30 days after the date the deviation occurred and must describe the deviation (including the date, time, and duration of the deviation), identify the specific requirement from which the deviation occurred and the total amount of excess emissions during the deviation, and describe the probable cause of the deviation and any corrective actions or preventive measures that have been or will be taken.
- d) If required to conduct a performance test:
  - 1) Submit to the Agency a testing protocol as required by the applicable PBR Subpart at least 45 days prior to the scheduled performance test. Upon written request directed to the Bureau of Air's Compliance Section, the Agency may waive the 45-day requirement. A waiver is only effective if it is provided in writing by the Bureau of Air;
  - 2) Notify the Agency in writing of the date of performance testing at least 30 days prior to testing and again 5 days prior to the testing, unless the emission unit is subject to other State or federal requirements that specify a longer notification period. Upon written request directed to the Bureau of Air's Compliance Section, the Agency may waive either or both of these requirements. A waiver is only effective if it is provided in writing by the Bureau of Air;
  - 3) If, after the 30-day notice for an initially scheduled performance test is sent, there is a delay (e.g., due to operational problems) in conducting the test as scheduled, notify the Agency of the delay in the original test date,

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directed to the Bureau of Air's Compliance Section, as soon as practicable. This must be done either by providing at least a 7-day notice of the rescheduled date of the test or by arranging a new test date with the Agency by mutual agreement;

- 4) Not later than 60 days after the completion of the performance test, submit the results of the test to the Agency.
  
- e) Submit any monitoring information required by the PBR as part of the Semi-Annual Monitoring Report required by the source's CAAPP permit.
  
- f) Provide copies of all required reports and Notifications as follows:
  - 1) One copy of the new or amended Notification must be sent to:  
Illinois Environmental Protection Agency  
Bureau of Air  
Permit Section (#11)  
P.O. Box 19506  
Springfield, Illinois 62794-9506
  
  - 2) One copy of all other reports and notices must be sent to:  
Illinois Environmental Protection Agency  
Bureau of Air  
Compliance Section (#40)  
P.O. Box 19276  
Springfield, Illinois 62794-9276

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

**Section 201.535 Authority to Operate**

For eligible emission units under Section 201.505, the owner or operator of a proposed emission unit must submit a complete application to the Agency for a minor modification to the CAAPP permit for the source to address the emission unit, pursuant to Section 39.5(14) of the Act, before the emission unit begins operation. The application for minor permit modification must address all applicable requirements contained in this Subpart M, the applicable PBR Subpart, and Section 39.5(14) of the Act. Pursuant to Section 39.5(14)(a)(vi) of the Act, the owner or operator may

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begin operating the emission unit immediately after it files the application. Until the Agency takes any of the actions specified in Section 39.5(14)(a)(v)(A) through (C) of the Act, the owner or operator must comply with both the applicable requirements governing the emission unit and the proposed terms and conditions of the suggested draft of the modified CAAPP permit in the application, pursuant to Section 39.5(14)(a)(iii)(B) of the Act.

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

**Section 201.540 Enforcement Authority**

Nothing in this Subpart limits the State's authority to seek penalties and injunctive relief for any violation of any applicable State law or regulation. Nothing in this Subpart limits the right of the federal government or any person to directly enforce against owners or operators due to actions or omissions that constitute violations of permits required by the CAA or applicable laws and regulations.

- a) Any owner or operator of a source that commences construction or modification of an emission unit and submits a Notification pursuant to Section 201.510 that is incomplete, or fails to submit any Notification, is deemed to have constructed without the benefit of a permit under Section 9(b) of the Act and 35 Ill. Adm. Code 201.142, 201.152, and 201.160(a) unless the Agency has issued a construction permit other than a PBR for the emission unit pursuant to Section 9(b) of the Act. A violation exists even if it is determined that the Notification was incomplete after construction or modification has already occurred.
- b) Any owner or operator of a source that submits a Notification and commences operation of an emission unit covered by a PBR, but fails to submit a complete application for a minor modification to the CAAPP permit in accordance with Section 39.5(14) of the Act, is deemed to have operated without the benefit of a permit under Section 39.5(6)(b) of the Act. A violation exists even if it is determined that the application for a minor permit modification was incomplete after operation has already occurred.
- c) Any owner or operator of an emission unit covered by a PBR that violates any condition of this Subpart or the applicable PBR Subpart is deemed to have violated Sections 39.12(e) and 9(b) of the Act, as well as any other applicable State or federal regulation or portion of the Act. If such a violation occurs after the emission unit has commenced operation, the owner or operator is also deemed to have violated Section 39.5(6)(a) of the Act.

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

SUBPART N: PERMIT BY RULE (PBR) –  
BOILERS LESS THAN OR EQUAL TO 100 MMBTU/HR

**Section 201.600 Applicability**

An owner or operator of a source seeking a PBR for a new or modified boiler is eligible to obtain a PBR under this Subpart N if:

- a) The boiler has a maximum design heat input capacity of:
  - 1) Less than or equal to 50 mmBtu/hr; or
  - 2) Greater than 50 mmBtu/hr and less than or equal to 100 mmBtu/hr and is equipped with low-NO<sub>x</sub> burners designed to meet a NO<sub>x</sub> emission limit of not greater than 0.05 lb/mmBtu;
- b) The boiler primarily burns pipeline natural gas, butane, propane, or refinery fuel gas;
- c) The only backup or reserve fuel burned in the boiler is diesel fuel, butane, or propane. If diesel fuel is the backup fuel, the burning of diesel fuel in the boiler must be such that, as appropriate, the boiler is a "unit designed to burn gas 1 subcategory," as defined by 40 CFR 63.7575, or a "gas-fired boiler," as defined by 40 CFR 63.11237 as incorporated by reference in Section 201.104; and
- d) The emissions from the boiler consist entirely of the products of fuel combustion.

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

**Section 201.605 Boiler Notice of Intent to Be Covered by a PBR (Notification)**

The Notification for a PBR pursuant to this Subpart must also include the following information, in addition to the information specified by Section 201.510:

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- a) The primary fuel that will be burned by the boiler, along with the maximum rated heat input capacity of the boiler (mmBtu/hr) and a copy of the manufacturer's specifications for the boiler.
- b) Whether the boiler would be a temporary boiler as defined by 40 CFR 60.41c and 63.7575 or 63.11237 as incorporated by reference in Section 201.104, and, if it would be, a demonstration that the criteria for a temporary boiler are met, and the expected period or periods in which the boiler would be at a location or locations at the source.
- c) The potential emissions of individual pollutants from the boiler, including emissions of PM, PM<sub>10</sub> (including both filterable and condensable particulate), PM<sub>2.5</sub> (including both filterable and condensable particulate), NO<sub>x</sub>, CO, VOM, and SO<sub>2</sub>, based on continuous operation of the boiler at its rated heat input capacity, with supporting documentation and calculations.
- d) Whether the boiler will have the capability to burn diesel fuel, butane, propane, or refinery fuel gas and, if so, the potential SO<sub>2</sub> emissions of the boiler from the use of such fuel.
- e) If the boiler or the source at which the boiler would be located does not meet the applicability criteria in 35 Ill. Adm. Code 217.150(a)(1)(A) or (a)(1)(B), an identification of the criteria that are not met, with explanation.

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

**Section 201.610 Federal NSPS and NESHAP Requirements**

The owner or operator must comply with the requirements of all applicable federal regulations for the PBR boiler, including the following limits, work practice standards, testing, monitoring, recordkeeping, and reporting requirements:

- a) 40 CFR 60 Subpart A, Standards of Performance for New Stationary Sources: General Provisions, as incorporated by reference in Section 201.104.
- b) 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, Subpart Dc, as incorporated by reference in Section 201.104.

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- c) 40 CFR 63, National Emission Standards for Hazardous Air Pollutants for Source Categories: Subpart A, General Provisions, as incorporated by reference in Section 201.104.
- d) 40 CFR 63 Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, as incorporated by reference in Section 201.104.
- e) 40 CFR 63 Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, as incorporated by reference in Section 201.104.

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

**Section 201.615 Opacity Requirements**

The owner or operator of the source must comply with the applicable provisions of 35 Ill. Adm. Code 212, Subpart B.

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

**Section 201.620 Requirements for Use of Diesel Fuel and Refinery Fuel Gas**

- a) For a PBR boiler to burn diesel fuel as a backup fuel, the owner or operator must:
  - 1) Comply with the applicable provisions of 35 Ill. Adm. Code 214, Subpart B or D when burning diesel fuel;
  - 2) Comply with the particulate emission standard in 35 Ill. Adm. Code 212.206 when diesel fuel is burned;
  - 3) Maintain records that include the following information:
    - A) Date, time, and duration of any period when diesel fuel was fired in the boiler, the amount of diesel fuel that was fired, and the reason diesel fuel was fired, e.g., gas curtailment, gas supply interruption, or periodic operational testing;

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- B) The total duration of periodic operational testing or other activity while firing diesel fuel (number of hours of operation per calendar year); and
- C) The actual SO<sub>2</sub> emissions of the boiler from use of diesel fuel (tons/month and tons/year), with supporting calculations.
- b) For a PBR boiler to burn refinery fuel gas, the owner or operator must use fuel gas at a petroleum refinery from a fuel gas system that is subject to and meeting the requirements for compliance with the limits for H<sub>2</sub>S content of fuel gas in 40 CFR 60, Subpart Ja, Section 60.102a(g)(1)(ii), as incorporated by reference in Section 201.104.

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

**Section 201.625 Carbon Monoxide (CO) Requirements**

Pursuant to 35 Ill. Adm. Code 216.121, no owner or operator of a PBR boiler may cause or allow the emission of CO into the atmosphere from any fuel combustion emission source with actual heat input greater than 2.9 MW (10 mmBtu/hr) to exceed 200 ppm, corrected to 50 percent excess air.

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

**Section 201.630 Nitrogen Oxide (No<sub>x</sub>) Requirements**

The owner or operator of the PBR boiler must:

- a) Comply with the applicable requirements of 35 Ill. Adm. Code 217, Subparts D and E;
- b) For a boiler with a maximum design heat input capacity greater than 50 mmBtu/hr, conduct combustion tuning for the boiler. This tuning must be conducted in each calendar year in which the boiler is operated, except for the calendar year in which the boiler first starts up and the calendar year in which the boiler is permanently removed from service. The combustion tuning must be performed by an employee of the owner or operator or a contractor who has successfully completed a training course on the combustion tuning of boilers firing the fuel or fuels that are fired in the boiler. The owner or operator must

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maintain the following records that must be made available to the Agency upon request:

- 1) The date the combustion tuning was performed;
- 2) The name, title, and affiliation of the person who performed the combustion tuning;
- 3) Documentation demonstrating the provider of the combustion tuning training course, the dates the training course was taken, and proof of successful completion of the training course;
- 4) Tune-up procedure followed and checklist of items (such as burners, flame conditions, air supply, scaling on heating surface, etc.) inspected prior to the actual tune-up; and
- 5) Operating parameters recorded at the start and at the conclusion of combustion tuning.

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

**Section 201.635 PBR Boiler Recordkeeping Requirements**

The owner or operator of the PBR boiler must maintain records containing the following information, in addition to the records required by the applicable requirements referenced in Subpart M:

- a) The maximum design heat input capacity of the boiler, in mmBtu/hr, with supporting documentation;
- b) An inspection, maintenance, and repair log with dates and the nature of those activities for the boiler;
- c) The quantity of each fuel used per month and per year;
- d) The hours of operation, in hours/month and hours/year;
- e) Emissions of PM, PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>x</sub>, CO, and VOM, in tons/month and tons/year, with supporting calculations; and

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- f) SO<sub>2</sub> emissions, in tons/month and tons/year, with supporting calculations if the boiler has the capability to burn refinery fuel gas, butane, or propane.

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

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- 1) Heading of the Part: Definitions and General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 211
- 3) Section Number: 211.4720                      Proposed Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by Sections 10 and 27 of the Illinois Environmental Protection Act [415 ILCS 5/10 and 27]
- 5) A Complete Description of the Subjects and Issues Involved: Creates a definition of "pipeline natural gas".
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None cited by IEPA
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: To create a definition for "pipeline natural gas" to coincide with federal regulations.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R17-09 and be addressed to:

Clerk's Office  
Illinois Pollution Control Board  
JRTC  
100 W. Randolph St., Suite 11-500  
Chicago IL 60601

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Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

Interested persons may request copies of the Board's opinion and order in R17-09 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information, contact hearing officer Jason James at 312/814-6929 or by e-mail at [Jason.James@illinois.gov](mailto:Jason.James@illinois.gov).

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

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER c: EMISSION STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCESPART 211  
DEFINITIONS AND GENERAL PROVISIONS

## SUBPART A: GENERAL PROVISIONS

Section	
211.101	Incorporated and Referenced Materials
211.102	Abbreviations and Conversion Factors

## SUBPART B: DEFINITIONS

Section	
211.121	Other Definitions
211.122	Definitions (Repealed)
211.130	Accelacota
211.150	Accumulator
211.170	Acid Gases
211.200	Acrylonitrile Butadiene Styrene (ABS) Welding
211.210	Actual Heat Input
211.230	Adhesive
211.233	Adhesion Primer
211.235	Adhesive Primer
211.240	Adhesion Promoter
211.250	Aeration
211.260	Aerosol Adhesive and Adhesive Primer
211.270	Aerosol Can Filling Line
211.290	Afterburner
211.310	Air Contaminant
211.330	Air Dried Coatings
211.350	Air Oxidation Process
211.370	Air Pollutant
211.390	Air Pollution
211.410	Air Pollution Control Equipment

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211.430	Air Suspension Coater/Dryer
211.450	Airless Spray
211.470	Air Assisted Airless Spray
211.474	Alcohol
211.479	Allowance
211.481	Ammunition Sealant
211.484	Animal
211.485	Animal Pathological Waste
211.490	Annual Grain Through-Put
211.492	Antifoulant Coating
211.493	Antifouling Sealer/Tie Coat
211.495	Anti-Glare/Safety Coating
211.510	Application Area
211.530	Architectural Coating
211.540	Architectural Structure
211.550	As Applied
211.560	As-Applied Fountain Solution
211.570	Asphalt
211.590	Asphalt Prime Coat
211.610	Automobile
211.630	Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650	Automobile or Light-Duty Truck Refinishing
211.660	Automotive/Transportation Plastic Parts
211.665	Auxiliary Boiler
211.670	Baked Coatings
211.680	Bakery Oven
211.685	Basecoat/Clearcoat System
211.690	Batch Loading
211.695	Batch Operation
211.696	Batch Process Train
211.710	Bead-Dipping
211.715	Bedliner
211.730	Binders
211.735	Black Coating
211.740	Brakehorsepower (rated-bhp)
211.750	British Thermal Unit
211.770	Brush or Wipe Coating
211.790	Bulk Gasoline Plant

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211.810	Bulk Gasoline Terminal
211.820	Business Machine Plastic Parts
211.825	Camouflage Coating
211.830	Can
211.850	Can Coating
211.870	Can Coating Line
211.880	Cap Sealant
211.890	Capture
211.910	Capture Device
211.930	Capture Efficiency
211.950	Capture System
211.953	Carbon Adsorber
211.954	Cavity Wax
211.955	Cement
211.960	Cement Kiln
211.965	Ceramic Tile Installation Adhesive
211.970	Certified Investigation
211.980	Chemical Manufacturing Process Unit
211.990	Choke Loading
211.995	Circulating Fluidized Bed Combustor
211.1000	Class II Finish
211.1010	Clean Air Act
211.1050	Cleaning and Separating Operation
211.1070	Cleaning Materials
211.1090	Clear Coating
211.1110	Clear Topcoat
211.1120	Clinker
211.1128	Closed Molding
211.1130	Closed Purge System
211.1150	Closed Vent System
211.1170	Coal Refuse
211.1190	Coating
211.1210	Coating Applicator
211.1230	Coating Line
211.1250	Coating Plant
211.1270	Coil Coating
211.1290	Coil Coating Line
211.1310	Cold Cleaning
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211.1315	Combustion Tuning
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensable PM-10
211.1435	Container Glass
211.1455	Contact Adhesive
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1530	Conventional Soybean Crushing Source
211.1550	Conveyorized Degreasing
211.1560	Cove Base
211.1565	Cove Base Installation Adhesive
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1655	Cyanoacrylate Adhesive
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1700	Deadener
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211.1730	Delivery Vessel
211.1740	Diesel Engine
211.1745	Digital Printing
211.1750	Dip Coating
211.1770	Distillate Fuel Oil

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211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1830	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1872	Ejection Cartridge Sealant
211.1875	Elastomeric Materials
211.1876	Electric Dissipating Coating
211.1877	Electric-Insulating Varnish
211.1878	Electrical Apparatus Component
211.1880	Electrical Switchgear Compartment Coating
211.1882	Electrodeposition Primer (EDP)
211.1883	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI) Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel
211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2040	Etching Filler
211.2050	Ethanol Blend Gasoline
211.2055	Ethylene Propylenediene Monomer (DPDM) Roof Membrane
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2200	Extreme High-Gloss Coating
211.2210	Extreme Performance Coating

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211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2320	Finish Primer Surfacer
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2355	Flare
211.2357	Flat Glass
211.2358	Flat Wood Paneling
211.2359	Flat Wood Paneling Coating Line
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2368	Flexible Packaging
211.2369	Flexible Vinyl
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2415	Fog Coat
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2525	Gasket/Gasket Sealing Material
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2615	General Work Surface
211.2620	Generator
211.2622	Glass Bonding Primer
211.2625	Glass Melting Furnace

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211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2800	Hardwood Plywood
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2825	Heat-Resistant Coating
211.2830	Heatset
211.2840	Heatset Web Letterpress Printing Line
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2955	High Bake Coating
211.2956	High Build Primer Surfacer
211.2958	High Gloss Coating
211.2960	High-Performance Architectural Coating
211.2965	High Precision Optic
211.2970	High Temperature Aluminum Coating
211.2980	High Temperature Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3095	Indoor Floor Covering Installation Adhesive
211.3100	Industrial Boiler
211.3110	Ink
211.3120	In-Line Repair

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3215	Janitorial Cleaning
211.3230	Lacquers
211.3240	Laminate
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3300	Lean-Burn Engine
211.3305	Letterpress Printing Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3355	Lime Kiln
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3475	Load Shaving Unit
211.3480	Loading Event
211.3483	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NO <sub>x</sub> Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3505	Lubricating Wax/Compound
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3550	Magnet Wire Coating Line
211.3555	Maintenance Cleaning
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)
211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3665	Mask Coating
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3695	Maximum True Vapor Pressure
211.3705	Medical Device
211.3707	Medical Device and Pharmaceutical Manufacturing
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3760	Metallic Coating
211.3770	Metallic Shoe-Type Seal
211.3775	Metal to Urethane/Rubber Molding or Casting Adhesive
211.3780	Mid-Kiln Firing
211.3785	Military Specification Coating
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3820	Miscellaneous Industrial Adhesive Application Operation
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3925	Mold Seal Coating
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3961	Motor Vehicle Adhesive
211.3965	Motor Vehicle Refinishing
211.3966	Motor Vehicle Weatherstrip Adhesive
211.3967	Mouth Waterproofing Sealant
211.3968	Multi-Colored Coating
211.3969	Multi-Component Coating
211.3970	Multiple Package Coating
211.3975	Multipurpose Construction Adhesive
211.3980	Nameplate Capacity

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

211.3985	Natural Finish Hardwood Plywood Panel
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4052	Non-Convertible Coating
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NO <sub>x</sub> Trading Program
211.4070	Offset
211.4080	One-Component Coating
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4190	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Operation or Operator of a Gasoline Dispensing Facility
211.4220	Optical Coating
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4280	Other Glass
211.4285	Outdoor Floor Covering Installation Adhesive
211.4290	Oven
211.4310	Overall Control
211.4330	Overvarnish
211.4350	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4370	Owner or Operator
211.4390	Packaging Rotogravure Printing
211.4410	Packaging Rotogravure Printing Line
211.4430	Pail
211.4450	Paint Manufacturing Source or Paint Manufacturing Plant
211.4455	Pan-Backing Coating
211.4460	Panel
211.4470	Paper Coating

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

211.4490	Paper Coating Line
211.4510	Particulate Matter
211.4530	Parts Per Million (Volume) or PPM (Vol)
211.4540	Perimeter Bonded Sheet Flooring
211.4550	Person
211.4590	Petroleum
211.4610	Petroleum Liquid
211.4630	Petroleum Refinery
211.4650	Pharmaceutical
211.4670	Pharmaceutical Coating Operation
211.4690	Photochemically Reactive Material
211.4710	Pigmented Coatings
<a href="#">211.4720</a>	<a href="#">Pipeline Natural Gas</a>
211.4730	Plant
211.4735	Plastic
211.4740	Plastic Part
211.4750	Plasticizers
211.4760	Plastic Solvent Welding Adhesive
211.4765	Plastic Solvent Welding Adhesive Primer
211.4768	Pleasure Craft
211.4769	Pleasure Craft Surface Coating
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polystyrene Plant
211.4890	Polystyrene Resin
211.4895	Polyvinyl Chloride Plastic (PVC Plastic)
211.4900	Porous Material
211.4910	Portable Grain-Handling Equipment
211.4930	Portland Cement Manufacturing Process Emission Source
211.4950	Portland Cement Process or Portland Cement Manufacturing Plant
211.4960	Potential Electrical Output Capacity
211.4970	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5012	Prefabricated Architectural Coating
211.5015	Preheater Kiln

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Coating
211.5062	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5075	Primer Sealant
211.5080	Primer Sealer
211.5090	Primer Surfacer Coat
211.5110	Primer Surfacer Operation
211.5130	Primers
211.5140	Printed Interior Panel
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5195	Process Heater
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5250	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publication Rotogravure Printing Line
211.5330	Purged Process Fluid
211.5335	Radiation Effect Coating
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5370	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5400	Red Coating
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery Process Unit
211.5480	Reflective Argent Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

211.5510	Reid Vapor Pressure
211.5520	Reinforced Plastic Composite
211.5530	Repair
211.5535	Repair Cleaning
211.5550	Repair Coat
211.5570	Repaired
211.5580	Repowering
211.5585	Research and Development Operation
211.5590	Residual Fuel Oil
211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5640	Rich-Burn Engine
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printer
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5790	Rotogravure Printing Line
211.5800	Rubber
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5860	Scientific Instrument
211.5870	Screening
211.5875	Screen Printing
211.5880	Screen Printing on Paper
211.5885	Screen Reclamation
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5985	Sheet Rubber Lining Installation
211.5987	Shock-Free Coating
211.5990	Shotblasting

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

211.6010	Side-Seam Spray Coat
211.6012	Silicone-Release Coating
211.6015	Single-Ply Roof Membrane
211.6017	Single-Ply Roof Membrane Adhesive Primer
211.6020	Single-Ply Roof Membrane Installation and Repair Adhesive
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6063	Solar-Absorbent Coating
211.6065	Solids Turnover Ratio ( $R_T$ )
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6405	Sterilization Indicating Ink
211.6410	Storage Tank or Storage Vessel
211.6420	Strippable Spray Booth Coating
211.6425	Stripping
211.6427	Structural Glazing
211.6430	Styrene Devolatilizer Unit

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

211.6450	Styrene Recovery Unit
211.6460	Subfloor
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6535	Surface Preparation
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6585	Thin Metal Laminating Adhesive
211.6587	Thin Particleboard
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6635	Tileboard
211.6640	Tire Repair
211.6650	Tooling Resin
211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6740	Translucent Coating
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6780	Trunk Interior Coating
211.6790	Turnaround
211.6810	Two-Piece Can
211.6825	Underbody Coating
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6885	Vacuum Metalizing Coating

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211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7220	Waterproof Resorcinol Glue
211.7230	Weak Nitric Acid Manufacturing Process
211.7240	Weatherstrip Adhesive
211.7250	Web
211.7270	Wholesale Purchase – Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

211.APPENDIX A Rule into Section Table

211.APPENDIX B Section into Rule Table

**AUTHORITY:** Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27].

**SOURCE:** Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21,

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 25 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900, effective April 17, 2001; amended in R05-16 at 29 Ill. Reg. 8181, effective May 23, 2005; amended in R05-11 at 29 Ill. Reg. 8892, effective June 13, 2005; amended in R04-12/20 at 30 Ill. Reg. 9654, effective May 15, 2006; amended in R07-18 at 31 Ill. Reg. 14254, effective September 25, 2007; amended in R08-6 at 32 Ill. Reg. 1387, effective January 16, 2008; amended in R07-19 at 33 Ill. Reg. 11982, effective August 6, 2009; amended in R08-19 at 33 Ill. Reg. 13326, effective August 31, 2009; amended in R10-7 at 34 Ill. Reg. 1391, effective January 11, 2010; amended in R10-8 at 34 Ill. Reg. 9069, effective June 25, 2010; amended in R10-20 at 34 Ill. Reg. 14119, effective September 14, 2010; amended in R11-23 at 35 Ill. Reg. 13451, effective July 27, 2011; amended in R12-24 at 37 Ill. Reg. 1662, effective January 28, 2013; amended in R13-1 at 37 Ill. Reg. 1913, effective February 4, 2013; amended in R14-7 at 37 Ill. Reg. 19824, effective November 27, 2013; amended in R14-16 at 38 Ill. Reg.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENT

12876, effective June 9, 2014; amended in R14-16 at 39 Ill. Reg. 5410, effective March 24, 2015; amended in R17-09 at 40 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: DEFINITIONS

**Section 211.4720 Pipeline Natural Gas**

"Pipeline natural gas" means a naturally-occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions, and that is provided by a supplier through a pipeline. Pipeline natural gas contains 0.5 grains or less of total sulfur per 100 standard cubic feet. Additionally, pipeline natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 Btu per standard cubic foot.

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

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Motor Fuel and Petroleum Standards Act
- 2) Code Citation: 8 Ill. Adm. Code 850
- 3) Section Number: 850.60                      Adopted Action:  
Amendment
- 4) Statutory Authority: 815 ILCS 370/5.1(i)
- 5) Effective Date of Rule: September 16, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 8880, July 8, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Gasoline blended with ethanol has a higher vapor pressure than gasoline alone. For gasoline-ethanol blends, Illinois adopts Section 2.1.2 of the Uniform Engine Fuels and Automotive Fuel Lubricants Regulations, NIST Handbook 130, which in turn adopts ASTM D4814. Although considered by ASTM several times, ASTM has not adopted vapor pressure exceptions to ASTM D4814. Handbook 130 therefore contains specific vapor pressure exceptions for gasoline-ethanol blends, but said exceptions will now expire on May 1, 2017. Without the vapor pressure exceptions, petroleum marketers are concerned with the cost of compliant fuel. In addition, this

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

rulemaking will increase fungibility of gasoline-ethanol blends to and from other states. The rulemaking also adopts the latest version of Handbook 130 (2016 edition).

- 16) Information and questions regarding this adopted rule shall be directed to:

Susan Baatz  
Illinois Department of Agriculture  
P. O. Box 19281, State Fairgrounds  
Springfield IL 62794-9281

217/524-6905  
fax 217/785-4505

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

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER s: MOTOR FUELSPART 850  
MOTOR FUEL AND PETROLEUM STANDARDS ACT

## Section

850.10	Written Complaint Required
850.20	Access to Motor Fuels and Records
850.30	Responsibility for Standards of Quality
850.40	Administrative, Laboratory and Sampling Fees
850.50	Label on Motor Fuel Dispensing Device
850.60	ASTM Standards

AUTHORITY: Implementing and authorized by the Motor Fuel and Petroleum Standards Act [815 ILCS 370].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 1455, effective January 12, 1984; adopted at 8 Ill. Reg. 5993, effective April 23, 1984; amended at 9 Ill. Reg. 12711, effective August 6, 1985; amended at 14 Ill. Reg. 5072, effective March 26, 1990; emergency amendment at 28 Ill. Reg. 16352, effective December 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1886, effective January 24, 2005; amended at 29 Ill. Reg. 5372, effective April 1, 2005; emergency amendment at 34 Ill. Reg. 301, effective December 21, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 6050, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 10532, effective July 8, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 19468, effective December 3, 2010; emergency amendment at 35 Ill. Reg. 5615, effective March 17, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 11241, effective July 1, 2011; emergency amendment at 36 Ill. Reg. 7330, effective May 1, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 14685, effective September 24, 2012; amended at 37 Ill. Reg. 14004, effective September 16, 2013; emergency amendment at 40 Ill. Reg. 7478, effective April 26, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 13600, effective September 16, 2016.

**Section 850.60 ASTM Standards**

- a) *The standards set forth in the Annual Book of ~~(ASTM)~~ [Standards American Society for Testing and Materials](#)-Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless*

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

*modified or rejected by a regulation adopted by the Department.* [815 ILCS 370/4]

- b) The effective date for the lubricity requirement contained in Table 1 (Detailed Requirements for Diesel Fuel Oils) of D 975-04b is extended until October 1, 2005.
- c) The quality of gasoline-~~ethanol~~~~oxygenate~~ blends sold or offered for sale in this State shall meet the standards set forth in Section 2.1.2 of the Uniform Engine Fuels and Automotive Lubricants Regulations as provided ~~in~~~~under the~~ National Institute of Standards and Technology Handbook 130, ~~2016~~~~2013~~ edition, ~~as adopted by the 100<sup>th</sup> National Conference on Weights and Measures, November 2015, <http://www.nist.gov/pml/wmd/pubs/upload/hb130-2016-wfinal3.pdf>. Notwithstanding the other provisions of this subsection, the Department expressly rejects the May 1, 2016 expiration of the vapor pressure exceptions in Section 2.1.2 of Handbook 130. Therefore, the vapor pressure exceptions in Section 2.1.2 of Handbook 130 shall remain in effect until ASTM incorporates those exceptions into ASTM D4814~~~~NIST Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg MD 20899-2600, <http://www.nist.gov/pml/wmd/pubs/hb13013.cfm>.~~ These standards do not include any later amendments or editions of NIST Handbook 130.

(Source: Amended at 40 Ill. Reg. 13600, effective September 16, 2016)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Number: 305.310                      Adopted Action:  
New Section
- 4) Statutory Authority: Authorized by the Illinois Personnel Code [20 ILCS 415]
- 5) Effective Date of Rule: September 13, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted 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 Proposal published in the *Illinois Register*: 40 Ill. Reg. 5749; April 8, 2016
- 10) Has JCAR issued a Statement of Objection to the rulemaking? No
- 11) Differences between Proposal and Final Version. The original proposed amendment contained language which extended jurisdiction to jurisdictions A, B, and C for the title of Sign Hanger and Sign Hanger Foreman and also contained an effective date of December 9, 2013. In the final version, jurisdiction is extended to only jurisdiction B, and the effective date was removed.
- 12) Have all of the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rule change reflects the Memorandum of Understanding (MOU) between Central Management Services (CMS) and the International Brotherhood of Teamsters, Local 700 (Cook County) to extend Personnel Code jurisdiction to the classification of Sign Hanger and Sign Hanger Foreman.

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted rule shall be directed to:

Kelly Weston  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield IL 62706

217/524-7518  
fax: 217/558-2697

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 305  
EXTENSIONS OF JURISDICTION

Section	
305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)
305.250	Extends Jurisdiction A, B and C (January 16, 2006)
305.260	Extends Jurisdiction A, B and C (November 30, 2008)
305.270	Extends Jurisdiction A, B and C (December 30, 2009)
305.280	Extends Jurisdiction A, B and C (June 1, 2011)
305.290	Extends Jurisdiction A, B and C (July 25, 2012)
305.300	Extends Jurisdiction A, B and C (March 31, 2013)
<a href="#">305.310</a>	<a href="#">Extends Jurisdiction B</a>

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. 18931, effective November 30, 2008; amended at 34 Ill. Reg. 834, effective December 30, 2009; amended at 35 Ill. Reg. 8982, effective June 1, 2011; amended at 36 Ill. Reg. 12811, effective July 25, 2012; amended at 37 Ill. Reg. 4231, effective March 31, 2013; amended at 40 Ill. Reg. 13604, effective September 13, 2016.

**Section 305.310 Extends Jurisdiction B**

- a) The Personnel Code Jurisdiction B will be extended to the Illinois Department of Transportation positions currently classified as Sign Hanger and Sign Hanger Foreman.
  
- b) With the exception of those employees who have already been determined qualified, the foregoing affected employees will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments will be made pursuant to provisions of the Illinois Personnel Code and rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees.

(Source: Added at 40 Ill. Reg. 13604, effective September 13, 2016)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 1) Heading of the Part: Service Appeal Process
- 2) Code Citation: 89 Ill. Adm. Code 337
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
337.20	Amendment
337.30	Amendment
337.80	Amendment
337.110	Amendment
- 4) Statutory Authority: 20 ILCS 505/4 and 5
- 5) Effective Date of Rules: September 18, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules 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. 12658; September 18, 2015
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following Second Notice changes were made to this rulemaking:

In Section 337.20, the definition of "Relative" was amended to include "step-grandparents" and "fictive kin" in compliance with statutory amendments. Definitions of "fictive kin" and "godparent" were also amended for clarification. These changes were made in an intervening rulemaking that was adopted at 40 Ill. Reg. 7775, effective May 16, 2016.

In Sections 337.20 and 337.30, "Clinical Intervention for Placement Prevention" was changed to "Clinical Intervention for Placement Preservation"

In Section 337.30:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- the term "staffing" was changed to "team" or "meeting"
- reference to "CIPP" was changed to "CIPP meeting".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking:

## Amended Definitions:

- "Relative" - comports with a recent amendment to that definition in the Child and Family Services Act.
- "Clinical Intervention for Placement Preservation" or "CIPP" replaces "Child and Youth Investment Team" or "CAYIT."

In Sections 337.20 and 337.30, the term "Child and Youth Investment Team" or "CAYIT" is replaced with "Clinical Intervention for Placement Preservation" or "CIPP."

Amendments to Sections 337.80(e) and 337.110(a)(4) clarify that a juvenile court determination that a current foster home placement is necessary and appropriate does not constitute a judicial determination on the merits of a service appeal filed by a former foster parent or relative caregiver involving a change of placement decision. These amendments mirror a recent change in law clarifying that the juvenile court does not make substitute care placement decisions.

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

Mr. Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield IL 62701-1498

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

217/524-1983

TDD: 217/524-3715

e-mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)

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

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER a: SERVICE DELIVERY

## PART 337

## SERVICE APPEAL PROCESS

Section	
337.10	Purpose
337.20	Definitions
337.30	The Service Appeal Process
337.40	Department and Provider Agency Responsibilities on Appealable Issues
337.50	The Right to a Service Appeal
337.60	Who May Appeal
337.70	What May Be Appealed
337.80	What May Not Be Appealed
337.90	Notices of Department or Provider Agency Decisions
337.100	How to Request a Service Appeal
337.110	Grounds for Dismissal of a Service Appeal Request
337.120	Time Frames for the Service Appeal Process
337.130	Continuing Services During the Service Appeal Process
337.140	Confidentiality During the Service Appeal Process
337.150	Notice Concerning a Service Appeal
337.160	Abandonment of a Service Appeal
337.170	Fair Hearing Appeal Rights
337.180	The Administrative Law Judge
337.190	Record of a Fair Hearing
337.200	Combined Hearings
337.210	Continuances Requested in a Combined Hearing
337.220	The Final Administrative Decision
337.230	Who Receives a Copy of the Final Administrative Decision
337.240	Notice of the Availability of Judicial Review
337.250	Severability of This Part

**AUTHORITY:** Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5].

**SOURCE:** Adopted at 17 Ill. Reg. 1046, effective January 15, 1993; amended at 19 Ill. Reg. 7175, effective June 1, 1995; amended at 19 Ill. Reg. 10557, effective July 1, 1995; emergency

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amendment at 25 Ill. Reg. 4283, effective March 19, 2001, for a maximum of 150 days; emergency amendment repealed in response to an Objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 6735, effective May 8, 2001; amended at 26 Ill. Reg. 6246, effective June 1, 2002; amended at 26 Ill. Reg. 11778, effective August 1, 2002; amended at 36 Ill. Reg. 4388, effective March 7, 2012; amended at 40 Ill. Reg. 786, effective December 31, 2015; amended at 40 Ill. Reg. 7775, effective May 16, 2016; amended at 40 Ill. Reg. 13608, effective September 18, 2016.

**Section 337.20 Definitions**

"Adequate notice" means a notice that contains all of the elements identified in Section 337.90(c) of this Part.

"Administrative Hearings Unit" means the Department's unit responsible for receiving requests for and acting upon a service appeal and conducting fair hearings on appeal.

"Administrative law judge" means an attorney who is appointed by the Director of the Department and who is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for receiving requests for a service appeal and for coordinating the fair hearings.

"Appellant" means the person who requests a service appeal or on whose behalf a service appeal is requested.

"Authorized representative" means a person authorized in writing by the appellant to assist the appellant in the appeal process. If the appellant is unable to reduce such authorization to writing, the Department shall assist the appellant in doing so. The representative may be legal counsel or other spokesperson.

"Clinical Intervention for Placement Preservation" or "CIPP" means a regionally based, multidisciplinary team consisting of designated DCFS staff, the child (when age-appropriate), the child's family, extended family and others who have relevant and current information about the child, and professionals who are critical to achieve informed, sound decision-making.

"Clinical Intervention for Placement Preservation (CIPP) Action Plan" means a

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written document summarizing a clinical assessment of a child's or youth's service needs, identifying the resources required to meet those needs, and establishing time frames for their achievement.

*"Child welfare services" means public social services that are directed toward the accomplishment of the following purposes:*

*protecting and promoting the health, safety and welfare of all children, including homeless, dependent, or neglected children;*

*preventing, remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children;*

*preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible, when the child can be cared for at home without endangering the child's health and safety;*

*restoring to their families children who have been removed by the provision of services to the child and the families, when the child can be cared for at home without endangering the child's health and safety;*

*placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;*

*assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning so that permanency may occur at the earliest opportunity. Consideration should be given so that, if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;*

*providing supportive services and living maintenance that contributes to the physical, emotional and social well-being of children for whom the Department is legally responsible who are pregnant and unmarried;*

*providing shelter and independent living services for homeless youth; and*

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*placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:*

*who are in a foster home; or*

*who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5];*  
*or*

*who are female children who are pregnant, pregnant and parenting or parenting; or*

*who are siblings;*

*in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5(a)(3)]*

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, visitation, placement, child protection and information and referral.

"Clinical placement review" means a process in which designated clinical Department staff will review a disputed decision by the Department or purchase of service agency to remove a child from the home of a foster family or relative caregiver, when the child will be placed in the home of another foster family or relative caregiver.

"Date of action" means the effective date of the action or proposed action by the Department or provider agency that resulted in the appeal.

"Date of appeal" means the postmark date or date of receipt of appellant's written request for an appeal, whichever is earlier, at the address specified in the notice.

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"Date of notice" means the date on which the appellant receives written notice of the Department's intended action or decision or the date on which the appellant learns of the intended action or decision, if a written notice was not provided.

"Day care services" means care provided to children for less than 24 hours per day in facilities requiring licensure under the Child Care Act of 1969 [225 ILCS 10] in facilities exempt from licensure, in the homes of relatives, or in their own home.

"Department representative" means an attorney or designated individual responsible for presenting the Department's position in mediation, staffings and negotiations and at an emergency review and fair hearing.

"Emergency review" means a limited review of the actions or decisions of the Department or provider agency that may adversely affect an individual or individuals served by the Department. An emergency review provides for an interim decision pending a fair hearing.

"Fair hearing", as used in this Part, means a formal review of the action or decision of the Department or provider agency to determine whether that action or decision is in compliance with applicable laws and rules and will be in the best interests of the child.

"Family" means one or more adults and children, related by blood, marriage, civil union or adoption and residing in the same household~~the biological or adoptive parents (provided a court has not terminated parental rights), legal guardian, or any relative who has assumed custody and control of the child in the absence of the child's biological or adoptive parents.~~

"Final administrative decision" means the Department's final decision, order, or determination on an appealed issue rendered by the Director in a particular case that affects the legal rights, duties or privileges of appellants and that may be appealed in a circuit court under the Administrative Review Law [735 ILCS 5/Art. III].

*"Fictive kin" means any individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual. [20 ILCS 505/7(b)]*

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"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Imminent risk of harm" means that individuals' actions, omissions or conditions endanger the life, or seriously jeopardize the physical or mental health or safety of themselves or others, if protective action would not be taken immediately.

"Individual legally acting on a person's behalf" means an individual who has been appointed by a court to act on behalf of a person when the person is incompetent, incapacitated, or otherwise unable to speak for himself or herself.

"Mediation" means a meeting open to all parties affected by the decision being appealed to attempt agreement on the issue in dispute with a mediator, who assists the parties in resolving issues and drawing up an agreement.

"Mediator" means a neutral third party appointed by the Director of the Department who conducts the mediation and assists the parties in resolving issues and drawing up an agreement.

"Parties" means the Department or its agents and those persons who have appealed the service decisions made by the Department or its agents.

"Preponderance of the evidence" means the greater weight of the evidence or evidence that renders a fact more likely than not.

"Provider agency" means an agency offering case management and/or casework services through a signed contract with the Department for paid services.

"Relative", for purposes of placement of children for whom the Department is legally responsible, means *any person, 21 years of age or over, other than the parent, who:*

*is currently related to the child in any of the following ways by blood or*

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*adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt; or*

*is the spouse, or party to a civil union, of such a relative; or*

*is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or*

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

*"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines, and documents, that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in Section 1-3(4.05) of the Juvenile Court Act of 1987 [705 ILCS 405/1-3(4.05)]. [20 ILCS 505/7(b)]*

"Request for an appeal" means the written request by an appellant for a fair hearing to review an action taken or a decision made by the Department or a provider agency on behalf of the Department. If the appellant is unable to request an appeal in writing, the Department or provider agency shall help the appellant put the request in writing.

"Reviewer" means the person appointed by the Department to conduct an emergency review.

"Service appeal process" means the appeal system offered by the Department to parents, children, guardians ad litem, foster parents and relative caregivers to

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challenge service decisions of the Department.

"Services" means child welfare or day care services, including placement services or benefits provided by the Department or its provider agencies under Titles IV and XX of the Social Security Act (42 USC 601 et seq. and 1397 et seq.) or the laws of the State of Illinois.

"Stay of action" means the action or decision made by the Department or its provider agency will not be implemented pending an emergency review or final administrative decision by the Department.

"Timely written notice" means a notice that complies with the requirements of Section 337.90(b).

(Source: Amended at 40 Ill. Reg. 13608, effective September 18, 2016)

**Section 337.30 The Service Appeal Process**

When the issue is the removal of a child from the home of a foster family or relative caregiver, the service appeal process for the Department of Children and Family Services consists of a fair hearing after a clinical placement review of the decision to remove the child pursuant to subsection (c). When the issue is disagreement with a [Clinical Intervention for Placement Preservation action plan](#)~~Child and Youth Investment Team Action Plan~~, the service appeal process consists of a fair hearing to review the issue pursuant to subsection (d). In all other cases, the service appeal process for the Department of Children and Family Services consists of a mediation, which is optional, and a fair hearing. Initiation of a service appeal does not preclude ongoing discussion between the parties to resolve the appealed issues. If mediation is successful, an agreement is drawn up, with the assistance of the mediator, and signed by the parties. In some instances, the issue on appeal is too immediate to await the final administrative decision on the action. An emergency review may be held in lieu of mediation on the specific issues, and an interim decision will be issued by the reviewer pending the fair hearing and final administrative decision. Mediation and emergency review is not available to any party when the issue is removal or change of placement of a child or disagreement with a service decision in a [CIPP](#)~~Child and Youth Investment Team~~ Action Plan.

- a) Mediation
  - 1) The Department shall offer mediation to an appellant within 30 calendar days from the date of appeal in an attempt to resolve his or her issues. The

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appellant may accept or reject an offer to participate in mediation. No issues addressed and determined by an emergency review, clinical placement review, or ~~CIPP~~ Child and Youth Investment Team may be addressed in mediation. If mediation is successful, an agreement is drawn up, with assistance by the mediator, and signed by the parties. This constitutes a resolution of the fair hearing, but the appellant may reinstate the request for hearing if the agreement is violated.

- 2) If the dispute is not resolved in mediation, or if the appellant rejects the mediation agreement and the Department receives written notice of this rejection at least 15 calendar days after the mediation session, the appellant may then proceed to the fair hearing.
- 3) The individual conducting the mediation shall be trained as a mediator and shall have no prior involvement in the case.

b) Emergency Review

An emergency review allows for an interim decision pending a fair hearing and can be requested by any party. The request for an emergency review must be in writing and shall be submitted to the Administrative Hearings Unit, Department of Children and Family Services, 406 E. Monroe, Station 15, Springfield, Illinois 62701. The emergency review must be requested within ~~10~~ ten calendar days after the date of an appeal. A determination will be made whether the issues are appropriate for emergency review. If they are appropriate, the Department shall schedule an emergency review and the reviewer shall issue a decision, which shall include any corrective orders, within ~~10~~ ten calendar days from the date of the request for emergency review. The Department shall implement the order within five calendar days from the date the decision was issued by the reviewer. An emergency review is held to consider only the following issues on appeal:

- 1) **Lack of Timely Notice Due to Imminent Risk of Harm**  
A party may request an emergency review within 10 calendar days after the date of appeal on any issue, except placement, where the Department or provider agency has taken action without timely notice because the child was determined to be at imminent risk of harm. The reviewer shall consider only whether imminent risk of harm existed to justify the Department or provider agency action without timely notice. If the reviewer determines imminent risk of harm did not exist, the reviewer shall order corrective action.

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- 2) Continuing Services Pertaining to Changes in Family Visitation During the Service Appeal  
When services pertaining to the family visitation plan remain unchanged because an appeal has been requested within 10 calendar days after the date of notice, a party may request an emergency review, if that party has reasonable cause to believe that imminent risk of harm to the child will result if services remain unchanged during the appeal process. The only issue to be considered by the reviewer is whether imminent risk of harm to the child is likely to result from the stay of action. If the reviewer determines imminent risk of harm to the child is likely to result, the reviewer may order corrective action.
- c) Clinical Placement Review
  - 1) When the issue is the removal of a child from the home of a foster family or relative caregiver, the party objecting to the removal must request and complete a clinical placement review before filing a request for a service appeal. The request for a clinical placement review must be made within 3 working days after receiving the notice of intent to remove the child.
  - 2) The Department shall conduct a clinical placement review within 5 working days after receipt of the request. During the clinical placement review, the Department will review the current placement, the reason for the removal of the child, and the child's needs regarding safety, well being and permanency. The clinical reviewer has the authority to create an action plan that may alleviate the issues prompting removal of the child. The clinical reviewer may postpone the removal date when he/she determines the need to obtain and review additional information that currently exists in another file or the party requesting the change in placement agrees to postpone the removal date.
  - 3) The Department shall provide written notice of the decision of the clinical placement review and the right to request a fair hearing through the Department's Administrative Hearings Unit.
  - 4) The following placement changes shall not be subject to clinical placement review:

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- A) change in the child's substitute care placement when:
    - i) the child has been placed in a licensed foster family or relative caregiver's home for fewer than 60 days, or
    - ii) the child has been placed in an unlicensed relative caregiver's home for fewer than 90 days;
  - B) placement to consolidate siblings in a single home;
  - C) placement of a child in a specialized foster home, in accordance with a [CIPP/CAYIT](#) action plan;
  - D) placement in a group home or institution, in accordance with a [CIPP/CAYIT](#) action plan; or
  - E) placement in a transitional or independent living program, in accordance with a [CIPP/CAYIT](#) action plan.
- 5) The Department or provider agency may immediately remove a child from a foster family or relative caregiver's home, without timely notice to the family, when the child is determined to be at imminent risk of harm in the current placement.
- 6) When the child, family or caregiver disagrees with the final clinical placement review decision, the objecting party may request a hearing through the Department's Administrative Hearings Unit.
- 7) The request for a fair hearing must be submitted in writing within 10 days after receiving written notice of the clinical placement review decision. The request for a hearing and a copy of the clinical placement review decision shall be sent to:

DCFS Administrative Hearings Unit  
Change of Placement Appeals  
406 East Monroe, Station 15  
Springfield, Illinois 62701  
Fax: (217) 557-4652

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- 8) If an appeal is taken from the final decision of a clinical placement review, the child shall be placed in accordance with that decision during the pendency of the appeal.
- d) Review of Service Decisions in [Clinical Intervention for Placement Preservation Action Plans](#)~~CAYIT action plans~~
- 1) ~~CIPP participants~~~~The CAYIT~~ shall attempt to reach a consensus ~~among participants~~ in developing an action plan and resolve any objections to the action plan that are raised. When a consensus cannot be reached, the objecting participants shall record the nature and basis of their objection on the action plan.
  - 2) The Department shall provide a copy of the action plan to the parents (if parental rights have not been terminated), the child, the child's guardian ad litem, the child's current caregiver, and may also provide a copy to other ~~CIPP~~~~CAYIT~~ participants when consistent with confidentiality requirements in 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department).
  - 3) The Department shall give written notice to the parents, the child and the child's guardian ad litem of their right to request a fair hearing through the Department's Administrative Hearings Unit if they disagree with a service decision in the action plan that denies, reduces, suspends or terminates child welfare services.
  - 4) The Department shall give written notice to the current foster parent/relative caregiver of his or her right to request a fair hearing through the Department's Administrative Hearings Unit if he or she disagrees with a service decision in an action plan that directly affects the foster parent/relative caregiver or affects services provided for the benefit of a foster child in his/her care. (See Section 337.70(b)~~of this Part.~~)
  - 5) The request for a fair hearing must be submitted in writing within 45 days after receiving written notice of the decision of the ~~CIPP~~~~CAYIT~~. The request for a hearing and a copy of the action plan shall be sent to:

DCFS Administrative Hearings Unit  
[CIPP](#)~~CAYIT~~ Appeals

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406 East Monroe, Station 15  
Springfield, Illinois 62701  
Fax: (217) 557-4652

- 6) In order to stop any recommended denial, reduction, suspension or termination of services during the appeal, the request for a fair hearing must be submitted within 10 calendar days after receiving the action plan.
- 7) When an appeal is not requested within 10 days, the child or youth shall be placed in accordance with the action plan, and all other aspects of the action plan shall be implemented during the pendency of the appeal.
- 8) When a request for a hearing is received, the Administrative Hearings Unit shall conduct a review to determine whether re-convening the CIPP team~~Child and Youth Investment Team~~ is appropriate based on one of the following factors:
  - A) Material information that existed at the time of the CIPP meeting~~CAYIT staffing~~ was not presented at the meeting~~staffing~~, and the inclusion of that information would have affected the development of the action plan; or
  - B) Critical CIPP~~staffing~~ participants, such as the child or youth (if clinically appropriate), current caregiver, guardian ad litem or another professional with relevant, current information about the child or youth were not in attendance at the meeting~~staffing~~ and their attendance would have affected the development of the action plan.
- 9) If the Administrative Hearings Unit review confirms that one of the factors in subsection (d)(7), is the basis for the appeal, the Administrative Hearings Unit shall refer the case back to the CIPP~~CAYIT~~ to review the action plan in light of the additional material and/or include critical CIPP~~staffing~~ participants.
  - A) If a referral back to the CIPP~~CAYIT~~ is requested or agreed to by an appellant, the appeal shall be dismissed as premature.

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- B) If the appellant does not agree to a review by the ~~CIPPCAYIT~~, the administrative law judge shall refer the case for review. However, the Department shall be required to make and implement a final administrative decision within the service appeal time frame as set out in Section 337.120.
- e) Fair Hearing  
At a fair hearing, the administrative law judge conducts a hearing in which the Department and all parties may present evidence supporting their position. The administrative law judge then makes a recommendation to the Director of the Department based on the evidence presented at the hearing.
- 1) At a fair hearing for service appeals of clinical placement review decisions, the burden of proof shall be on the appellant to show by a preponderance of the evidence that the decision made by the clinical reviewer was not consistent with the child's needs regarding safety, well being, and permanency.
  - 2) At a fair hearing for appeals of a ~~CIPPCAYIT~~ action plan, the burden of proof shall be on the appellant to show by a preponderance of the evidence that the decision made by the ~~CIPPCAYIT~~ was not consistent with the child's needs regarding safety, well being and permanency.
  - 3) At all other fair hearings, the burden of proof shall be on the Department to show by a preponderance of the evidence that the decision made was consistent with the child's needs regarding safety, well being, and permanency.

(Source: Amended at 40 Ill. Reg. 13608, effective September 18, 2016)

**Section 337.80 What May Not Be Appealed**

The Administrator of the Administrative Hearings Unit will decide whether an issue is appropriate for fair hearing pursuant to Section 337.70 ~~of this Part~~. Issues inappropriate for a fair hearing include, but are not limited to:

- a) When the sole issue is one of State or federal law regulating the automatic adjustment of services for classes of children and families;

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- b) When the Department has already made a final administrative decision on the issue as a result of a previous appeal;
- c) When the issue is not a service issue as defined in 89 Ill. Adm. Code 302 (Services Delivered by the Department), 89 Ill. Adm. Code 304 (Access to and Eligibility for Child Welfare Services), 89 Ill. Adm. Code 315 (Permanency Planning), 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings), and 89 Ill. Adm. Code 359 (Authorized Child Care Payment). These issues are to be appealed through a different appeal and administrative hearing process, as identified in 89 Ill. Adm. Code 435 (Administrative Appeals and Hearings);
- d) When the issue involves a service that the child does not currently need, but may potentially be needed by the child at some future time;
- e) When the issue regards only the Medical Assistance Program under Title XIX of the Social Security Act (42 USC 1396 et seq.). Appeal requests regarding Title XIX services should be sent to the Department of Healthcare and Family Services;
- f) When a court has made a judicial determination or issued an order on the issue being appealed. However, a juvenile court determination that a current foster home placement is necessary and appropriate does not constitute a judicial determination on the merits of a service appeal, filed by a former foster parent, involving a change of placement decision.

(Source: Amended at 40 Ill. Reg. 13608, effective September 18, 2016)

**Section 337.110 Grounds for Dismissal of a Service Appeal Request**

- a) The Administrator of the Administrative Hearings Unit shall dismiss a request for a service appeal for the following reasons:
  - 1) the appellant failed to request an appeal within the time frames allowed. However, when timely or adequate notice was not provided in accordance with this Part, the appellants may appeal up to 45 days from the date they receive adequate notice of the Department's action or decision;
  - 2) the appeal has been withdrawn in writing. If the appellant is unable to

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withdraw the appeal in writing, the Department or provider shall help the appellant put the withdrawal in writing;

- 3) the issue is not within the jurisdiction of the appeal system;
  - 4) a court has made a judicial determination or issued an order on the issue being appealed. However, a juvenile court determination that a current foster home placement is necessary and appropriate does not constitute a judicial determination on the merits of a service appeal, filed by a former foster parent, involving a change of placement decision; or
  - 5) the appellant has waived the right to a service appeal by abandoning his or her right, as defined in Section 337.160 ~~of this Part~~.
- b) The Administrator of the Administrative Hearings Unit shall give written notice of the decision to grant or deny the request for an appeal within ~~10~~<sup>ten</sup> calendar days of receipt of the request. If the Department finds that the issue is not an appealable issue under this Part, but may be appropriately heard through another appeal process (~~see~~<sup>refer to</sup> 89 Ill. Adm. Code 435, Administrative Appeals and Hearings), the Department shall forward the request for appeal to the proper hearing authority and notify the appellant of this action.

(Source: Amended at 40 Ill. Reg. 13608, effective September 18, 2016)

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- 1) Heading of the Part: Salvage Permits for Deer
- 2) Code Citation: 17 Ill. Adm. Code 750
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
750.10	Amendment
750.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26]
- 5) Effective Date of Rules: September 13, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 8690, July 1, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part has been amended to allow more timely recording of deer killed by motor vehicles, remove the mandate that a roadkill must have a salvage tag, clarify when a salvage tag is needed, and clarify that those requesting possession of roadkill or other salvage deer are not delinquent in child support.

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

Anne Mergen, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 750  
SALVAGE PERMITS FOR DEER

## Section

750.10	Deer Killed by a Motor Vehicle
750.20	Deer Killed by Other Methods
750.30	Additional Regulations

**AUTHORITY:** Implementing and authorized by Sections 1.4, 2.24 and 2.26 of the Wildlife Code [520 ILCS 5/1.4, 2.24 and 2.26].

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 759, effective September 4, 1980; emergency amendment at 5 Ill. Reg. 7259, effective July 1, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10646; amended at 5 Ill. Reg. 13215, effective November 16, 1981; amended at 6 Ill. Reg. 7394, effective June 11, 1982; amended at 11 Ill. Reg. 2262, effective January 20, 1987; amended at 14 Ill. Reg. 13519, effective August 10, 1990; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 8387, effective July 7, 1999; amended at 26 Ill. Reg. 4204, effective March 11, 2002; amended at 34 Ill. Reg. 7713, effective May 20, 2010; amended at 40 Ill. Reg. 13627, effective September 13, 2016.

**Section 750.10 Deer Killed by a Motor Vehicle**

A whitetail deer that is killed as a result of a collision with a motor vehicle may only be legally possessed by an individual if the following criteria are met:

- a) Only citizens of the State of Illinois who are not delinquent in child support may possess or transport whitetail deer that have been killed as a result of a collision with a motor vehicle. The driver of a motor vehicle involved in a vehicle-deer collision has priority in possessing the deer. There is no limit to the number of deer that may be possessed.
- b) Individuals who claim a deer killed in a vehicle collision shall report the possession of the road-kill deer to the Department of Natural Resources within 24 hours via the Department's website at [www.dnr.illinois.gov](http://www.dnr.illinois.gov) ~~www.dnr.state.il.us or~~

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~~report the possession of the road kill deer by telephoning (217)782-6431 no later than 4:30 p.m. on the next business day.~~ The individual claiming the deer must provide the following information:

- 1) date the deer was claimed;
  - 2) sex of the deer;
  - 3) if a male deer with antlers, how many points (antler projections measuring 1 inch or greater in length);
  - 4) if antlers are present, are they in velvet;
  - 5) if the deer is a fawn, are spots still present on the hide;
  - 6) is the deer hide all white or mostly white;
  - 7) location of the kill; and
  - 8) ~~if a tag is needed so the deer can be taken to a taxidermist or hide tanner;~~  
~~and~~
  - 9) full name, including middle initial, date of birth, customer ID number or Social Security Number, mailing address and telephone number.
- c) After making a report to the Department, the individual making the report will receive a Report ID from the Department.
- d) Individuals who claim a deer killed in a vehicle collision shall keep ~~at~~ the record of their report of the road-kill deer until deer parts are consumed or are no longer possessed by any person. The record must include the individual's Report ID. Upon request of a peace officer, individuals shall furnish the Report ID of any deer in their possession until they obtain a tag for taking the deer to a taxidermist or tannery or the deer and its parts are consumed or are no longer possessed by any person.
- ed) A salvage tag is not required for road-kill ~~Road-kill~~ deer. If a deer is taken to a will only require a tag if they are to be delivered to a commercial business for the purpose of taxidermy or tanning. The tag shall remain attached to the antler of

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~~any road kill deer that has at least one antler three inches or greater in length. In cases in which the deer does not have at least one antler that is three inches or greater in length, the tag shall be attached to the hide of the deer. The salvage tag shall remain attached to the deer as long as the head/antler or hide remains in a green or unprocessed state, or when in a commercial business for the purpose of taxidermy, or tanning or meat processing, the taxidermist, tannery or meat processor shall document the Report ID and a label attached to the deer must include the Report ID.~~

(Source: Amended at 40 Ill. Reg. 13627, effective September 13, 2016)

**Section 750.20 Deer Killed by Other Methods**

A whitetail deer that is killed by methods other than a collision with a vehicle may be legally possessed by an individual if the following criteria are met:

- a) Any individual finding a dead or crippled deer, other than those killed in a vehicle-deer collision or legally taken by hunting methods, shall not move, transport or take possession of the deer or deer parts until permission is obtained from a Conservation Police Officer or the DNR Regional Law Enforcement Office. Permission will be granted to transport if it is determined by an investigation that the person requesting possession is not delinquent in child support and did not illegally kill or injure the deer and the deer is not needed for evidentiary purposes.
- b) A salvage tag will be issued for the deer only after the person seeking to possess the deer has provided all information/materials required by Section 750.10(a) and (b) and any additional information requested by the DNR Regional Law Enforcement Office (e.g., photos of the antlers). When retained, the head/antler or hide shall be properly tagged with the salvage tag obtained from the Office of Law Enforcement~~an irremovable tag obtained from the Regional Law Enforcement Office~~. The tag shall remain attached to the antler of the deer that has at least one antler three inches or greater in length. In cases in which the deer does not have at least one antler that is three inches or greater in length, the tag shall be attached to the hide/leg of the deer carcass. The salvage tag shall remain attached to the deer until its parts are consumed or are no longer possessed by any person~~as long as the head/antler or hide/carcass remains in a green or unprocessed state, or when in a commercial business for the purpose of taxidermy, tanning or other processing. This tag can be discarded only after the deer has been preserved~~

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~~or processed for consumption and is at the legal residence of the person who legally took possession of the salvaged deer.~~

(Source: Amended at 40 Ill. Reg. 13627, effective September 13, 2016)

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- 1) Heading of the Part: Crossbow and Standing Vehicle Hunting Authorizations
- 2) Code Citation: 17 Ill. Adm. Code 760
- 3) Section Number: 760.21                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33]
- 5) Effective Date of Rule: September 13, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including all material incorporated by reference is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 8545; June 24, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of rulemaking: This Part is being amended to remove the maximum draw limit and allow the use of field tips for small game.
- 16) Information and questions regarding this adopted rule shall be directed to:

Daniel Nelson, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 760  
CROSSBOW AND STANDING VEHICLE  
HUNTING AUTHORIZATIONS

## Section

760.10	Issuance of Permits
760.20	Crossbow Permits
760.21	Crossbow Equipment Requirements
760.22	Crossbow Hunting Rules
760.30	Standing Vehicle Permits
760.40	Rejection of Application/Revocation of Permits

**AUTHORITY:** Implementing and authorized by Sections 2.25, 2.26 and 2.33 of the Wildlife Code [520 ILCS 5/2.25, 2.26 and 2.33].

**SOURCE:** Adopted at 24 Ill. Reg. 4950, effective March 13, 2000; amended at 24 Ill. Reg. 19178, effective December 18, 2000; amended at 25 Ill. Reg. 6899, effective May 21, 2001; amended at 25 Ill. Reg. 15585, effective November 21, 2001; amended at 32 Ill. Reg. 3294, effective February 25, 2008; amended at 34 Ill. Reg. 12862, effective August 20, 2010; emergency amendment at 36 Ill. Reg. 4428, effective March 7, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 11152, effective July 3, 2012; amended at 40 Ill. Reg. 13633, effective September 13, 2016.

**Section 760.21 Crossbow Equipment Requirements**

Crossbows used in hunting shall meet all of the following specifications:

- a) shall use a bowstring to propel the bolt or arrow and have a minimum peak draw weight of 125 pounds ~~and a maximum peak draw weight of 200 pounds;~~
- b) have a minimum length (from butt of stock to front of limbs) of 24 inches;
- c) have a working safety;

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- d) be used with fletched bolts or arrows of not less than 14 inches in length (not including point) ~~with a broadhead. Broadheads may have fixed or expandable blades, but they must be a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blade must be metal or flint, chert or obsidian napped; broadheads with expandable blades must be metal.~~ All other bows and arrows, including electronic arrow tracking devices utilizing radio telemetry, are illegal; and
- e) In accordance with 17 Ill. Adm. Code 530, flu flu arrows must be used on State-owned and -managed hunting areas for the taking of upland game.

(Source: Amended at 40 Ill. Reg. 13633, effective September 13, 2016)

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- 1) Heading of the Part: Issuance of Licenses
  - 2) Code Citation: 92 Ill. Adm. Code 1030
  - 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1030.5	Amendment
1030.6	Amendment
1030.7	Amendment
1030.17	Amendment
1030.25	Amendment
1030.89	Amendment
  - 4) Statutory Authority: 625 ILCS 5/2-104
  - 5) Effective Date of Rules: September 19, 2016
  - 6) Does this rulemaking contain an automatic repeal date? No
  - 7) Does this rulemaking contain incorporations by reference? No
  - 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
  - 9) Notices of Proposed published in the *Illinois Register*: 40 Ill. Reg. 8039, June 10, 2016
  - 10) Has JCAR issued a Statement of Objection to this rulemaking? No
  - 11) Difference between Proposal and Final Version: None
  - 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
  - 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><i>Illinois Register</i> Citations:</u> |
| 1030.90                 | Amendment                | 40 Ill. Reg. 10137; July 29, 2016          |
| 1030.7                  | Amendment                | 40 Ill. Reg. 10754; August 12, 2016        |

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1030.Appendix C	Amendment	40 Ill. Reg. 10754; August 12, 2016
1030.92	Amendment	40 Ill. Reg. 11246; August 26, 2016

- 15) Summary and Purpose of Rulemaking: The Secretary of State is implementing the central issuance of driver's licenses and ID cards. An applicant for a driver's license or ID card will visit a Secretary of State facility, complete an application and also required tests. A permanent driver's license or ID card will no longer be printed in the facility. However, the applicant will be issued a temporary driver's license or ID card printed on secure paper. After completion of fraud checks, the driver's license or ID card will be produced in a secure facility and mailed to the applicant. This procedure will reduce fraud and allow the Secretary of State to incorporate additional security features into the driver's license and ID card.

This rulemaking also extends the time period from 30 days to 45 days for an applicant to return to a facility to have his or her driver's license or ID card corrected if the card contains an error.

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

Jennifer Egizii  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield IL 62723

217/557-4462

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

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Driver's License
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements

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- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card
  
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

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SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4,

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2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23, 2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014;

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amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016.

**Section 1030.5 Procedure for Obtaining a Driver's License**

- a) A person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the State. An application form provided by the Secretary of State pursuant to IVC Section 6-106 shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services Facility employee with acceptable forms of identification provided in Appendix B establishing the applicant's name, date of birth, signature for comparison, Illinois residency and social security number. A person who wishes to obtain a CDL must provide proof of citizenship or lawful permanent residency or obtain a non-domiciled CDL.
- b) The applicant shall take the following tests as required in IVC Section 6-109:
  - 1) A vision test as provided in Sections 1030.70 and 1030.75;
  - 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
  - 3) A written test, if required, as provided in Section 1030.80.
- c) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and until the applicant has, in accordance with IVC Section 6-107(b):
  - 1) Held a valid instruction permit for a minimum of 9 months;
  - 2) Passed an approved driver education course and submitted proof of having

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passed the course as may be required;

- 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury, that everything contained within the certification is true and correct.
- d) Applicants who are 18, 19 or 20 years of age who have not previously been licensed and who have not successfully completed an approved driver education course or the classroom portion of an approved driver education course shall not be issued a driver's license unless the applicant has successfully completed an adult driver education course offered by an adult driver education course provider and proof of that completion has been submitted to the Secretary by the adult driver education course provider.
- e) A driver's license applicant shall have his/her photograph taken unless exempted by Section 1030.90. ~~A driver's license shall be issued upon completion of all the requirements of this Section and IVC Chapter 6.~~
- f) A temporary driver's license shall be issued at the facility upon completion of all the requirements of this Section and IVC Chapter 6. Upon successful completion of verification by the Secretary of State, which may include, but is not limited to, a facial recognition check of the applicant's image against the Secretary of State image database, verification of residency and social security number, the applicant shall be mailed a driver's license to the address provided by the applicant.
- gf) The fees collected for the issuance of an original, renewal, duplicate or corrected driver's license shall be in accordance with IVC Section 6-118.

(Source: Amended at 40 Ill. Reg. 13637, effective September 19, 2016)

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**Section 1030.6 Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)**

- a) Any foreign national who wishes to obtain a temporary visitor's driver's license (TVDL), pursuant to IVC Section 6-105.1(a), shall go to one of the designated TVDL Secretary of State Driver Services Facilities located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A. The applicant shall also provide a Driver Services Facility employee with acceptable forms of identification described in Appendix B to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government-issued photo identification document and shall affirm under penalty of perjury that he/she is at the time of application ineligible for a social security number.
- b) A TVDL shall only be issued to an individual who is authorized to reside in this country for one or more years and has at least six months of authorized presence remaining at the time of application. Individuals currently holding a TVDL who have been granted a temporary extension to remain in this country pending a decision on a request for a status change, upon presentation of documents issued by USCIS, may be issued a TVDL for the period of the temporary extension.
- c) The applicant shall take the following tests as required in IVC Section 6-109:
  - 1) A vision test as provided in Sections 1030.70 and 1030.75;
  - 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
  - 3) A written test, if required, as provided in Section 1030.80.
- d) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a TVDL without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and, in accordance with IVC Section 6-107(b), the applicant has:

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- 1) Held a valid instruction permit for a minimum of 9 months;
  - 2) Passed an approved driver education course and submitted proof of having passed the course as may be required;
  - 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury that everything contained within the certification is true and correct.
- e) Applicants who are 18, 19 or 20 years of age who have not previously been licensed and who have not successfully completed an approved driver education course or the classroom portion of an approved driver education course shall not be issued a TVDL unless the applicant has successfully completed an adult driver education course offered by an adult driver education course provider and proof of that completion has been submitted to the Secretary by the adult driver education course provider.
- f) A TVDL applicant shall have his/her photograph taken, unless exempted by Section 1030.90.
- g) A TVDL shall only be issued in Class D, L or M, as established in Section 1030.30.
- h) A temporary driver's license shall be issued at the facility upon completion of all the requirements of this Section and IVC Chapter 6. Upon successful completion of verification by the Secretary of State, which may include, but is not limited to, a facial recognition check of the applicant's image against the Secretary of State image database and verification of residency, the applicant shall be mailed a driver's license to the address provided by the applicant.~~A TVDL shall not be issued to the applicant at the Secretary of State Driver Services facility, but shall~~

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~~be centrally issued and mailed to the applicant at the address provided on the TVDL application. A dated receipt shall be issued to the applicant.~~

- i) Each original TVDL shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is earlier. Except, the TVDL of an individual 81 years of age or older shall expire in accordance with IVC Section 6-115(g) or at the time the individual's authorization to remain in this country expires, whichever is earlier.
- j) Each renewal TVDL shall expire no more than 3 years from the expiration date of the current license or at the time the individual's authorization to remain in this country expires, whichever is earlier. Except, the TVDL of an individual 81 years of age or older shall expire in accordance with IVC Section 6-115(g) or at the time the individual's authorization to remain in this country expires, whichever is earlier.
- k) The fees collected for the issuance of an original, renewal, duplicate or corrected TVDL shall be in accordance with IVC Section 6-118.
- l) Any person who wishes to renew a TVDL shall go to one of the designated Secretary of State Driver Services Facilities located throughout the State no more than 90 days prior to the expiration date of the current TVDL. An applicant for renewal shall comply with the provisions of subsection (a) of this Section. The applicant shall also be retested in accordance with IVC Section 6-109.
- m) The Secretary of State shall not send a renewal notice to the holder of a TVDL.
- n) The design and content of a TVDL shall be in accordance with IVC Sections 6-105.1 and 6-110 and Section 1030.90. The license shall be distinctive in nature to identify it as a TVDL and shall contain the phrase "not valid for identification".
- o) Each TVDL issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1). A TVDL issued to an individual under the age of 21 years shall expire 3 years from the issue date or at the time the individual's authorization to remain in this country expires, whichever is earlier.
- p) A foreign national who is issued a TVDL shall not be required to surrender his/her foreign country driver's license.

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- q) A Central Unit will be established within the Driver Services Department. The responsibilities of this Central Unit shall be to provide assistance to Driver Services Facility employees responsible for the issuance of a TVDL and to individuals applying for a TVDL; resolve cases in which the USCIS was unable to provide first level verification of USCIS documents, via the Systematic Alien Verification for Entitlements (SAVE) Program, presented by TVDL applicants at the Driver Services Facility level; perform liaison services to USCIS; and provide written notification of an applicant's eligibility or ineligibility for a TVDL.
- 1) When an applicant appears at one of the designated Driver Services Facilities and provides the necessary documents to prove identity and legal presence, a facility employee will begin the process by initiating an automated inquiry via the SAVE Program to verify the information on the USCIS documents. Upon receipt of a verification response from the SAVE Program, the facility employee will begin the TVDL application process. If the facility employee receives the response of "initiate additional verification", additional information is submitted to USCIS via the SAVE Program and copies of the applicant's documents are forwarded to the Central Unit for monitoring. The applicant will be advised that he or she will receive written notification from the Central Unit regarding his or her eligibility for a TVDL.
  - 2) A response to a second request for verification of USCIS documents via the SAVE Program generally takes 3 to 5 days. Upon receipt of a response from the second verification request via the SAVE Program, the Central Unit will send a letter to the applicant informing the applicant of eligibility or ineligibility for a TVDL.
  - 3) If the Central Unit receives a response of "Need Copies of Docs" from USCIS via the SAVE Program, a third, manual verification process must be completed. This requires photocopies of the documents submitted for identification, accompanied by a USCIS G-845 Form (request for verification of documentation of alien status), to be forwarded to USCIS in Chicago, Illinois. Upon receipt of a written response from USCIS, the Central Unit will send a letter to the applicant informing the individual of eligibility or ineligibility for a TVDL.

(Source: Amended at 40 Ill. Reg. 13637, effective September 19, 2016)

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**Section 1030.7 Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)**

- a) An applicant who wishes to obtain an original TVDL, renew a TVDL, or obtain a corrected TVDL, pursuant to IVC Section 6-105.1(a-5), must make an appointment, via telephone or the Secretary of State's official website, to visit one of the designated TVDL Secretary of State Driver Services Facilities located throughout the State. The Secretary of State will limit to 3 the number of appointments that may be made by any one individual or entity or from any one internet protocol address within a 24-hour period, except that the limit of 3 appointments may be waived by the Secretary of State for not-for-profit entities that assist the affected public in scheduling appointments. In the event the Secretary discovers appointments have been made in violation of a policy limiting the number of appointments within a 24-hour period, the Secretary may cancel the appointments exceeding the maximum number allowed. Based on the operational needs of the office, the Secretary may eliminate the requirement for appointments. An applicant who wishes to obtain a duplicate TVDL shall visit any TVDL facility located throughout the State. An application form, provided by the Secretary of State pursuant to IVC Section 6-106, shall be completed by the applicant. The questions contained on the application form are provided in Appendix A.
- b) An applicant for an original, renewal, duplicate or corrected TVDL shall provide acceptable forms of identification as defined in Appendix C to establish the applicant's name, date of birth, signature for comparison, current Illinois residence address, and residency in Illinois for a period in excess of one year. The applicant shall affirm under penalty of perjury that he/she is at the time of application ineligible to obtain a social security number and shall submit either a valid, unexpired passport for the applicant's country of citizenship or a valid, unexpired consular identification document, as defined by Section 5 of the Consular Identification Document Act [5 ILCS 230/5], issued by the consulate of the applicant's country of citizenship and, if a new applicant, must submit a completed verification of residency form.
- c) The applicant shall take the following tests as required in IVC Section 6-109:
  - 1) A vision test as provided in Sections 1030.70 and 1030.75;

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- 2) A road test, if required, as provided in Section 1030.85 (exemptions to the road test requirement are provided in Section 1030.88); and
  - 3) A written test, if required, as provided in Section 1030.80.
- d) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a TVDL without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and, in accordance with IVC Section 6-107(b), the applicant has:
- 1) Held a valid instruction permit for a minimum of 9 months;
  - 2) Passed an approved driver education course and submitted proof of having passed the course as may be required;
  - 3) Submitted, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The person completing the certification shall, upon signing the certification, swear under penalty of perjury that everything contained within the certification is true and correct.
- e) Applicants who are 18, 19 or 20 years of age who have not previously been licensed and who have not successfully completed an approved driver education course or the classroom portion of an approved driver education course shall not be issued a TVDL unless the applicant has successfully completed an adult driver education course offered by an adult driver education course provider and proof of that completion has been submitted to the Secretary by the adult driver education course provider.
- f) A TVDL applicant shall have his/her photograph taken, unless exempted by Section 1030.90.

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- g) A TVDL shall only be issued in Class D, L or M, as established in Section 1030.30.
- h) A temporary driver's license shall be issued at the facility upon completion of all the requirements of this Section and IVC Chapter 6. Upon successful completion of verification by the Secretary of State, which may include, but is not limited to, a facial recognition check of the applicant's image against the Secretary of State image database and verification of residency, the applicant shall be mailed a driver's license to the address provided by the applicant.~~A TVDL shall not be issued to the applicant at the Secretary of State Driver Services facility, but shall be centrally issued and mailed to the applicant at the address provided on the TVDL application. A dated receipt shall be issued to the applicant.~~
- i) Each original TVDL shall expire 3 years from the date of issuance, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).
- j) An applicant for a renewal TVDL shall be retested in accordance with IVC Section 6-109.
- k) Each renewal TVDL shall expire no more than 3 years from the expiration date of the current license, except that a TVDL issued to an applicant 81 years of age or older shall expire in accordance with IVC Section 6-115(g).
- l) The Secretary of State shall not send a renewal notice to the holder of a TVDL.
- m) The design and content of a TVDL shall be in accordance with IVC Sections 6-105.1 and 6-110 and Section 1030.90. The license shall be distinctive in nature to identify it as a TVDL and shall contain the phrase "not valid for identification".
- n) The design and content of a TVDL issued to applicants under 21 years of age shall be in accordance with IVC Sections 6-107.3 and 6-110(e) and (e-1).
- o) The fees collected for the issuance of an original, renewal, duplicate or corrected TVDL shall be in accordance with IVC Section 6-118.

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- p) An applicant for a TVDL that is male and is between the ages of 18 and 25 is not exempt from the requirement to register with the United States Selective Service System, in accordance with IVC Section 6-106.

(Source: Amended at 40 Ill. Reg. 13637, effective September 19, 2016)

**Section 1030.17 Errors in Issuance of Driver's License/Cancellation**

- a) In the event of a driver's license issuance error or administrative error, the Department shall provide the driver with written notice of his/her obligation to appear at a Driver Services Facility for issuance of a corrected driver's license without further testing pursuant to IVC Section 6-207. The Department shall allow the driver at least five but no more than ~~45~~30 days from the notice date to obtain a corrected driver's license at no fee. No extension shall be granted to the driver, except upon receipt of a confirmed medical emergency.
- b) A driver who obtains a corrected driver's license shall be in compliance with the Department's request and shall be allowed to retain driving privileges.
- c) Refusal or neglect to obtain a corrected driver's license within the specified period shall result in the cancellation of driving privileges pursuant to IVC Sections 6-201(a)(1) and 6-207(b).
- d) Any driver whose driver's license is canceled pursuant to this Section will be allowed to obtain a corrected driver's license without re-testing or paying an additional fee, if the driver is not otherwise ineligible.
- e) An order rescinding the cancellation shall be entered on the record of the driver who obtains a corrected or renewed driver's license.

(Source: Amended at 40 Ill. Reg. 13637, effective September 19, 2016)

**Section 1030.25 Safe Driver License Renewals**

- a) The Department may centrally issue a driver's license renewal to an applicant who is not otherwise ineligible for a driver license and meets the eligibility criteria for renewal through the Safe Driver Renewal Program. Eligible applicants are sent a Safe Driver Renewal notice indicating current eligibility for the program, by mail, approximately 90 days prior to the expiration of their current driver's license.

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- b) Safe Driver Renewal applicants may renew their driver's license by making application by mail, Internet, or telephone. Applicants who are no longer eligible due to a change in their driving record will be denied at time of application through the Internet and telephone and shall be instructed to appear at a driver's license facility. Applicants who are no longer eligible at time of renewal who have submitted the application by mail will have their application and fee returned, with the reason of ineligibility, and shall be directed to appear at a driver's license facility.
- c) A driver is not eligible for Safe Driver Renewal if any of the following apply:
- 1) The driver is the holder of a Commercial Driver's License;
  - 2) The driving record contains a withdrawal action;
  - 3) The driver is under the age of 22 or greater than the age of 74;
  - 4) The driver's license has been expired over one year;
  - 5) The driver's last renewal was completed through the Safe Driver Renewal program;
  - 6) The driver's license expiration is greater than one year;
  - 7) The driver is required to submit a medical or vision specialist report;
  - 8) The driving record contains a conviction;
  - 9) The driver holds a school bus driver permit;
  - 10) The driving record contains a disposition of court supervision;
  - 11) The driving record indicates the driver has been involved in a property damage, personal injury, or fatal accident;
  - 12) The driver holds a restricted local license;

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- 13) The driver is less than 26 years of age and has not met his Selective Service obligation;
  - 14) The driver holds a Temporary Visitor's Driver's license;
  - 15) The driver's social security number has not been verified through the Social Security On-line Verification System;
  - 16) The driver must meet the reporting requirements of the Sex Offender Registration Act;
  - 17) The driver's file does not contain a suitable image.
- d) By submission of a Safe Driver Renewal application, the driver affirms that:
- 1) The driver has not been issued corrective lenses (eyeglasses/contacts) for driving since his or her last renewal.
  - 2) The driver's license or privilege to obtain a license is not suspended, revoked, cancelled or refused in this or any other state.
  - 3) The driver does not presently hold a valid driver's license in any other state.
  - 4) The driver's license is not being held by a court in lieu of bail.
  - 5) The driver does not have any condition that might cause a temporary loss of consciousness.
  - 6) The driver has no mental or physical condition that might interfere with safe driving.
  - 7) The driver does not use any drugs, including prescription medication, or alcohol to an extent that they impair driving ability.
  - 8) A court has not found the driver to have a mental disability or disease or a court has not committed the driver to a mental health facility.
  - 9) The driver's legal name or gender has not changed.

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- e) The fees collected for the issuance of a driver's license shall be in accordance with IVC Section 6-118 except that a processing fee will be charged by the service provider for applications received by telephone and Internet.
- f) If the renewal applicant does not receive the driver's license by mail, he/she may be issued ~~one~~ duplicate driver's license, at no fee, provided the driver makes application for a duplicate within 90 days after the date of the renewal application, ~~and the driver's license was not returned to the Department as undeliverable. If a centrally issued driver's license is returned to the Department by the U.S. Post Office as undeliverable, the applicant shall be required to appear at a driver services facility with two forms of proof of residence address as outlined in Appendix B. The applicant shall be charged the fee for a corrected license as set forth in IVC Section 6-118 if a change is required upon submission of the residence address documents.~~

(Source: Amended at 40 Ill. Reg. 13637, effective September 19, 2016)

**Section 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits**

- a) The Department shall issue a temporary driver's license or instruction permit to an applicant who is not otherwise ineligible for a driver's license or instruction permit if the Driver Services Facility representative is unable to produce a driver's license or instruction permit due to an equipment failure or the facility lacks the equipment needed to produce a driver's license or instruction permit, or if a required drive test at the time of renewal cannot be completed due to adverse road conditions that would make administration of the examination more difficult or unsafe, as determined by the facility manager. A temporary driver's license is also issued by a Driver Services Facility representative if the applicant does not wish a photo to be taken at the time the license is obtained or renewed due to facial disfigurement, or if the applicant is waiting for a non-photo driver's license application to be processed.
- b) Temporary License or Permit upon Application by Driver
  - 1) Persons who submit an application as required by IVC Section 6-106 and a fee as required by IVC Section 6-118(a) to the Driver Services Department of the Office of Secretary of State, 2701 South Dirksen Parkway, Springfield, Illinois 62723, and are not otherwise ineligible for a

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driver's license or instruction permit under the provisions of IVC Section 6-103, shall be issued a temporary driver's license or instruction permit if the applicant:

- A) loses a valid Illinois driver's license while out-of-state;
  - B) is temporarily out-of-state and unable to return to Illinois to renew the driver's license;
  - C) surrendered a valid Illinois driver's license in compliance with a terminated suspension notice and has a revocation or second or subsequent suspension pending; or
  - D) has a pending suspension or revocation of driving privileges that will be effective in 60 days or less and wishes to renew driving privileges prior to the effective date of the suspension or revocation.
- 2) The applicant shall be issued a temporary driver's license or instruction permit that is valid for up to 90 days. No extension past the expiration date shall be allowed. If the applicant has not returned to Illinois by the date of expiration of the temporary driver's license, arrangements must be made for the applicant to take the necessary test or tests at an out-of-state facility.
- 3) A temporary driver's license or temporary instruction permit shall not be issued pursuant to this Section to a TVDL or temporary visitor instruction permit holder or applicant.
- c) All applicants who receive a temporary driver's license or instruction permit in lieu of a driver's license or instruction permit must show proof of legal name, a valid social security number, zip code, date of birth, gender and residence address as described in IVC Section 6-106. The applicant shall affirm that all information set forth on the application is true and correct and bears the applicant's signature.
- d) Temporary driver's licenses or instruction permits shall be issued for a period of time not to exceed 90 days and shall be valid only when in the possession of the driver.

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- e) A temporary driver's license or instruction permit shall be invalid after the person receives his/her driver's license, has been refused a driver's license or has had driving privileges suspended, revoked or canceled.
- f) A temporary driver's license or instruction permit, [issued pursuant to this Section](#), shall not be valid for identification purposes and shall so state on the license or permit itself.
- g) The temporary driver's license or instruction permit, [issued pursuant to this Section](#), shall be issued only for the time period that the temporary license or instruction permit is actually needed, but shall not be issued for more than 90 days.

(Source: Amended at 40 Ill. Reg. 13637, effective September 19, 2016)

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- 1) Heading of the Part: Programs for the Preparation of Principals in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 30
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
30.10	Amendment
30.80	Amendment
- 4) Statutory Authority: 105 ILCS 5/21B-60
- 5) Effective Date of Rules: September 15, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 6743; April 29, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested and no agreements were issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: In March, the State Board of Education considered changes in 23 Illinois Administrative Code 25 that address the process to be used to approve educator preparation providers and programs (see Subpart C of that rulemaking). Included in the proposed changes to Part 25 was a reorganization of Subpart C that shifted the requirements for program approval from Section 25.145 to

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Section 25.120. Since Part 30 refers to the process for educator preparation program approval, it needs to be updated to include the correct cross-reference.

An additional change is being proposed in Section 30.10 in order to broaden the type of staff available to mentor a principal candidate, provided that person assigned has the requisite experience, as stated in the definition, to meet the requirement to serve as a mentor.

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

Lindsay M. Bentivegna  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield IL 62777

217/782-5270

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

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## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 30

## PROGRAMS FOR THE PREPARATION OF PRINCIPALS IN ILLINOIS

## Section

30.10	Definitions
30.20	Purpose and Applicability
30.30	General Program Requirements
30.40	Internship Requirements
30.45	Assessment of the Internship
30.50	Coursework Requirements
30.60	Staffing Requirements
30.70	Candidate Selection
30.80	Program Approval and Review

## 30.APPENDIX A Internship Assessment Rubric

**AUTHORITY:** Implementing and authorized by Section 21B-60 of the School Code [105 ILCS 5/21B-60].

**SOURCE:** Old Part repealed at 29 Ill. Reg. 18439, effective October 31, 2005; new Part adopted at 35 Ill. Reg. 9060, effective June 1, 2011; amended at 36 Ill. Reg. 6819, effective April 23, 2012; amended at 37 Ill. Reg. 4258, effective March 25, 2013; amended at 38 Ill. Reg. 11360, effective May 6, 2014; amended at 39 Ill. Reg. 4009, effective February 24, 2015; amended at 40 Ill. Reg. 3055, effective January 27, 2016; amended at 40 Ill. Reg. 13658, effective September 15, 2016.

**Section 30.10 Definitions**

As used in this Part:

"Adjunct faculty" means part-time faculty who are not full-time employees of the institution.

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"Dispositions" means professional attitudes, values and beliefs demonstrated through both verbal and nonverbal behaviors as educators interact with students, families, colleagues and communities.

"Educational unit" means the college, school, department or division of an institution or not-for-profit entity that is primarily responsible for the initial and continuing preparation of teachers and other education professionals.

"Faculty" means either professional education staff employed at an institution or staff members employed by not-for-profit entities in principal preparation programs who provide instruction to candidates.

"Faculty Supervisor" means a faculty member employed on a full-time or part-time basis in a principal preparation program who supervises candidates during the internship period.

"Internship" means a candidate's placement in public or nonpublic schools for a sustained, continuous, structured and supervised experience lasting no more than 24 months, during which the candidate engages in experiences and leadership opportunities to demonstrate proficiencies in required competencies expected of a principal. (Also see Section 30.40(g).)

"Institution" means a regionally accredited institution of higher learning as specified in Section 21B-105 of the School Code [105 ILCS 5/21B-105]. (Also see 23 Ill. Adm. Code 25.10 (Accredited Institution).)

"Mentor" means the principal of the public or nonpublic school in which a candidate is placed who works directly with the candidate on the day-to-day activities associated with the principal's role as the school leader. Individuals employed as a superintendent, assistant superintendent or director of special education [or in a similar administrative position](#) who hold a valid and current professional educator license endorsed for general administrative, principal, superintendent or director of special education may serve as a mentor for the candidate, provided that the individual is assigned to the location where the internship is conducted and possesses at least two years of experience relevant to the role of a principal.

"Nonpublic school" means a school recognized in accordance with 23 Ill. Adm. Code 425 (Voluntary Registration and Recognition of Nonpublic Schools) and

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meeting the staffing requirements set forth in 23 Ill. Adm. Code 25.65(a)(2)(B) (Alternative Certification).

"Not-for-profit entity" means an entity that is subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or incorporated as a not-for-profit entity in another state but registered to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5] and that is recognized to provide an educator preparation program in the State of Illinois pursuant to 23 Ill. Adm. Code 25.Subpart C (Approving Programs that Prepare Professional Educators in the State of Illinois).

"Partner" means one or more institutions, not-for-profit entities, school districts or nonpublic schools that jointly design, implement and administer the principal preparation program. For the purposes of this Part, "partners" do not include school districts and their schools or nonpublic schools that serve only as sites for candidates to complete internship requirements or field experiences.

"Program completers" means persons who have met all the requirements of a State-approved principal preparation program established pursuant to Section 21B-60 of the School Code [105 ILCS 5/21B-60] and this Part and who have fulfilled the requirements for receipt of a principal endorsement set forth in Section 21B-25 of the School Code [105 ILCS 5/21B-25] and 23 Ill. Adm. Code 25.337 (Principal Endorsement).

(Source: Amended at 40 Ill. Reg. 13658, effective September 15, 2016)

**Section 30.80 Program Approval and Review**

- a) A program seeking approval shall follow the procedures set forth in 23 Ill. Adm. Code ~~25.12025.145~~ (Approval of Educator Preparation~~New~~ Programs by the State Board of Education~~within Recognized Institutions~~).
- b) In addition to meeting the requirements of 23 Ill. Adm. Code ~~25.12025.145~~, the program proposal required to be submitted as part of the request for approval shall specify how the program will meet the requirements set forth in this Part, as well as address each of the following:
  - 1) The guidance to be developed to ensure that faculty supervisors effectively assist candidates to optimize their experiences during the internship;

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- 2) The roles and responsibilities of candidates and faculty supervisors;
- 3) Employment criteria used in selecting and evaluating adjunct faculty;
- 4) The process the institution or not-for-profit entity will use to communicate with the faculty supervisor and candidate;
- 5) Any additional requirements for admission to the program that the institution or not-for-profit entity will impose;
- 6) A description of the rubric the program will use to assess and evaluate the quality of a candidate's portfolio required under Section 30.70;
- 7) The competencies, to include those specified in Section 30.45(a), expected of candidates who complete the program and how those expectations will be communicated to the candidate upon his or her admittance to the program;
- 8) The activities to meet the expectations embedded in the critical success factors specified in Section 30.45(b) that will be required of candidates for completion of the program and how these activities and expectations will be communicated to the candidate upon his or her admittance to the program;
- 9) A copy of the partnership agreement or agreements and a description of the partners' involvement in the development of the program, a description of the roles each partner will have, and information on how the partnership will continue to operate and how it will be evaluated;
- 10) A copy of any agreements with school districts or nonpublic schools (other than those participating in the partnership) that will serve as sites for the internship or field experiences;
- 11) A description of each course proposed and the internship, to include:
  - A) a course syllabus;

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- B) how progress will be measured and successful completion will be determined;
  - C) a data table that demonstrates each course's, and the internship's, alignment to the ISLLC 2008 standards (see Section 30.30(c)); and
  - D) for individual courses, a detailed description of any field experiences required for course completion;
- 12) Copies of assessments and rubrics to be used in the program, including but not limited to samples of scenarios to which a candidate must provide a written response and interview questions for selection in the program and any additional assessments to be used for the internship beyond what is required under Section 30.45;
- 13) A description of the coursework for candidates and training to be provided for faculty members relative to the evaluation of licensed staff under Article 24A of the School Code [105 ILCS 5/Art. 24A];
- 14) A letter signed by the chief administrator of the institution and/or the not-for-profit entity, stating its commitment to hiring additional full-time faculty if enrollment in the program increases; and
- 15) A complete description of how data on the program will be collected, analyzed, and used for program improvement, and how these data will be shared with the educational unit or not-for-profit entity and the partnering school district or nonpublic school.
- c) A request for program approval shall be submitted to the State Superintendent for consideration (see 23 Ill. Adm. Code [25.120\(a\)](#)~~25.145(b)~~). The State Superintendent shall provide a complete request to the Principal Preparation Review Panel for its review and recommendation as to whether the program should be approved. The panel, to be appointed by the State Superintendent, shall consist of:
- 1) two individuals holding current and valid Illinois professional educator licenses endorsed in a teaching field, or, until June 30, 2019, school support personnel area, and currently employed in Illinois public schools;

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- 2) four individuals holding current and valid professional educator licenses endorsed for principal or general administrative, and currently employed as principals in Illinois public schools;
  - 3) two individuals holding current and valid professional educator licenses endorsed for superintendent pursuant to 23 Ill. Adm. Code 25.365 or 25.360, as applicable, and currently employed as superintendents in Illinois public schools;
  - 4) two individuals from institutions of higher education in Illinois that have a recognized educational unit approved for the provision of educator preparation programs pursuant to 23 Ill. Adm. Code 25.Subpart C, one of whom shall be from a public institution and one of whom shall be from a nonpublic institution;
  - 5) one licensed staff member currently employed in a school district in any city in Illinois having a population exceeding 500,000; and
  - 6) one individual representing the Illinois business community. If the individual appointed is unable to attend all meetings, he or she may request that an alternate be appointed to attend in his or her absence.
- d) The Principal Preparation Review Panel shall acknowledge receipt of the request for approval within 30 days after receipt. Based upon its review, the Panel may:
- 1) issue a recommendation to the SEPLB that the principal preparation program be approved; a copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant; or
  - 2) issue a recommendation to the SEPLB that the principal preparation program be denied, including the reasons for the recommended denial; a copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant.
- e) An institution or not-for-profit entity may withdraw its request for approval by notifying the State Superintendent of Education of its intent to withdraw no later than 15 days after it receives notification of the Principal Preparation Review Panel's recommendation.

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- f) Actions following upon the recommendation of the SEPLB shall be as described in 23 Ill. Adm. Code 25.160 (Notification of Recommendations; Decisions by State Board of Education).
- g) An approved principal preparation program shall be subject to the review process set forth in 23 Ill. Adm. Code 25.Subpart C.

(Source: Amended at 40 Ill. Reg. 13658, effective September 15, 2016)

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- 1) Heading of the Part: Programs for the Preparation of Superintendents in Illinois
- 2) Code Citation: 23 Ill. Adm. Code 33
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
33.40	Amendment
33.70	Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) Effective Date of Rules: September 15, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 6752; April 29, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: When Part 33 was codified, the Section labeling was not correct. Section 33.40(a)(1)(A)(1) and 33.40(a)(1)(A)(2) have been changed to 33.40(a)(1)(A)(i) and 33.40(a)(1)(A)(ii). Section 40 was added after proposal.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested and no agreements were issued.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of this Rulemaking: In March, the State Board of Education considered changes in 23 Illinois Administrative Code 25 that address the process to be used to approve educator preparation providers and programs (see Subpart C of that rulemaking). Included in the proposed changes to Part 25 was a reorganization of

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Subpart C that shifted the requirements for program approval from Section 25.145 to Section 25.120. Since Part 33 refers to the process for educator preparation program approval, it needs to be updated to include the correct cross-reference.

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

Lindsay M. Bentivegna  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street, S-493  
Springfield IL 62777

217/782-5270

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

## STATE BOARD OF EDUCATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

## PART 33

## PROGRAMS FOR THE PREPARATION OF SUPERINTENDENTS IN ILLINOIS

## Section

33.10	Definitions
33.20	Purpose and Applicability
33.30	General Program Requirements
33.40	Internship Requirements
33.45	Assessment of the Internship
33.50	Coursework Requirements
33.60	Candidate Selection
33.70	Program Approval and Review
33.APPENDIX A	Competencies for Superintendents
33.APPENDIX B	Standard 2: Required Assessments
33.APPENDIX C	Standard 2: Assessment Rubric

AUTHORITY: Implementing Section 21B-25 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/21B-25 and 2-3.6].

SOURCE: Adopted at 38 Ill. Reg. 18948, effective September 8, 2014; amended at 39 Ill. Reg. 6668, effective April 27, 2015; amended at 40 Ill. Reg. 13667, effective September 15, 2016.

**Section 33.40 Internship Requirements**

- a) The internship portion of the program shall be conducted at one or more public school districts so as to enable the candidate to be exposed to and to participate in a variety of educational leadership situations in settings that represent diverse economic and cultural conditions and involve interaction with various members of the school community (e.g., parents, school board members, local school councils or other governing councils, community partners).
  - 1) The internship shall consist of the following components:

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- A) Engagement in leadership activities at all grade levels (i.e., preschool through grade 12), that focus on creating, evaluating, selecting, supervising and monitoring high-quality and rigorous curricular, instructional, assessment and financial resources designed to:
    - ~~i1)~~ increase achievement of students in general education, special education, bilingual education and gifted education settings; and
    - ~~ii2)~~ contribute to school improvement;
  - B) Active participation in the hiring, supervision and evaluation of administrators, teachers, other licensed staff and nonlicensed staff, as applicable, and development of professional development plans aligned to the goals of the district improvement plan;
  - C) Active participation in management and operational activities (e.g., strategic or long-range planning, policies and procedures, budgeting and financial management, facilities maintenance) that promote efficiency and a safe and healthy environment; and
  - D) Active collaboration with administrators, faculty, families and communities that results in decision-making that has legal and ethical bases.
- 2) The internship shall require the candidate to work directly with administrators and others in the school district's primary office and to participate and take the lead in specific tasks related to meeting the competencies referenced in Appendix A.
- b) Internship Site
- 1) A public school district may serve as an internship site if the superintendent:
    - A) holds a valid and current professional educator license endorsed for superintendent issued pursuant to 23 Ill. Adm. Code 25.355 or 25.360; or

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- B) if the internship site is located in another state, holds a valid and current license that is comparable to the required Illinois professional educator license endorsed for superintendent issued by the state in which the internship site is located.
  - 2) The provisions of subsection (b)(1) do not apply to a school district authorized under Article 34 of the School Code.
  - 3) In all cases, the superintendent shall have two years of successful experience in that position as evidenced by relevant data and formal evaluations or letters of recommendation from former supervisors that reflect achievement of the competencies set forth in Appendix A.
- c) The school district superintendent shall serve as the internship supervisor for that portion of the program.
- 1) Each internship supervisor shall meet the following qualifications:
    - A) hold a valid and current professional educator license endorsed for superintendent or a valid and current license that is comparable to the required Illinois professional educator license endorsed for superintendent issued by the state in which the internship site is located; and
    - B) have served at least two years on a full-time basis as a superintendent, except that a first-year superintendent may serve as the internship supervisor if that individual was hired after the candidate started the internship in the respective school district.
  - 2) Each internship supervisor shall:
    - A) assign the candidate to the administrative staff whose duties and responsibilities are most closely aligned to the particular leadership skills and experiences being assessed; however, the internship supervisor shall retain supervisory authority and oversight for the candidate's progress;

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- B) observe, evaluate and provide feedback to each candidate about the candidate's performance; and
  - C) work in collaboration with other personnel with whom the candidate has been assigned to complete the assessment of the candidate's performance during the internship as required pursuant to Section 33.45.
- d) Programs shall ensure that each candidate:
- 1) successfully completes the training and passes the assessment required under Section 24A-3 of the School Code [105 ILCS 5/24A-3] prior to licensure, or before the candidate evaluates staff, should evaluations be included as a component of the preparation program, whichever occurs first; and
  - 2) passes the applicable content-area test (see 23 Ill. Adm. Code 25.710 (Definitions)) prior to receipt of endorsement.
- e) Programs may charge fees of candidates, in addition to tuition, to be used to reimburse school districts for the costs of employing substitute administrators for candidates who are full-time administrators and must be absent from their school districts in order to complete internship activities.
- f) Programs may provide monetary stipends for candidates while they are participating in their internship.
- g) A program may extend the length of an internship beyond the expected date of completion for any candidate who has to discontinue the internship portion of the program due to unforeseen circumstances, such as a medical or family emergency, provided that the program adopts procedures for requesting the exemption, the specific reasons under which the exemption would be granted, and the length of time within which a candidate must resume the internship. A copy of the policy shall be provided to each candidate who enrolls in the program.

(Source: Amended at 40 Ill. Reg. 13667, effective September 15, 2016)

**Section 33.70 Program Approval and Review**

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## NOTICE OF ADOPTED AMENDMENTS

- a) A program seeking approval shall follow the procedures set forth in 23 Ill. Adm. Code ~~25.12025.145~~ (Approval of Educator Preparation New Programs by the State Board of Education~~within Recognized Institutions~~).
- b) In addition to meeting the requirements of 23 Ill. Adm. Code ~~25.12025.145~~, the program proposal required to be submitted as part of the request for approval shall specify how the program will meet the requirements set forth in this Part, as well as address each of the following:
- 1) The guidance to be developed to ensure that internship supervisors effectively assist candidates to optimize their experiences during the internship;
  - 2) The roles and responsibilities of candidates and internship supervisors;
  - 3) The process the institution or not-for-profit entity will use to communicate with the internship supervisor and candidate;
  - 4) Any additional requirements for admission to the program that the institution or not-for-profit entity will impose;
  - 5) A description of the rubric the program will use to assess and evaluate the quality of a candidate's portfolio required under Section 33.60;
  - 6) The competencies, to include those specified in Appendix A, expected of candidates who complete the program and how those expectations will be communicated to the candidate upon his or her admittance to the program;
  - 7) The activities to meet the expectations embedded in the competencies specified in Appendix A that will be required of candidates for completion of the program and how these activities and expectations will be communicated to the candidate upon his or her admittance to the program;
  - 8) A copy of the partnership agreement or agreements and a description of the partners' involvement in the development of the program, a description of the roles each partner will have, and information about how the partnership will continue to operate and how it will be evaluated;

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- 9) A copy of any agreements with school districts (other than those participating in the partnership) that will serve as sites for the internship or field experiences;
  - 10) A description of each course proposed and the internship, to include:
    - A) a course syllabus;
    - B) how progress will be measured and successful completion will be determined;
    - C) a data table that demonstrates each course's, and the internship's, alignment to the ELCC standards (see Section 33.30(c)); and
    - D) for individual courses, a detailed description of any field experiences required for course completion;
  - 11) Copies of assessments and rubrics to be used in the program, including but not limited to samples of scenarios to which a candidate must provide a written response and interview questions for selection in the program and any additional assessments to be used for the internship beyond what is required under Section 33.45;
  - 12) A description of the coursework for candidates and training to be provided for faculty members relative to the evaluation of licensed staff under Article 24A of the School Code [105 ILCS 5/Art. 24A]; and
  - 13) A complete description of how data about the program will be collected, analyzed and used for program improvement, and how these data will be shared with the educational unit or not-for-profit entity and the partnering school district.
- c) A request for program approval shall be submitted to the State Superintendent for consideration (see 23 Ill. Adm. Code [25.120\(a\)](#)~~25.145(b)~~). The State Superintendent shall provide a complete request to the Superintendent Preparation Review Panel for its review and recommendation as to whether the program should be approved. The panel, to be appointed by the State Superintendent, shall consist of:

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- 1) two individuals holding current and valid Illinois professional educator licenses endorsed in a teaching field and currently employed in Illinois public schools;
  - 2) four individuals holding current and valid professional educator licenses endorsed for superintendent, and currently employed as superintendents in Illinois public schools;
  - 3) two individuals holding current and valid professional educator licenses endorsed for principal or general administrative and currently employed as principals in Illinois public schools;
  - 4) two individuals from institutions of higher education in Illinois that have a recognized educational unit approved for the provision of educator preparation programs pursuant to 23 Ill. Adm. Code 25.Subpart C, one of whom shall be from a public institution and one of whom shall be from a nonpublic institution; and
  - 5) one licensed administrative staff member currently employed in a school district in any city in Illinois having a population exceeding 500,000.
- d) The Superintendent Preparation Review Panel shall acknowledge receipt of the request for approval within 30 days after receipt. Based upon its review, the Panel may:
- 1) issue a recommendation to the State Educator Preparation and Licensure Board (SEPLB) that the superintendent preparation program be approved; a copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant; or
  - 2) issue a recommendation to the SEPLB that the superintendent preparation program be denied, including the reasons for the recommended denial; a copy of that recommendation and notification of the SEPLB's meeting to consider the Panel's recommendation shall be provided to the applicant.
- e) An institution or not-for-profit entity may withdraw its request for approval by notifying the State Superintendent of Education of its intent to withdraw no later than 15 days after it receives notification of the Superintendent Preparation Review Panel's recommendation.

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## NOTICE OF ADOPTED AMENDMENTS

- f) Actions following upon the recommendation of the SEPLB shall be as described in 23 Ill. Adm. Code 25.160 (Notification of Recommendations; Decisions by State Board of Education).
- g) An approved superintendent preparation program shall be subject to the review process set forth in 23 Ill. Adm. Code 25.Subpart C.

(Source: Amended at 40 Ill. Reg. 13667, effective September 15, 2016)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.80                      Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Emergency Rule: September 16, 2016
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: None
- 7) Date Filed with the Index Department: September 16, 2016
- 8) A copy of the emergency rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: PA 99-516 authorizes emergency rulemaking pursuant to 5 ILCS 100/5-45(v), which provides for the expeditious and timely implementation of the provisions of Article 5A-2 of the Public Aid Code as necessary for the public interest, safety, and welfare.
- 10) Complete Description of the Subjects and Issues Involved: This rule implements the ACA assessment adjustment increase to hospital assessments created by PA 99-516 effective July 1, 2016. Hospital payments were also created by PA 99-516.
- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
140.435	Amendment	40 Ill. Reg. 6936; May 6, 2016
140.523	Amendment	40 Ill. Reg. 6936; May 6, 2016
140.Table D	Amendment	40 Ill. Reg. 6938; May 6, 2016
140.421	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.469	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.491	Amendment	40 Ill. Reg. 9909; July 22, 2016
140.494	Amendment	40 Ill. Reg. 9909; July 22, 2016

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 12) Statement of Statewide Policy Objective: This emergency amendment neither creates nor expands any State mandate affecting units of local government.
- 13) Information and questions regarding this emergency rule shall be directed to:

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

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

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF EMERGENCY AMENDMENT

- 140.19 Associated with Vendor  
Application to Participate or for Reinstatement Subsequent to Termination,  
Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB  
Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or  
Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
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**AUTHORITY:** Implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

**SOURCE:** Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg.

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23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at

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12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days;

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emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21,

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1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg.

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7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799,

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effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective

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May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective

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May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days.

## SUBPART C: PROVIDER ASSESSMENTS

**Section 140.80 Hospital Provider Fund****EMERGENCY**

- a) Purpose and Contents
  - 1) The Hospital Provider Fund (Fund) was created in the State Treasury on February 3, 2004 (see 305 ILCS 5/5A-8). Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.
  - 2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and Article 5A of the Code.
  - 3) The Fund shall consist of:
    - A) All monies collected or received by the Department under subsection (b);

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- B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to monies deposited in the Fund;
  - C) Any interest or penalty levied in conjunction with the administration of the Fund;
  - D) Monies transferred from another fund in the State treasury;
  - E) All other monies received for the Fund from any other source, including interest earned on those monies.
- b) Provider Assessments
- 1) Subject to Sections 5A-3, 5A-10 and 5A-15 of the Public Aid Code, for State fiscal years 2009 through 2018, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to \$218.38 multiplied by the difference of the hospital's occupied bed days less the hospital's Medicare bed days; provided, however, the amount of \$218.38 shall be increased by a uniform percentage to generate an amount equal to 75% of the State share of the payments authorized under Section [5A-12-5](#) of the Public Aid Code, with that increase only taking effect upon the date that a State share for those payments is required under federal law. For the period of April through June 2015, the amount of \$218.38 used to calculate the assessment under this subsection (b)(1) shall be increased by a uniform percentage to generate \$20,250,000 in the aggregate for that period from all hospitals subject to the annual assessment under this Section. For State fiscal years 2009 and after, a hospital's occupied bed days and Medicare bed days shall be determined using the most recent data available from each hospital's 2005 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on December 31, 2006, without regard to any subsequent adjustments or changes to such data. If a hospital's 2005 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's occupied bed days and Medicare bed days from any source available, including, but not limited to, records maintained by the hospital

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provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

- 2) In addition to any other assessments imposed under this Section, effective July 1, 2016 and semi-annually thereafter through June 2018, in addition to any federally required State share as authorized under subsection (b)(1), the amount of \$218.38 shall be increased by a uniform percentage to generate an amount equal to 75% of the ACA Assessment Adjustment, as defined in subsection (l)(1).
- 3) Subject to Sections 5A-3, 5A-10, and 5A-15 of the Public Aid Code for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal years 2013 through 2018, an annual assessment on outpatient services is imposed on each hospital provider in an amount equal to .008766 multiplied by the hospital's outpatient gross revenue; provided, however, the multiplier of .008766 shall be increased by a uniform percentage to generate an amount equal to 25% of the State share of the payments authorized under Section 5A-12-5, with that increase only taking effect upon the date that a State share for those payments is required under federal law. For the period of April through June 2015, the amount of .008766 used to calculate the assessment under this subsection (b)(~~32~~) shall be increased by a uniform percentage to generate \$6,750,000 in the aggregate for that period from all hospitals subject to the annual assessment under this Section. For the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012 and for State fiscal years 2013 through 2018, a hospital's outpatient gross revenue shall be determined using the most recent data available from each hospital's 2009 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on June 30, 2011, without regard to any subsequent adjustments or changes to that data. If a hospital's 2009 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's outpatient gross revenue from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees. For the period beginning June 10, 2012 through June 30, 2012, the annual assessment on outpatient services shall be prorated by multiplying the assessment amount by a fraction, the numerator of which is 21 days and

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the denominator of which is 365 days.

- 4) In addition to any other assessments imposed under this Article, effective July 1, 2016 and semi-annually thereafter through June 2018, in addition to any federally required State share as authorized under subsection (b)(3), the amount of .008766 shall be increased by a uniform percentage to generate an amount equal to 25% of the ACA Assessment Adjustment, as defined in subsection (1)(1).
- 5) The Department shall complete and apply a final reconciliation of the ACA Assessment Adjustment described in (b)(2) and (b)(4) prior to June 30, 2018 to account for:
  - A) any differences between the actual payments issued or scheduled to be issued prior to June 30, 2018 as authorized in Section 5A-12.5 of the Public Aid Code for the period of January 1, 2018 through June 30, 2018 and the estimated payments due and payable in the month of October 2017 multiplied by 6 as described in subsection (1)(1)(D); and
  - B) any difference between the estimated fee-for-service payments under subsection (b) of Section 5A-12.5 of the Public Aid Code and the amount of such payments that are actually scheduled to be paid.
  - C) The Department shall notify hospitals of any additional amounts owed or reduction credits to be applied to the June 2018 ACA Assessment Adjustment. This is to be considered the final reconciliation for the ACA Assessment Adjustment.
  - D) Notwithstanding any other provision of this Section, if for any reason the scheduled payments under subsection (b) of Section 5A-12.5 of the Public Aid Code are not issued in full by the final day of the period authorized under subsection (b) of Section 5A-12.5 of the Public Aid Code, funds collected from each hospital pursuant to subsection (1)(1)(D) and pursuant to subsection (b)(5)(A) and (B), attributable to the scheduled payments authorized under subsection (b) of Section 5A-12.5 of the Public Aid Code that are not issued in full by the final day of the period attributable to each

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payment authorized under subsection (b) of Section 5A-12.5 of the Public Aid Code, shall be refunded.

6) The increases authorized under subsection (b)(2) and subsection (b)(4) shall be limited to the federally required State share of the total payments authorized under Section 5A-12.5 of the Public Aid Code if the sum of such payments yields an annualized amount equal to or less than \$450,000,000, or if the adjustments authorized under subsection (t) of Section 5A-12.2 of the Public Aid Code are found not to be actuarially sound; however, this limitation shall not apply to the fee-for-service payments described in subsection (b) of Section 5A-12.5 of the Public Aid Code.

## c) Payment of Assessment Due

- 1) The inpatient assessment imposed by Section 5A-2 of the Code for State fiscal year 2009 and each subsequent State fiscal year shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14<sup>th</sup> State business day of each month. No installment payments of an inpatient assessment shall be due and payable, however, until after the Comptroller has issued the payments required under Section 5A-12.2 of the Code. Assessment payments postmarked on the due date will be considered as paid on time.
- 2) Except as provided in Section 5A-4(a-5) of the Code, the outpatient assessment imposed by subsection (b)(~~32~~) of this Section for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal year 2013 and each subsequent State fiscal year, shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14<sup>th</sup> State business day of each month.
  - A) No installment payment of an outpatient assessment imposed by subsection (b)(~~32~~) shall be due and payable, however, until after:
    - i) the Department notifies the hospital provider, in writing, that the payment methodologies to hospitals required under Section 5A-12.4 of the Code have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services (CMMS), and

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the waiver under 42 CFR 433.68 for the assessment imposed by subsection (b) of this Section, if necessary, has been granted by CMMS; and

- ii) the Comptroller has issued the payments required under Section 5A-12.4 of the Code.
- B) Assessment payments postmarked on the due date will be considered as paid on time. Upon notification to the Department of approval of the payment methodologies required under Section 5A-12.4 of the Code and the waiver granted under 42 CFR 433.68, if necessary, all installments otherwise due under subsection (b)(~~32~~) of this Section prior to the date of notification shall be due and payable to the Department upon written direction from the Department and issuance by the Comptroller of the payments required under Section 5A-12.4 of the Code.
- 3) Any assessment amount that is due and payable to the Department more frequently than once per calendar quarter shall be remitted to the Department by the hospital provider by means of electronic funds transfer. The Department may provide for remittance by other means if the amount due is less than \$10,000 or electronic funds transfer is unavailable for this purpose.
  - 4) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.
- d) Notice Requirements, Penalty, and Maintenance of Records
- 1) The Department shall send a notice of assessment to every hospital provider subject to an assessment under subsection (b), except that no notice shall be sent for the outpatient assessment imposed under subsection (b)(~~32~~) until the Department receives written notice that the payment methodologies to hospitals required under Section 5A-12.4 of the Code has been approved and the waiver under 42 CFR 433.68, if necessary, has been granted by CMMS.
  - 2) If a hospital provider conducts, operates, or maintains more than one

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hospital licensed by the Illinois Department of Public Health, a separate notice shall be sent for each hospital.

- e) Procedure for Partial Year Reporting/Operating Adjustments
- 1) Cessation of business during the fiscal year in which the assessment is being paid. If a hospital provider ceases to conduct, operate, or maintain a hospital for which the person is subject to assessment under subsection (b), the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under subsection (d) by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to conduct, operate or maintain a hospital, the person shall pay the assessment for the year as adjusted (to the extent not previously paid).
  - 2) Commencing of business during the fiscal year in which the assessment is being paid. A hospital provider who commences conducting, operating, or maintaining a hospital for which the person is subject to assessment under subsection (b), upon notice by the Department, shall pay the assessment under subsection (d) as computed by the Department in installments on the due dates stated on the notices and on the regular installment due dates for the State fiscal year occurring after the due date of the initial assessment notice. For State fiscal years 2009 through 2018, in the case of a hospital provider that did not conduct, operate or maintain a hospital in 2005, the inpatient assessment for that State fiscal year shall be computed on the basis of hypothetical occupied bed days for the full calendar year as determined by the Department. For the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal years 2013 through 2018, in the case of a hospital provider that did not conduct, operate or maintain a hospital in 2009, the outpatient assessment imposed under subsection (b)(~~32~~) shall be computed on the basis of hypothetical gross outpatient revenue for the full calendar year as determined by the Department. The assessment determination made by the Department is final.
  - 3) Partial Calendar Year Operation Adjustment. For a hospital provider that did not conduct, operate, or maintain a hospital throughout the entire calendar year reporting period, the assessment for the State fiscal year

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shall be annualized for the portion of the reporting period the hospital was operational (dividing the assessment due by the number of days the hospital was in operation and then multiplying the amount by 365). Information reported by a prior provider from the same hospital during the calendar year shall be used in the annualization equation, if available.

- 4) Change in Ownership and/or Operators. The full quarterly installment must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment amount (including past due assessments and any interest or penalties that may have accrued against the amount) rests on the hospital provider currently operating or maintaining the hospital regardless if these amounts were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1).

f) Penalties

- 1) Any hospital that fails to pay the full amount of an installment when due shall be charged, unless waived by the Department for reasonable cause, a penalty equal to 5% of the amount of the installment not paid on or before the due date, plus 5% of the portion remaining unpaid on the last day of each monthly period thereafter, not to exceed 100% of the installment amount not paid on or before the due date. Waiver due to reasonable cause may include but is not limited to:
  - A) provider has not been delinquent on payment of an assessment due, within the last three calendar years from the time the delinquency occurs.
  - B) provider can demonstrate to the Department's satisfaction that a payment was made prior to the due date.
  - C) provider is a new owner/operator and the late payment occurred in the quarter in which the new owner/operator assumed control of the facility.

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- 2) Within 30 days after the due date, the Department may begin recovery actions against delinquent hospitals participating in the Medicaid Program. Payments may be withheld from the hospital until the entire assessment, including any interest and penalties, is satisfied or until a reasonable repayment schedule has been approved by the Department. If a reasonable agreement cannot be reached or if a hospital fails to comply with an agreement, the Department reserves the right to recover any outstanding provider assessment, interest and penalty by recouping the amount or a portion thereof from the hospital's future payments from the Department. The provider may appeal this recoupment in accordance with the Department's rules at 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) will continue to accrue during the recoupment process. Recoupment proceedings against the same hospital two times in a fiscal year may be cause for termination from the Medicaid Program. Failure by the Department to initiate recoupment activities within 30 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.
  - 3) If the hospital does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot recover the full amount due through the claims processing system, within three months after the fee due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.
- g) **Delayed Payment – Groups of Hospitals**  
The Department may establish delayed payment of assessments and/or waive the payment of interest and penalties for groups of hospitals such as disproportionate share hospitals or all other hospitals when:
- 1) The State delays payments to hospitals due to problems related to State cash flow; or
  - 2) A cash flow bond pool's, or any other group financing plans', requests from providers for loans are in excess of its scheduled proceeds such that a significant number of hospitals will be unable to obtain a loan to pay the assessment.

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- h) **Delayed Payment – Individual Hospitals**  
In addition to the provisions of subsection (g), the Department may delay assessments for individual hospitals that are unable to make timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar quarter following the quarter in which the assessment was to have been received by the Department as described in subsection (c). The request must be received by the Department prior to the due date of the assessment.
- 1) **Criteria.** Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions may be made only to qualified hospitals who meet all of the following requirements:
- A) The provider has experienced an emergency that necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1) and (f)(2) would impose severe and irreparable harm to the clients served. Circumstances that may create these emergencies include, but are not limited to, the following:
- i) Department system errors (either automated system or clerical) that have precluded payments, or that have caused erroneous payments such that the provider's ability to provide further services to clients is severely impaired;
- ii) Cash flow problems encountered by a provider that are unrelated to Department technical system problems and that result in extensive financial problems to a facility, adversely impacting on its ability to serve its clients.
- B) The provider serves a significant number of clients under the medical assistance program. "Significant" in this instance means:
- i) A hospital that serves a significant number of clients under the medical assistance program; significant in this instance means that the hospital qualifies as a disproportionate share hospital (DSH) under 89 Ill. Adm. Code 148.120(a)(1) through 148.120(a)(2); or qualifies as a Medicare DSH

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hospital under the current federal guidelines.

- ii) A government-owned facility that meets the cash flow criterion under subsection (h)(1)(A)(ii).
  - iii) A hospital that has filed for Chapter 11 bankruptcy and that meets the cash flow criterion under subsection (h)(1)(A)(ii).
- C) The provider must ensure that a delay of payment request, as defined under subsection (h)(3)(A), is received by the Department prior to the payment due date, and the request must include a Cash Position Statement that is based upon current assets, current liabilities and other data for a date that is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of assessment payments will be denied if any of the following criteria are met:
- i) The ratio of current assets divided by current liabilities is greater than 2.0.
  - ii) Cash, short term investments and long term investments equal or exceed the total of accrued wages payable and the assessment payment. Long term investments that are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation.
- D) The provider must show evidence of denial of an application to borrow assessment funds through a cash flow bond pool or financial institutions such as a commercial bank. The denial must be 90 days old or less.
- E) The provider must sign an agreement with the Department that specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:
- i) Specific reasons for institution of the delayed payment provisions;

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- ii) Specific dates on which payments must be received and the amount of payment that must be received on each specific date described;
  - iii) The interest or a statement of interest waiver as described in subsection (h)(5) that shall be due from the provider as a result of institution of the delayed payment provisions;
  - iv) A certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;
  - v) A certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signator's knowledge; and
  - vi) Other terms and conditions that may be required by the Department.
- 2) A hospital that does not meet the above criteria may request a delayed payment schedule. The Department may approve the request, notwithstanding the hospital not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the hospital. If the request for a delayed payment schedule is approved, all other conditions of this subsection (h) shall apply.
- 3) Approval Process
- A) In order to receive consideration for delayed payment provisions, providers must ensure their request is received by the Department prior to the payment due date, in writing (telefax requests are acceptable) to the Bureau of Hospital and Provider Services. The request must be received by the date designated by the Department. Providers will be notified, in writing, as to the due dates for submitting delay of payment requests. Requests must be

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complete and contain all required information before they are considered to have met the time requirements for filing a delayed payment request. All telefax requests must be followed up with original written requests, postmarked no later than the date of the telefax. The request must include:

- i) An explanation of the circumstances creating the need for the delayed payment provisions;
  - ii) Supportive documentation to substantiate the emergency nature of the request including a cash position statement as defined in subsection (h)(1)(C), a denial of application to borrow the assessment as defined in subsection (h)(1)(D) and an explanation of the risk of irreparable harm to the clients; and
  - iii) Specification of the specific arrangements requested by the provider.
- B) The hospital shall be notified by the Department, in writing prior to the assessment due date, of the Department's decision with regard to the request for institution of delayed payment provisions. An agreement shall be issued to the provider for all approved requests. The agreement must be signed by the administrator, owner, chief executive officer or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.
- 4) Waiver of Penalties. The penalties described in subsections (f)(1) and (f)(2) may be waived upon approval of the provider's request for institution of delayed payment provisions. In the event a provider's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B), the penalties shall be permanently waived for the subject quarter unless the provider fails to meet all of the terms and conditions of the agreement. In the event the provider fails to meet all of the terms and conditions of the agreement, the agreement shall be considered null and void and the penalties shall be fully reinstated.

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- 5) Interest. The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E). The interest may be waived by the Department if the facility's current ratio, as described in subsection (h)(1)(C), is 1.5 or less and the hospital meets the criteria in subsections (h)(1)(A) and (B). Any waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E).
  - 6) Subsequent Delayed Payment Arrangements. Once a provider has requested and received approval for delayed payment arrangements, the provider shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delayed payment agreement. The waiver of penalties described in subsection (h)(4) shall not apply to a provider that has not satisfied the terms and conditions of any current delayed payment agreement.
- i) Administration and Enforcement Provisions
- The Department shall establish and maintain a listing of all hospital providers appearing in the licensing records of the Department of Public Health, which shall show each provider's name and principal place of business and the name and address of each hospital operated, conducted, or maintained by the provider in this State. The Department shall administer and enforce Sections 5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code and collect the assessments and penalty assessments imposed under Sections 5A-2 and 4 of the Code. The Department, its Director, and every hospital provider subject to assessment measured by occupied bed days shall have the following powers, duties and rights:
- 1) The Department may initiate either administrative or judicial proceedings, or both, to enforce the provisions of Sections 5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code. Administrative enforcement proceedings initiated shall be governed by the Department's rules at 89 Ill. Adm. Code 104.200 through 104.330. Judicial enforcement proceedings initiated shall be governed by the rules of procedure applicable in the courts of this State.
  - 2) No proceedings for collection, refund, credit, or other adjustment of an assessment amount shall be issued more than three years after the due date of the assessment, except in the case of an extended period agreed to in

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writing by the Department and the hospital provider before the expiration of this limitation period.

- 3) Any unpaid assessment under Section 5A-2 of the Code shall become a lien upon the assets of the hospital upon which it was assessed. If any hospital provider, outside the usual course of its business, sells or transfers the major part of any one or more of the real property and improvements, the machinery and equipment, or the furniture or fixtures of any hospital that is subject to the provisions of Sections 5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code, the seller or transferor shall pay the Department the amount of any assessment, assessment penalty, and interest (if any) due from it under Sections 5A-2 and 4 of the Code up to the date of the sale or transfer. If the seller or transferor fails to pay any assessment, assessment penalty, and interest (if any) due, the purchaser or transferee of the asset shall be liable for the amount of the assessment, penalties and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee. The purchaser or transferee shall continue to be liable until the purchaser or transferee pays the full amount of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee or until the purchaser or transferee receives from the Department a certificate showing that the assessment, penalty and interest have been paid or a certificate from the Department showing that no assessment, penalty or interest is due from the seller or transferor under Sections 5A-2, 4 and 5 of the Code.
  - 4) Payments under Section 5A-4 of the Code are not subject to the Illinois Prompt Payment Act [30 ILCS 540]. Credits or refunds shall not bear interest.
  - 5) In addition to any other remedy provided for and without sending a notice of assessment liability, the Department may collect an unpaid assessment by withholding, as payment of the assessment, reimbursements or other amounts otherwise payable by the Department to the hospital provider.
- j) Exemptions  
The following classes of providers are exempt from the assessment imposed under Section 5A-4 of the Code unless the exemption is adjudged to be unconstitutional or otherwise invalid:

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- 1) A hospital provider that is a State agency, a State university, or a county with a population of 3,000,000 or more.
  - 2) A hospital provider that is a county with a population of less than 3,000,000 or a township, municipality, hospital district, or any other local governmental unit.
- k) Nothing in Section 5A-4 of the Code shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment imposed before February 3, 2004.
- l) Definitions  
As used in this Section, unless the context requires otherwise:
- 1) "ACA Assessment Adjustment" means:
    - A) For the period of July 1, 2016 through December 31, 2016, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals as authorized under Section 5A-12.5 of the Public Aid Code and the adjustments authorized under subsection (t) of Section 5A-12.2 of the Public Aid Code to managed care organizations for hospital services due and payable in the month of April 2016 multiplied by 6.
    - B) For the period of January 1, 2017 through June 30, 2017, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals as authorized under Section 5A-12.5 of the Public Aid Code and the adjustments authorized under subsection (t) of Section 5A-12.2 to managed care organizations for hospital services due and payable in the month of October 2016 multiplied by 6, except that the amount calculated under this subsection (l)(1)(B) shall be adjusted, either positively or negatively, to account for the difference between the actual payments issued under Section 5A-12.5 for the period beginning July 1, 2016 through December 31, 2016 and the estimated payments due and payable in the month of April 2016 multiplied by 6 as described in subsection (l)(1)(A).

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- C) For the period of July 1, 2017 through December 31, 2017, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals as authorized under Section 5A-12.5 of the Public Aid Code and the adjustments authorized under subsection (t) of Section 5A-12.2 of the Public Aid Code to managed care organizations for hospital services due and payable in the month of April 2017 multiplied by 6, except that the amount calculated under this subsection (l)(1)(C) shall be adjusted, either positively or negatively, to account for the difference between the actual payments issued under Section 5A-12.5 of the Public Aid Code for the period beginning January 1, 2017 through June 30, 2017 and the estimated payments due and payable in the month of October 2016 multiplied by 6 as described in subsection (l)(1)(B).
- D) For the period of January 1, 2018 through June 30, 2018, the product of .19125 multiplied by the sum of the fee-for-service payments to hospitals as authorized under Section 5A-12.5 of the Public Aid Code and the adjustments authorized under subsection (t) of Section 5A-12.2 of the Public Aid Code to managed care organizations for hospital services due and payable in the month of October 2017 multiplied by 6, except that:
- i) the amount calculated under this subsection (l)(1)(D) shall be adjusted, either positively or negatively, to account for the difference between the actual payments issued under Section 5A-12.5 for the period of July 1, 2017 through December 31, 2017 and the estimated payments due and payable in the month of April 2017 multiplied by 6 as described in subsection (l)(1)(C); and
- ii) the amount calculated under this subsection (l)(1)(D) shall be adjusted to include the product of .19125 multiplied by the sum of the fee-for-service payments, if any, estimated to be paid to hospitals under subsection (b) of Section 5A-12.5 of the Public Aid Code.
- 2) "CMMS" means the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.

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- 32) "Department" means the Illinois Department of Healthcare and Family Services.
- 43) "Fund" means the Hospital Provider Fund.
- 54) "HCRIS" means the federal Centers for Medicare and Medicaid Services Healthcare Cost Report Information System.
- 65) "Hospital" means an institution, place, building, or agency located in this State that is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act, whether public or private and whether organized for profit or not-for-profit.
- 76) "Hospital Provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this definition, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.
- 87) "Inpatient Gross Revenue" means total inpatient gross revenue, as reported on the HCRIS Worksheet C, Part 1, Column 6, Line 101, less the sum of the following lines (including any subset lines of these lines):
- A) Line 34: Skilled Nursing Facility.
  - B) Line 35: Other Nursing Facility.
  - C) Line 35.01: Intermediate Care Facility for the Mentally Retarded.
  - D) Line 36: Other Long Term Care.
  - E) Line 45: PBC Clinical Laboratory Services – Program Only.
  - F) Line 60: Clinic.
  - G) Line 63: Other Outpatient Services.

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- H) Line 64: Home Program Dialysis.
  - D) Line 65: Ambulance Services.
  - J) Line 66: Durable Medical Equipment – Rented.
  - K) Line 67: Durable Medical Equipment – Sold.
  - L) Line 68: Other Reimbursable.
- 98) "Medicare Bed Days" means, for each hospital, the sum of the number of days that each bed was occupied by a patient who was covered by Title XVIII of the Social Security Act, excluding days attributable to the routine services provided to persons receiving skilled or intermediate long term care services. Medicare bed days shall be computed separately for each hospital operated or maintained by a hospital provider.
- 109) "Medicare Gross Inpatient Revenue" means the sum of the following:
- A) The sum of the following lines from the HCRIS Worksheet D-4, Column 2 (excluding the Medicare gross revenue attributable to the routine services provided to patients in a psychiatric hospital, a rehabilitation hospital, a distinct part psychiatric unit, a distinct part rehabilitation unit or swing beds):
    - i) Line 25: Adults and Pediatrics.
    - ii) Line 26: Intensive Care Unit.
    - iii) Line 27: Coronary Care Unit.
    - iv) Line 28: Burn Intensive Care Unit.
    - v) Line 29: Surgical Intensive Care Unit.
    - vi) Line 30: Other Special Care Unit.

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B) From Worksheet D-4, Column 2, the amount from Line 103 less the sum of Lines 60, 63, 64, 66, 67 and 68 (and any subset lines of these lines).

C) The amount from Worksheet D-6, Part 3, Column 3, Line 53.

~~1140~~) "Medicare Gross Outpatient Revenue" means the amount from the HCRIS Worksheet D, Part V, Line 101, Columns 5, 5.01, 5.02, 5.03 and 5.04 less the sum of Lines 45, 60, 63, 64, 65, 66 and 67 (and any subset lines of these lines).

~~1244~~) "Occupied Bed Days" means the sum of the number of days that each bed was occupied by a patient for all beds, excluding beds classified as long term care beds and assessed a licensed bed fee during calendar year 2001. Occupied bed days shall be computed separately for each hospital operated or maintained by a hospital provider.

~~1342~~) "Outpatient Gross Revenue" means, for each hospital, its total gross charges attributed to outpatient services as reported on the Medicare cost report at Worksheet C, Part I, Column 7, Line 101 less the sum of lines 45, 60, 63, 64, 65, 66, 67 and 68 (and any subset lines of these lines).

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days)

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- 1) Heading of the Part: Schedule of Controlled Substances
- 2) Code Citation: 77 Ill. Adm. Code 2070
- 3) Section Number: 2070.271                      Emergency Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by Section 100 of the Illinois Controlled Substances Act [720 ILCS 570/100]
- 5) Effective Date of Rule: September 13, 2016
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: September 13, 2016
- 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) Reason for Emergency: Based upon a recommendation from the Medical Director for the Attorney General, the Prescription Monitoring Program Advisory Committee (PMPAC) evaluated the potential threat to the public health and welfare caused by the distribution and consumption of U-47700 in Illinois. U-47700 is a synthetic opioid developed in the mid-1970s designed to provide greater pain coverage with fewer side effects than other opioids. The effects of U-47700, 7.5 times more potent than morphine, were never studied or tested on humans. U-47700 was introduced to the U.S. from China, via the internet, around December 2015. Since its introduction, the product has been associated with over 50 deaths in the United States. Ohio, Wyoming and Georgia have already scheduled U-47700 as a Schedule I product and Kansas is undertaking emergency scheduling to ban the product from their state. Based upon a review of this information, the PMPAC determined the risk of increased overdoses, deaths and addiction treatment interventions caused by U-47700 poses a great risk to the public's safety and welfare and voted unanimously at its June 15, 2016 meeting to schedule U-47700 as a Schedule I product. The PMPAC further determined the most effective way to protect the public's safety and welfare regarding U-47700, was to include U-47700 on Illinois' list of Schedule I substances through this emergency amendment.

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- 10) A Complete Description of the Subject and Issues: 77 Ill. Adm. Code 2070 establishes a listing of substances that are scheduled as Controlled Substances in Illinois and also controls to what schedule each substance is assigned. This emergency amendment will add U-47700, an opioid analog with no medical use but with a high potential for substance abuse, addiction, overdose and death, to Schedule I. Placing U-47700 on to Schedule I effectively bans it from distribution and consumption in Illinois.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective (if applicable): This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding this emergency rule shall be directed to:

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

217/785-9772

If because of physical disability you are unable to put comments in writing, you may make them orally to the person listed above.

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER X: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER e: CONTROLLED SUBSTANCES ACTIVITIESPART 2070  
SCHEDULE OF CONTROLLED SUBSTANCES

## SUBPART A: GENERAL

Section	
2070.10	Definitions
2070.20	Designated Products
2070.30	Names Given to Listed Drugs
2070.40	Excluded Substances
2070.50	Excepted Compounds

## SUBPART B: SCHEDULE OF CONTROLLED SUBSTANCES – SCHEDULE I

Section	
2070.100	Schedule I – Criteria
2070.110	Schedule I – Enumeration
2070.115	Opiates
2070.117	AB-CHMINACA <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1 <i>H</i> -indazole-3-carboxamide
2070.118	AB-PINACA <i>N</i> -(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1 <i>H</i> -indazole-3-carboxamide
2070.120	Acetylmethadol
2070.122	Acetyl-alpha-methylfentanyl
2070.124	Alfentanil (Renumbered)
2070.125	Allylprodine
2070.130	Alphacetylmethadol
2070.135	Alphameprodine
2070.140	Alphamethadol
2070.145	Alpha-methylfentanyl
2070.146	Alpha-methylthiofentanyl
2070.147	1-methyl-4-phenyl-4-propionoxypiperdine (MPPP)
2070.148	PEPAP 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperdine
2070.150	Benzethidine
2070.155	Betacetylmethadol

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2070.157	Beta-hydroxyfentanyl
2070.160	Betameprodine
2070.165	Betamethadol
2070.170	Betaprodine
2070.175	Clonitazene
2070.180	Dextromoramide
2070.185	Diampromide
2070.190	Diethylthiambutene
2070.195	Difenoxin
2070.200	Dimenoxadol
2070.205	Dimepheptanol
2070.210	Dimethylthiambutene
2070.220	Dioxaphetylbutyrate
2070.230	Dipipanone
2070.235	Ethylmethylthiambutene
2070.240	Etonitazene
2070.245	Etoxidine
2070.247	3-Methylfentanyl (Renumbered)
2070.250	Furethidine
2070.255	Hydroxypethidine
2070.260	Ketobemidone
2070.265	Levomoramide
2070.270	Levophenacymorphan
<a href="#">2070.271</a>	<a href="#">U-47700</a>

EMERGENCY

2070.272	3-Methylfentanyl
2070.273	3-Methylthiofentanyl
2070.275	Morpheridine
2070.280	Noracymethadol
2070.285	Norlevorphanol
2070.290	Normethadone
2070.295	Norpipanone
2070.297	Para-fluorofentanyl
2070.300	Phenadoxone
2070.310	Phenamprodine
2070.320	Phenomorphane
2070.330	Phenoperidine
2070.340	Piritramide
2070.350	Proheptazine

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2070.360	Properidine
2070.370	Propiram
2070.380	Racemoramide
2070.385	Sufentanil (Renumbered)
2070.388	Thiofentanyl
2070.389	THJ-2201 [1-(5-fluoropentyl)-1 <i>H</i> -indazol-3-yl](naphthalen-1-yl)methanone
2070.390	Tilidine
2070.395	Trimeperidine
2070.397	Beta-hydroxy-3-methylfentanyl
2070.400	Opium Derivates
2070.405	Acetorphine
2070.410	Acetyldihydrocodeine
2070.412	Alpha-pyrrolidinobutiophenone ("a-PBP")
2070.414	Alpha-pyrrolidinopentiophenone ("a-PVP")
2070.415	Benzylmorphine
2070.420	Codeine methylbromide
2070.425	Codeine-N-Oxide
2070.430	Cyprenorphine
2070.435	Desomorphine
2070.440	Diacetyldihydromorphine (Dihydroheroin)
2070.445	Dihydromorphine
2070.450	Drotebanol
2070.455	Etorphine (except hydrochloride salt)
2070.460	Heroin
2070.465	Hydromorphanol
2070.470	Methyl-desorphine
2070.475	Methyldihydromorphine
2070.480	Morphine methylbromide
2070.485	Morphine methylsulfonate
2070.490	Morphine-N-Oxide
2070.495	Myrophine
2070.500	Nicocodeine
2070.505	Nicomorphine
2070.510	Normorphine
2070.515	Pholcodine
2070.520	Thebacon
2070.530	1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone")
2070.540	1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one ("pentylone")
2070.545	1-(naphthalene-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone")

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

2070.600	Hallucinogenic Substances
2070.602	2-(methylamino)-1-phenylpentan-1-one ("pentedrone")
2070.604	3-fluoro-N-methylcathinone ("3-FMC")
2070.605	3, 4 Methylenedioxyamphetamine
2070.606	Alpha-ethyltryptamine
2070.607	3,4 Methylenedioxymethamphetamine (MDMA)
2070.608	3,4-methylenedioxy-N-ethylamphetamine
2070.610	3-methoxy-4, 5-methylenedioxyamphetamine (MMDA)
2070.615	3, 4, 5-trimethoxyamphetamine (TMA)
2070.616	4-fluoro-N-methylcathinone ("4-FMC")
2070.617	4-methyl-N-ethylcathinone ("4MEC")
2070.618	4-methylalpha-pyrrolidinopropiophenone ("4-MePPP")
2070.620	5-hydroxydimethyltryptamine (Bufotenine)
2070.625	Diethyltryptamine (DET)
2070.630	Dimethyltryptamine (DMT)
2070.635	4-methyl, 2, 5-dimethoxyamphetamine (DOM, STP)
2070.640	Ibogaine
2070.645	Lysergic acid diethylamide
2070.650	3, 4, 5-trimethoxyphenethylamine (Mescaline)
2070.655	Peyote
2070.660	N-ethyl-3-piperidyl benzilate (JB 318)
2070.665	N-methyl-3-piperidyl benzilate
2070.667	N-hydroxy-3,4-methylenedioxyamphetamine
2070.670	Parahexyl
2070.675	Psilocybin
2070.680	Psilocyn
2070.685	Alpha-methyltryptamine (AMT)
2070.690	2,5-dimethoxyamphetamine
2070.695	4-bromo-2,5-dimethoxyamphetamine
2070.700	4-methoxyamphetamine (4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine, PMA)
2070.705	Thiophene analog of phencyclidine (TPCP)
2070.710	Ethylamine analog of phencyclidine
2070.715	Pyrrolidine analog of phencyclidine
2070.720	5-methoxy-3,4-methylenedioxy-amphetamine
2070.725	2,5-dimethoxy-4-ethylamphetamine
2070.730	1-[1-(2-thienyl) cyclohexyl] pyrrolidine
2070.735	3,4-methylenedioxy-amphetamine
2070.740	Thiophene analog of phencyclidine

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

2070.745	Bufotenine
2070.750	Depressants
2070.755	Mecloqualone
2070.760	Methaqualone
2070.800	Stimulants
2070.805	Fenethylamine
2070.810	N-ethylamphetamine
2070.815	Aminorex
2070.820	Methcathinone
2070.825	Chathinone
2070.830	N,N-dimethylamphetamine
2070.835	(+ or -) cis-4-methylaminorex

## SUBPART C: SCHEDULE OF CONTROLLED SUBSTANCES--SCHEDULE II

Section	
2070.900	Schedule II – Criteria
2070.910	Schedule II – Enumeration
2070.915	Narcotics
2070.920	Opium and Opiates
2070.925	Raw Opium
2070.930	Opium Extracts
2070.935	Opium Fluid Extracts
2070.940	Powdered Opium
2070.945	Granulated Opium
2070.950	Tincture of Opium
2070.955	Codeine
2070.960	Ethylmorphine
2070.965	Etorphine Hydrochloride
2070.970	Hydrocodone
2070.975	Hydromorphone
2070.980	Metopon
2070.985	Morphine
2070.990	Oxycodone
2070.995	Oxymorphone
2070.998	Thebaine
2070.999	Thebaine-derived butorphanol
2070.1100	Equivalencies
2070.1110	Opium poppy and poppy straw

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

2070.1120	Cocaine
2070.1130	Concentrate of Poppy Straw
2070.1150	Opiates
2070.1155	Alphaprodine
2070.1160	Anileridine
2070.1165	Bezitramide
2070.1170	Bulk Dextropropoxyphene
2070.1175	Dihydrocodeine
2070.1180	Diphenoxylate
2070.1185	Fentanyl
2070.1186	Alfentanil
2070.1187	Carfentanil
2070.1190	Isomethadone
2070.1193	Levo-alphaacetylmethadol
2070.1195	Levomethorphan
2070.1200	Levorphanol
2070.1205	Metazocine
2070.1210	Methadone
2070.1215	Methadone – Intermediate
2070.1220	Moramide – Intermediate
2070.1225	Meperidine
2070.1230	Pethidine-Intermediate-A
2070.1235	Pethidine-Intermediate-B
2070.1240	Pethidine-Intermediate-C
2070.1245	Phenazocine
2070.1250	Piminodine
2070.1255	Racemethorphan
2070.1260	Racemorphan
2070.1265	Sufentanil
2070.1300	Stimulants
2070.1310	Amphetamine
2070.1320	Methamphetamine
2070.1330	Methylphenidate
2070.1370	Phenmetrazine
2070.1400	Depressants
2070.1405	Methaqualone (Renumbered)
2070.1410	Amobarbital
2070.1420	Secobarbital
2070.1425	Pentobarbital

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

2070.1430	Phencyclidine
2070.1435	Pentazocine
2070.1438	Gluthethimide
2070.1500	Immediate Precursors
2070.1505	Amphetamine and Methamphetamine
2070.1510	Phencyclidine
2070.1520	Nabilone
2070.1550	Dronabinol (synthetic)

## SUBPART D: SCHEDULE OF CONTROLLED SUBSTANCES--SCHEDULE III

Section	
2070.1600	Schedule III – Criteria
2070.1605	Schedule III – Enumeration
2070.1610	Stimulants
2070.1615	Excepted Compounds
2070.1620	Benzphetamine
2070.1625	Chlorphentermine
2070.1630	Clortermine
2070.1635	Mazindol (Renumbered)
2070.1640	Phendimetrazine
2070.1700	Other Stimulants
2070.1750	Methylphenidate (Renumbered)
2070.1800	Depressants
2070.1805	Barbiturates
2070.1810	Barbiturates – Suppository Dosage Form
2070.1825	Derivatives of Barbituric Acid
2070.1830	Chlorhexadol
2070.1835	Glutethimide (Renumbered)
2070.1840	Methyprylon
2070.1845	Sulfondiethylmethane
2070.1850	Sulfonethylmethane
2070.1855	Sulfonmethane
2070.1860	Lysergic Acid
2070.1865	Lysergic Acid Amide
2070.1868	Tiletamine or Zolazepam or Both
2070.1870	Pentazocine and Aspirin Compound
2070.1875	Pentazocine and Acetaminophine
2070.1880	Pentazocine and Naloxone

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

2070.1890	Nalorphine
2070.1900	Narcotic Drugs
2070.1905	Codeine
2070.1910	Codeine
2070.1915	Dihydrocodeinone
2070.1920	Dihydrocodeinone
2070.1925	Dihydrocodeine
2070.1930	Ethylmorphine
2070.1935	Opium
2070.1940	Morphine
2070.1960	Anabolic Steroids
2070.1962	Androgen L.A.
2070.1964	Andro-Estro 90-4
2070.1966	depANDROGYN
2070.1968	DEPO-T.E.
2070.1970	depTESTROGEN
2070.1972	Duomone
2070.1974	DURATESTRIN
2070.1976	DUO-SPAN II
2070.1978	Estratest
2070.1980	Estratest H.S.
2070.1982	PAN ESTRA TEST
2070.1984	Premarin with Methyltestosterone
2070.1986	TEST-ESTRO Cypionates
2070.1988	Testosterone Cyp 50 Estradiol Cyp 2
2070.1990	Testosterone Cypionate-Estradiol Cypionate Injection
2070.1992	Testosterone Enanthate-Estradiol Valerate Injection
2070.2000	Excepted Compounds

## SUBPART E: SCHEDULE OF CONTROLLED SUBSTANCES – SCHEDULE IV

Section	
2070.2100	Schedule IV – Criteria
2070.2105	Schedule IV – Enumeration
2070.2110	Narcotic Drugs
2070.2115	Difenoxin and Atropine Sulfate
2070.2120	Dextropropoxyphene
2070.2200	Depressants
2070.2210	Alprazolam

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## NOTICE OF EMERGENCY AMENDMENT

2070.2215	Barbital
2070.2217	Bromazepam
2070.2218	Camazepam
2070.2220	Chloral Betaine
2070.2225	Chloral Hydrate
2070.2230	Chlordiazepoxide
2070.2232	Clobazam
2070.2235	Clonazepam
2070.2240	Clorazepate
2070.2241	Clotiazepam
2070.2242	Cloxazolam
2070.2244	Delorazepam
2070.2245	Diazepam
2070.2246	Eluxadolone
2070.2248	Estazolam
2070.2250	Ethchlorvynol
2070.2255	Ethinamate
2070.2256	Ethyl Loflazepate
2070.2258	Fludiazepam
2070.2259	Flunitrazepam
2070.2260	Flurazepam
2070.2265	Halazepam
2070.2266	Haloxazolam
2070.2268	Ketazolam
2070.2269	Loprazolam
2070.2270	Lorazepam
2070.2272	Lormetazepam
2070.2275	Mebutamate
2070.2277	Medazepam
2070.2280	Meprobamate
2070.2285	Methohexital
2070.2290	Mephobarbital
2070.2291	Midazolam
2070.2292	Nimetazepam
2070.2293	Nitrazepam
2070.2294	Nordiazepam
2070.2295	Oxazepam
2070.2297	Oxazolam
2070.2300	Paraldehyde

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2070.2305	Petrichloral
2070.2310	Phenobarbital
2070.2312	Pinazepam
2070.2315	Prazepam
2070.2317	Quazepam
2070.2320	Temazepam
2070.2322	Tetrazepam
2070.2325	Triazolam
2070.2350	Zolpidam
2070.2400	Fenfuramine
2070.2500	Stimulants
2070.2503	Cathine
2070.2505	Diethylpropion
2070.2515	Fencamfamin
2070.2520	Fenproporex
2070.2540	Mazindol
2070.2545	Mefenorex
2070.2650	Stimulants
2070.2655	Ephedrine
2070.2565	Phentermine
2070.2570	Pemoline
2070.2575	Pipradrol
2070.2580	SPA
2070.2600	Excepted Compounds

SUBPART F: SCHEDULE OF CONTROLLED SUBSTANCES –  
SCHEDULE V

Section	
2070.2700	Schedule V – Criteria
2070.2705	Schedule V – Enumeration
2070.2710	Narcotic Drugs
2070.2712	Buprenorphine
2070.2715	Codeine
2070.2720	Dihydrocodeine
2070.2725	Ethylmorphine
2070.2730	Diphenoxylate
2070.2735	Opium
2070.2740	Difenoxin

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENT

2070.2750 Pyrovalerone  
2070.2800 Other Substances

**AUTHORITY:** Implementing and authorized by Section 100 of the Illinois Controlled Substances Act [720 ILCS 570/100].

**SOURCE:** Filed and effective November 19, 1975; rules repealed, new rules adopted at 2 Ill. Reg. 16, p. 151, effective April 24, 1978; amended at 2 Ill. Reg. 33, p. 63, effective August 15, 1978; amended at 2 Ill. Reg. 44, p. 127, effective October 30, 1978; amended at 2 Ill. Reg. 45, p. 19, effective November 10, 1978; amended at 2 Ill. Reg. 52, p. 283, effective January 5, 1979; amended at 3 Ill. Reg. 8, p. 112, effective February 23, 1979; amended at 3 Ill. Reg. 12, p. 246, effective March 23, 1979; amended at 4 Ill. Reg. 33, p. 193, effective August 4, 1980; amended at 5 Ill. Reg. 2987, effective March 5, 1981; amended at 5 Ill. Reg. 5156, effective April 29, 1981; amended at 5 Ill. Reg. 13454, effective November 25, 1981; amended at 6 Ill. Reg. 5176, effective April 16, 1982; amended at 6 Ill. Reg. 7200, effective June 7, 1982; amended at 7 Ill. Reg. 16142, effective December 2, 1983; amended at 7 Ill. Reg. 16639, effective December 9, 1983; transferred to the Department of Alcoholism and Substance Abuse by the Alcoholism and Substance Abuse Act (supp. to Ill. Rev. Stat. 1983, ch. 111 1/2, pars. 634 et seq.) effective July 1, 1984; amended at 8 Ill. Reg. 13138, effective July 27, 1984; amended at 8 Ill. Reg. 16760, effective September 14, 1984; codified at 8 Ill. Reg. 19319; amended at 8 Ill. Reg. 21212, effective October 19, 1984; amended at 9 Ill. Reg. 1837, effective January 29, 1985; amended at 9 Ill. Reg. 10649, effective July 2, 1985; amended at 10 Ill. Reg. 914, effective January 7, 1986; amended at 10 Ill. Reg. 11222, effective June 16, 1986; emergency amendment at 10 Ill. Reg. 15662, effective September 10, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18159, effective October 8, 1986; amended at 10 Ill. Reg. 19709, effective November 6, 1986; emergency amendment at 11 Ill. Reg. 4048, effective February 24, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 5192, effective March 17, 1987; amended at 11 Ill. Reg. 11944, effective July 2, 1987; amended at 20 Ill. Reg. 3081, effective February 2, 1996; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; peremptory amendment at 38 Ill. Reg. 8439, effective April 7, 2014; peremptory amendment at 39 Ill. Reg. 3171, effective February 13, 2015; peremptory amendment at 39 Ill. Reg. 16482, effective December 17, 2015; emergency amendment at 40 Ill. Reg. 13718, effective September 13, 2016, for a maximum of 150 days.

## SUBPART B: SCHEDULE OF CONTROLLED SUBSTANCES--SCHEDULE I

**Section 2070.271 U-47700**  
**EMERGENCY**

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENT

[U-47700 3,4-dichloro-N-\[\(1R,2R\)-2-\(dimethylamino\)cyclohexyl\]-N-methylbenzamide](#)

(Source: Added by emergency rulemaking at 40 Ill. Reg. 13718, effective September 13, 2015, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

- a) Heading of the Part: Compassionate Use of Medical Cannabis Patient Registry
- b) Code Citation: 77 Ill. Adm. Code 946
- c) Section Numbers:                      Emergency Actions:  
946.30                                      Amendment  
946.210                                      Amendment  
946.290                                      Amendment
- d) Statutory Authority: Implementing and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act [410 ILCS 130]
- e) Effective Date of Emergency Rule: September 16, 2016
- f) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rulemaking will not expire before the end of the 150-day period.
- g) Date Filed with the Index Department: September 16, 2016
- h) A copy of the adopted emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- i) Reason for Emergency: The Illinois Department of Public Health is adopting these emergency amendments to the emergency rulemaking to implement PA 99-519, originally filed on August 1, 2016 to clarify the fee structure for medical cannabis registration identification cards and the process used for the review of petitions to add debilitating conditions submitted to the Department in January 2016. These clarifications are the basis of an agreement forged by the Joint Committee on Administrative Rules and the Department.

Section 5-45 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The situation that requires this emergency rulemaking constitutes an "emergency" because without this amendment to the emergency rules currently enforce, patients would not be able to apply for a medical cannabis registry identification card which may have a health impact on their debilitating medical condition.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

j) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes a one year; two year; and three year fee structure for medical cannabis registration identification cards and specified the process to be used by the Department for the review of petitions to add debilitating conditions submitted to the Department in January 2016.

k) Are there any proposed rulemakings to this Part pending? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
946.10	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.25	New Section	40 Ill. Reg. 10751; August 12, 2016
946.30	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.35	New Section	40 Ill. Reg. 10751; August 12, 2016
946.60	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.200	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.201	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.205	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.210	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.220	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.240	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.290	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.310	Amendment	40 Ill. Reg. 10751; August 12, 2016
946.315	New Section	40 Ill. Reg. 10751; August 12, 2016
946.500	Amendment	40 Ill. Reg. 10751; August 12, 2016

l) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State Mandate.

m) Information and questions regarding these emergency rules shall be directed to:

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

217/782-2043  
dph.rules@illinois.gov

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 946  
COMPASSIONATE USE OF MEDICAL CANNABIS PATIENT REGISTRY

SUBPART A: GENERAL PROVISIONS

Section

946.10 Definitions

EMERGENCY

946.15 Referenced Materials

946.20 Debilitating Medical Conditions

946.25 Terminal Illness

EMERGENCY

946.30 Addition of Debilitating Medical Conditions

EMERGENCY

946.35 Medical Cannabis Advisory Committee

EMERGENCY

946.40 Limitations and Penalties

946.50 Notifications to the Department

946.60 Confidentiality

EMERGENCY

946.70 Applicability to the Smoke Free Illinois Act

SUBPART B: QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

Section

946.200 Application for Registry Identification Card for Qualifying Patients and Designated Caregivers

EMERGENCY

946.201 Application for Registry Identification Card for Qualifying Patients under 18 Years of Age

EMERGENCY

946.205 Deadlines for Submission of Application for Registry Identification Card

EMERGENCY

946.210 Fees

EMERGENCY

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

- 946.220 Fingerprint-Based Criminal History Records Check  
EMERGENCY
- 946.230 General Provisions
- 946.240 Persons Receiving Medical Care at U.S. Department of Veterans Affairs Facilities  
EMERGENCY
- 946.250 Disposal of Medical Cannabis by Qualifying Patients
- 946.260 Responsibilities of Designated Caregivers
- 946.270 Revocation of a Registry Identification Card
- 946.275 Suspension of a Registry Identification Card
- 946.280 Medical Cannabis Obtained from a Medical Cannabis Dispensing Organization
- 946.290 Renewal of Registry Identification Cards  
EMERGENCY

## SUBPART C: PHYSICIAN REQUIREMENTS

- Section
- 946.300 Qualifications of the Certifying Physician  
EMERGENCY
- 946.310 Physician Written Certification  
EMERGENCY
- 946.315 Waiver for Increasing the Adequate Supply of Medical Cannabis  
EMERGENCY
- 946.320 Records Maintained by the Physician and Department

## SUBPART D: CANNABIS-INFUSED PRODUCTS

- Section
- 946.400 Manufacture of Cannabis-Infused Products
- 946.410 Sale and Distribution of Cannabis-Infused Products
- 946.420 Preparation
- 946.430 Health Hazards

## SUBPART E: ENFORCEMENT

- Section
- 946.500 Circuit Court Review  
EMERGENCY

AUTHORITY: Implementing and authorized by the Compassionate Use of Medical Cannabis

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULE

Pilot Program Act [410 ILCS 130].

SOURCE: Adopted at 38 Ill. Reg. 17367, effective July 29, 2014; emergency amendment at 39 Ill. Reg. 444, effective December 22, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 7712, effective May 15, 2015; emergency amendment at 40 Ill. Reg. 10992, effective August 1, 2016, for a maximum of 150 days; emergency amendment to emergency rule at 40 Ill. Reg. 13732, effective September 16, 2016, for the remainder of the 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 946.30 Addition of Debilitating Medical Conditions****EMERGENCY**

Residents may petition the Department to add debilitating medical conditions to those listed in Section 10(h) of the Act and Section 946.20. The Department will accept petitions annually. The annual petition period for accepting petitions will be for a one-month period from January 1 through January 31 each year. Petitions received outside of the open periods specified in this Section will not be reviewed and will be returned to the resident submitting the petition.

- a) *During the open period, the Department will accept petitions from any resident requesting the addition of a new debilitating medical condition or disease to the list of approved debilitating medical conditions for which the use of cannabis has been shown to have a therapeutic or palliative effect. The Department shall provide public notice 30 days before the open period for accepting petitions, which shall describe the time period for submission, the required format of the submission, and the submission address, which is set forth in Section 946.205. (Section 45(b) of the Act)*
- b) *Each petition shall be limited to one proposed debilitating medical condition or disease. (Section 45(c) of the Act)*
- c) *A petitioner shall file one original petition in the format provided by the Department and in the manner specified by the Department. For a petition to be processed and reviewed, the following information shall be included: (Section 45(d) of the Act)*
  - 1) *A specific description of the medical condition or disease that is the subject of the petition. The petitioner shall not submit broad categories, e.g., all mental illnesses. Each petition shall be limited to a single*

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condition or disease. Information about the proposed condition or disease shall include:

- A) *The extent to which the condition or disease itself and/or the treatments cause severe suffering, such as severe and/or chronic pain, severe nausea and/or vomiting, or otherwise severely impair a person's ability to carry on with activities of daily living;*
  - B) *Information about why conventional medical therapies are not sufficient to alleviate the suffering caused by the disease or condition and its treatment;*
  - C) *The proposed benefits from the medical use of cannabis specific to the medical condition or disease;*
  - D) *Evidence from the medical community and other experts supporting the use of medical cannabis to alleviate suffering caused by the condition or disease and/or treatment;*
  - E) *Letters of support from physicians or other licensed health care providers knowledgeable about the condition or disease, including, if feasible, a letter from a physician with whom the petitioner has a bona-fide physician-patient relationship;*
  - F) *Any additional medical, testimonial or scientific documentation; and*
  - G) *An electronic copy of all materials submitted.*
- 2) *Upon receipt of a petition, the Department shall determine whether the petition meets the standards for submission and, if so, will accept the petition for further review; or whether the petition does not meet the standards for submission and, if so, shall deny the petition without further review.*
- 3) *If the petition does not fulfill the standards for submission, the petition shall be considered deficient. The Department shall notify the petitioner, who may correct any deficiencies and resubmit the petition during the next open period.*

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- d) The petitioner may withdraw his or her petition by submitting a written statement to the Department indicating withdrawal.
- e) *Upon review of accepted petitions*, the Director will consult with Department staff to analyze the clinical and scientific merit of the petitions. This consultation will occur before the Director renders *a final decision regarding the acceptance or denial of the proposed debilitating medical conditions or diseases*. (Section 45(f) of the Act) The Department's analysis will be recorded in a format prescribed by the Department.
- f) *The Department will approve or deny a petition within 180 days after its submission*. (Section 45(a) of the Act)
- g) All petitions to add debilitating conditions submitted to the Department in January 2016 will be reviewed in accordance with [the rules for the addition of debilitating medical conditions in effect at the time of submission](#)~~Section 946.30~~.

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 10992, effective August 1, 2016, for a maximum of 150 days; emergency rule amended by emergency rulemaking at 40 Ill. Reg. 13732, effective September 16, 2016, for the remainder of the 150 days)

## SUBPART B: QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS

**Section 946.210 Fees**  
**EMERGENCY**

- a) Except as set forth in subsection (b), the registration, renewal and replacement card fees are as specified in this subsection (a). All fees submitted to the Department shall be non-refundable. Annually, the Department may revise these fees:
- |    |   |              |
|----|---|--------------|
| 1) | Qualifying patient application fee <u>valid</u> | \$300        |
|    | <del>for:(valid for three years)</del>          |              |
|    | <u>A) One year</u>                              | <u>\$100</u> |
|    | <u>B) Two years</u>                             | <u>\$200</u> |

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- |    |           |   |              |
|----|-----------|---|--------------|
|    | <u>C)</u> | <u>Three years</u>  | <u>\$250</u> |
| 2) |           | Qualifying patient under 18 years of age application fee (includes one caregiver application fee) <u>valid for:</u> <del>(valid for three years)</del>  | <u>\$300</u> |
|    | <u>A)</u> | <u>One year</u>   | <u>\$100</u> |
|    | <u>B)</u> | <u>Two years</u>  | <u>\$200</u> |
|    | <u>C)</u> | <u>Three years</u>  | <u>\$250</u> |
| 3) |           | Caregiver or second caregiver for a patient under 18 years of age application fee <u>valid for:</u> <del>(valid for three years)</del>  | <u>\$75</u>  |
|    | <u>A)</u> | <u>One year</u>   | <u>\$25</u>  |
|    | <u>B)</u> | <u>Two years</u>  | <u>\$50</u>  |
|    | <u>C)</u> | <u>Three years</u>  | <u>\$75</u>  |
| 4) |           | Replacement card fee  | \$25         |
| 5) |           | Returned check fee  | \$35         |
| b) |           | The Department may reduce registration and renewal card fees for a qualifying patient enrolled in the federal Social Security Disability Income (SSDI) or the Supplemental Security Income (SSI) disability programs, with submission of proof as described in subsection (b)(2), and for veterans with proof of service as described in subsection (b)(3). |              |
| 1) |           | Reduced qualifying patient application fee <u>valid for:</u> <del>(valid for three years)</del>   | <u>\$150</u> |
|    | <u>A)</u> | <u>One year</u>   | <u>\$50</u>  |
|    | <u>B)</u> | <u>Two years</u>  | <u>\$100</u> |

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C) Three years \$150

- 2) The applicant enrolled in the federal Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) disability program shall submit a "Benefit Verification Letter" from the Social Security Administration, showing the individual's name and address and the type of benefits received. The letter must be dated within the last year. A copy of the letter may be obtained on-line at <https://www.ssa.gov/myaccount/> or by contacting the Social Security Administration. The annual cost of living increase letter mailed to recipients of social security benefits will not be accepted.
  - 3) Veterans shall provide a copy of their DD214.
- c) Registered qualifying patients seeking to add a designated caregiver after a registry identification card has been issued shall submit a fee of ~~\$50~~\$75 for the designated caregiver application and an additional \$25 replacement card fee to print a new registry identification card for the registered qualifying patient. The designated caregiver registry card shall expire on the same day as the registered qualifying patient registry card expiration date.

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 10992, effective August 1, 2016, for a maximum of 150 days; emergency rule amended by emergency rulemaking at 40 Ill. Reg. 13732, effective September 16, 2016, for the remainder of the 150 days)

**Section 946.290 Renewal of Registry Identification Cards****EMERGENCY**

- a) Medical cannabis registry identification cards may be valid for up to three years.
- b) If the qualifying patient or designated caregiver who applied for and received a registry identification card that was approved for a 12-month period before September 12, 2016 seeks to extend his or her registry identification card for up to three years from the original effective date, then the patient or caregiver shall complete a renewal application no less than 45 days prior to the expiration date of the card. It is not necessary to provide proof of Illinois residency, obtain a physician certification or obtain a fingerprint background check. A fee is required in accordance with Section 946.210. The qualifying patient or designated

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caregiver may seek a renewal of the registry identification card for a period of one year or two years by paying the fee required (see Section 946.210).

- c) At the end of every three-year period, no~~no~~ less than 45 days prior to the expiration of a registry identification card, the qualifying patient and designated caregiver, if one is indicated, may apply for a new~~renewal of his or her~~ registry identification card as follows:
- 1)~~a)~~ Submit a completed renewal application for the qualifying patient and designated caregiver, if one is indicated, to the Department on the required forms and include:
    - A)~~1)~~ One clear photocopy of a U.S. or State government-issued photo ID, such as a driver's license, as proof of identity;
    - B)~~2)~~ Proof of Illinois residency by meeting the requirements specified in Section 946.200(c); and
    - C)~~3)~~ A signed and dated written physician's certification meeting the requirements of this Part and dated not more than 90 days prior to the application renewal date. A qualifying patient who is a veteran or spouse of a veteran and receiving medical care for his or her qualifying medical condition at a VA hospital shall submit his or her official VA Medical Record instead of a written physician's certification;
  - 2)~~b)~~ Designate the medical cannabis dispensing organization where the qualifying patient will receive his or her medical cannabis; and
  - 3)~~e)~~ Pay the required application fee (see Section 946.210).
- d) If a qualified registered patient or designated caregiver who was issued a registry identification card for a period of one or two years after September 12, 2016 seeks to extend his or her registry identification card up to three-years from the registry identification card's original effective date, he or she may complete a renewal application no less than 45 days before the expiration date. It is not necessary to provide proof of Illinois residency, obtain a physician certification or obtain a fingerprint background check. The qualifying patient or designated caregiver may seek a renewal of the registry identification card for a period of one year or two

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~~years by paying the fee required by Section 946.210. Registered qualifying patient's and designated caregivers who applied and received a registry identification card, which was approved for a 12-month period, before July 31, 2016 may choose to extend their registry identification card by submitting a request for extension on forms provided by the Department and paying the difference between the fees specified in Section 946.210 and the fee already paid at the time of original application. No fingerprint background check or physician certification shall be required. The Department will issue a new registry identification card for an additional two years.~~

(Source: Amended by emergency rulemaking at 40 Ill. Reg. 10992, effective August 1, 2016, for a maximum of 150 days; emergency rule amended by emergency rulemaking at 40 Ill. Reg. 13732, effective September 16, 2016, for the remainder of the 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of September 13, 2016 through September 19, 2016. The rulemakings are scheduled for review at the Committee's October 11, 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>
10/29/16	<u>State Board of Education</u> , Early Childhood Block Grant (23 Ill. Adm. Code 235)	4/29/16 40 Ill. Reg. 6758	10/11/16
10/29/16	<u>Department of Natural Resources</u> , Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)	7/22/16 40 Ill. Reg. 9943	10/11/16
10/29/16	<u>Department of Revenue</u> , Property Tax Code (86 Ill. Adm. Code 110)	7/8/16 40 Ill. Reg. 9063	10/11/16
10/30/16	<u>Department of Insurance</u> , Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds (50 Ill. Adm. Code 4404)	4/8/16 40 Ill. Reg. 5817	10/11/16
11/2/16	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	3/25/16 40 Ill. Reg. 5174	10/11/16
11/2/16	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	4/15/16 40 Ill. Reg. 6540	10/11/16

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 40, Issue 40 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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