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October 7, 2016 Volume 40, Issue 41

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2016

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Recording of Proceedings at Meetings and Hearings
- 2) Code Citation: 68 Ill. Adm. Code 1120
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1120.10	Amendment
1120.30	Amendment
1120.40	Repealed
1120.55	New Section
1120.60	Amendment
- 4) Statutory Authority: Implementing Section 2.05 of the Open Meetings Act [120 ILCS 5/2.05] and authorized by Sections 5-625 [20 ILCS 5/5-625] and 2105-115 [20 ILCS 2105/2105-115] of the Civil Administrative Code of Illinois
- 5) A Complete Description of the Subjects and Issues Involved: The Department internally identified areas of the Open Meeting Act rules that are out of date as they do not accurately capture modern technology and do not address the public's ability to make public comments at Department Board and Committee meetings. This rulemaking provides clean up and clarity of the Department's Open Meeting Act rules, which have not been updated since 1988.
- 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 proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective (if applicable): This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
 SUBCHAPTER a: ADMINISTRATIVE RULES

PART 1120
 RECORDING OF PROCEEDINGS AT MEETINGS AND HEARINGS

Section	
1120.10	Statutory Authority
1120.20	Purpose
1120.30	Proceedings May Be Recorded
1120.40	Witness Refusal (<u>Repealed</u>)
1120.50	Proper Order and Decorum
<u>1120.55</u>	<u>Public Comments</u>
1120.60	Granting Variances

AUTHORITY: Implementing Section 2.05 of the Open Meetings Act [120 ILCS 5] and authorized by Sections 5-625 [20 ILCS 5/5-625] and 2105-115 [20 ILCS 2105/2105-115] of the Civil Administrative Code of Illinois.

SOURCE: Adopted at 3 Ill. Reg. 6, p. 34, effective February 5, 1979; codified at 5 Ill. Reg. 11018; amended at 6 Ill. Reg. 8225, effective July 1, 1982; transferred from Chapter I, 68 Ill. Adm. Code 120 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1120 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2980; amended at 40 Ill. Reg. _____, effective _____.

Section 1120.10 Statutory Authority

~~This Part is~~~~These rules are~~ promulgated pursuant to Section 2.05 of the "Open Meetings Act (the Act) [5 ILCS 120]" (Ill. Rev. Stat. 1979, ch. 102, par. 42.05).

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

Section 1120.30 Proceedings May Be Recorded

Proceedings at meetings and hearings required to be open to the public by the "Open Meetings Act" may be recorded audibly, visually, or by any other means by any person, ~~by tape, film or other means~~. Persons may be required to locate their cameras or other recording devices at a sufficient distance from the committee or board members as is necessary to avoid interference

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

with the committee's or board's discussion.

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

Section 1120.40 Witness Refusal (Repealed)

~~If a witness at any meeting or hearing of the Department refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised or if motion pictures are to be taken of him while he is testifying, the presiding officer shall prohibit such recording during the testimony of the witness.~~

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

Section 1120.55 Public Comments

- a) Pursuant to Section 2.06(g) of the Act, any person shall be permitted an opportunity to address the committee or board so long as the person's public comments:
- 1) preserve the decorum of the meeting;
 - 2) are reasonably related to the committee's or board's agenda and/or scope of regulatory authority, as determined by the committee or board;
 - 3) are limited to a reasonable period of time, not to exceed 3 minutes unless the committee or board gives permission to exceed this time limit.
- b) Pursuant to Section 2.06(g) of the Act, members of the public shall provide at least 2 days notice of intent to address a committee or board, unless the committee or board diminishes or waives this notice requirement.

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

Section 1120.60 Granting Variances

- a) The ~~Secretary~~Director may grant variances from ~~this Part~~these rules in individual cases ~~when~~where he ~~or she~~ finds that:
- 1) The provision from which the variance is granted is not statutorily

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

mandated;

- 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The ~~Secretary~~Director shall notify the appropriate ~~committee~~Committee or ~~board~~Board of the granting of ~~a~~such variance and the reasons for that variance~~therefore~~, at the next meeting of ~~the committee~~such Committee or ~~board~~Board.
- c) This Part shall not apply to Department hearings conducted by administrative law judges.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Athletic Trainers Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1160
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1160.20	Amendment
1160.30	Amendment
1160.31	Amendment
1160.35	Amendment
1160.40	Amendment
1160.50	Amendment
1160.60	Amendment
1160.65	Amendment
- 4) Statutory Authority: Implementing the Illinois Athletic Trainers Practice Act [225 ILCS 5] and authorized by Section 2105/2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-469 was the sunset reauthorization of the Act. The sunset required changes regarding the name of an approved athletic training program and clarification regarding the temporary right to practice as an athletic trainer in Illinois. Additionally, the current limit on webinar continuing education (CE) was lifted in order to mirror the updated technological ways in which licensees complete CE. Technical and clean-up changes were also made.
- 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 has no impact on local governments.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Athletic Trainers regulated under the Act may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Athletic training skills are required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2016

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1160
ILLINOIS ATHLETIC TRAINERS PRACTICE ACT

Section	
1160.20	Examination
1160.30	Application for Licensure by Examination
1160.31	Approved Programs
1160.35	Fees
1160.40	Renewals
1160.50	Restoration
1160.60	Application for Licensure by Endorsement
1160.64	Supervision
1160.65	Continuing Education
1160.70	Annual Report of Board (Repealed)
1160.80	Granting Variances

AUTHORITY: Implementing the Illinois Athletic Trainers Practice Act [225 ILCS 5] and authorized by Section 2105/2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 4759, effective March 12, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 20731, effective December 1, 1986; amended at 11 Ill. Reg. 9939, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 160 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1160 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2935; amended at 20 Ill. Reg. 2408, effective January 29, 1996; amended at 24 Ill. Reg. 3611, effective February 15, 2000; amended at 27 Ill. Reg. 9476, effective June 9, 2003; amended at 31 Ill. Reg. 16823, effective December 13, 2007; amended at 40 Ill. Reg. _____, effective _____.

Section 1160.20 Examination

- a) The examination for licensure shall be the certification examination for the ~~Board of Certification for the Athletic Trainer (formerly known as the National Athletic Trainers Association Board of Certification~~ (BOC) or its successor agency.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- b) Candidates shall make application for the examination, and pay the examination fee, directly to the designated testing service.
- c) Unsuccessful candidates may retake the examination as many times as they wish. Retake application shall be made to the designated testing service.
- d) Application to the designated testing service for purposes of taking the examination shall not constitute application to the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) and shall not entitle an applicant to practice on a temporary basis under the provisions of Section 4(5) of the [Illinois Athletic Trainers Practice Act \(the Act\)](#).

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

Section 1160.30 Application for Licensure by Examination

- a) Any person seeking licensure as an athletic trainer shall file an application with the Division on forms provided by the Division. The application shall include the following:
 - 1) Certification of graduation from an athletic training program approved in accordance with Section 1160.31 ~~of this Part~~ or a program approved by the [Commission on Accreditation of Athletic Training Education \(CAATE\)](#) ~~Joint Review Committee on Athletic Training of the Committee on Accreditation of Allied Health Education Programs~~ or its successor agency;
 - 2) Verification of successful completion of the examination set forth in Section 1160.20 received directly from the designated testing service;
 - 3) The required fee specified in Section 1160.35(a) ~~of this Part~~; and
 - 4) Proof of current certification in cardiopulmonary resuscitation (CPR) ~~and~~/ automated external defibrillation (AED) for ~~the~~ Healthcare [Providers and Professional Rescuers](#) or its equivalent based on American Red Cross or American Heart Association standards.
- b) An applicant who applies to the Division in accordance with subsection (a) is

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

eligible to practice temporarily in accordance with the provisions of Section 4 of the ~~Illinois Athletic Trainers Practice Act (the Act)~~.

- 1) An applicant who has not yet taken the required examination may practice, under the supervision of a licensed athletic trainer, pending examination in accordance with the provisions of Section 4(5) of the Act, for no longer than 3 months. If an applicant fails the examination, he/she shall cease practice immediately. Practicing after failure of an examination or beyond the 3 months shall be considered the unlicensed practice of athletic training.
- 2) An applicant who has applied in writing to the Division for licensure and has complied with all the provisions of Section 9 of the Act may practice in accordance with the provisions of Section 4(9) for no longer than 6 months or until notification has been given that licensure has been granted or denied. Practicing after denial of an application or beyond the 6 months shall be considered the unlicensed practice of athletic training.

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

Section 1160.31 Approved Programs

- a) In determining whether a program shall be approved, the Division shall take into consideration, but not be bound by, accreditation or approval by ~~CAATE the Joint Review Committee on Athletic Training of the Commission on Accreditation of Allied Health Education Programs~~ or its successor entity.
- b) ~~All~~The Division has determined that all athletic training programs accredited or approved by ~~CAATE the Joint Review Committee on Athletic Training of the Commission on Accreditation of Allied Health Education Programs~~ as of January 1, 2006 meet the minimum criteria set forth in this Section and are, therefore, approved.
- c) The Division, upon recommendation of the Illinois Board of Athletic Trainers (the Board), may approve athletic training programs that are not accredited or approved by ~~CAATE the Joint Review Committee on Athletic Training of the Commission on Accreditation of Allied Health Education Programs~~, provided the institution:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree or master's degree;
 - 2) Has a faculty which comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area of teaching from professional colleges or institutions;
 - 3) Has a designated program director;
 - 4) Has a curriculum that covers the domains of athletic training as stated in the Role Delineation Study, 7th Edition, published by the [BOC, 1415 Harney St., Ste. 200, Omaha NE 68102](#) ~~Board of Certification for the Athletic Trainer, 4223 S. 143rd Circle, Omaha NE 68137~~, 2006 (this incorporation includes no later amendments or editions), or its successor agency, and provides evidence of completion of the clinical competencies established by [CAATE](#) ~~the Joint Review Committee on Athletic Training of the Commission on Accreditation of Allied Health Education Programs~~ or its successor agency.
- d) The Division or Board may require additional information in order to evaluate the program.
- e) Programs evaluated under [subsection Section 1160.31\(c\)](#) must be approved on a case-by-case basis for each licensure application.

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

Section 1160.35 Fees

The following fees shall be paid to the Department and are nonrefundable:

- a) The fee for application for a license as an athletic trainer is \$200.
- b) The fee for application for licensure of a person licensed as an athletic trainer in another jurisdiction is \$200.
- c) The fee for renewal of an athletic trainer license is \$100 per year.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- d) The fee for application for a sponsor of continuing education (CE) is \$500.
- e) The fee for renewal as a sponsor of CEcontinuing education is \$125 per year.
- f) The fee for restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- g) The fee for issuance of a duplicate license or for the issuance of a replacement license for a license that has been lost or destroyed is \$20.
- h) The fee for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is replaced.
- i) The fee for certification of a license for any purpose is \$20.
- j) The fee for a wall certificate showing licensure is the actual cost of producing the license.
- k) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

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

Section 1160.40 Renewals

- a) Each license issued under the Act shall expire on May 31 of even-numbered years. The holder of the license may renew the license during the month preceding the expiration date by paying the required fee and completing 40 hours of CEcontinuing education in accordance with Section 1160.65.
- b) It is the responsibility of each license holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired license shall be considered the unlicensed practice of athletic training and subject to discipline or other penalties set forth in Section 16 of the Act.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

Section 1160.50 Restoration

- a) A person seeking restoration of a license that has expired for less than 5 years shall have the license restored upon payment of \$20 plus all lapsed renewal fees as set forth in Section 1160.35(g)-~~of this Part~~. A person seeking restoration of a license shall provide evidence of successful completion of 40 hours of ~~CE continuing education~~ in accordance with Section 1160.65 earned within the 2 years immediately preceding the restoration.
- b) A person seeking restoration of a license that has been placed on inactive status for less than 5 years shall have the license restored upon payment of the current renewal fee specified in Section 1160.35(d)-~~of this Part~~. A person seeking restoration of a license shall provide evidence of successful completion of 40 hours of ~~CE continuing education~~ in accordance with Section 1160.65 earned within the 2 years immediately preceding the restoration.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fees set forth in Section 1160.35, and shall provide evidence of successful completion of 40 hours of continuing education in accordance with Section 1160.65 earned within 2 years immediately preceding the application for restoration. The application shall also include one of the following documents:
 - 1) Sworn evidence of active practice in another jurisdiction. ~~The Such~~ evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of the active practice; or
 - 2) An affidavit attesting to military service as provided in Section 12 of the Act; or
 - 3) Other evidence of continued active participation in athletic training for at least the last 2 years.
 - A) The evidence shall show that he/she has been:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- i) employed in a responsible capacity under the supervision of a licensed athletic trainer; or
 - ii) ~~B) Been~~ an officer or employee of the United States government as a practicing athletic trainer; or
 - iii) ~~C) Been~~ teaching athletic training in a college or university; or
- B)D) ~~The An~~ applicant shall submit proof of an additional 20 hours of ~~CE~~continuing education in accordance with Section 1160.65 of ~~this Part~~, for a total of 60 hours.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 12 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the ~~CE~~continuing education requirements.
- e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Division because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be required to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain ~~thesuch~~ relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Division, an applicant shall have the license restored.

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

Section 1160.60 Application for Licensure by Endorsement

- a) An applicant seeking licensure in Illinois who is licensed/registered under the laws of another jurisdiction shall file an application with the Division, on forms provided by the Division, that includes:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Proof of successful completion of the examination set forth in Section 1160.20 ~~of this Part~~;
 - 2) Certification from the state or territory of the United States in which the applicant was originally licensed, and the states in which the applicant is currently licensed, stating:
 - A) The time during which the applicant was licensed/registered in that jurisdiction;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
 - 3) Proof of current certification in CPR/AED or its equivalent based on American Red Cross or American Heart Association standards.
- b) An applicant licensed in another state who has applied in writing to the Division for licensure by endorsement may practice in accordance with the provisions of Section 4(8) of the Act. This temporary right to act as an athletic trainer shall expire 6 months after the filing of the written application with the Department, upon the withdrawal of the application for licensure under this Act, or upon delivery of a notice of intent to deny the application by the Department, whichever occurs first~~for no longer than 6 months or until notification has been given that licensure has been granted or denied.~~ Practicing after denial of an application or beyond the 6 months shall be considered the unlicensed practice of athletic training.
- c) The Division may request additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois or to determine whether the requirements of another state or territory, together with education and professional experience qualifications of the applicant, are substantially equivalent to the requirements in Illinois at the time of application.
- d) The Division shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

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

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Section 1160.65 Continuing Education

- a) ~~CE~~Continuing Education Hour Requirements
- 1) ~~Renewal~~Beginning with the May 31, 1998 renewal and for every renewal thereafter, renewal applicants shall complete 40 hours of Continuing Education (CE) relevant to the practice of athletic training during each prerenewal period. The Division shall conduct audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.
 - 2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 3) Athletic trainers licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section.
- b) Activities for which CE credit may be earned are as follows:
- 1) Verified attendance or participation in any ~~CE~~continuing education course approved by the ~~BOC or CE sponsors approved by the BOC~~Board of Certification for the Athletic Trainer, the Illinois Athletic Trainers' Association, the Illinois High School Association, or its~~their~~ successor ~~agency~~agencies.
 - 2) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1)~~-of this Section~~.
 - 3) A maximum of 26 hours per prerenewal period for:
 - A) Papers prepared for or delivered before recognized athletic trainer organizations;
 - B) Papers published in nationally recognized athletic training journals; and
 - C) Writing a chapter in a book about athletic training.;

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- ~~D) Self-study courses taken through an accredited college or university or an approved sponsor; and~~
- ~~E) Training taken via teleconferencing with a live moderator through an accredited college or university or an approved sponsor.~~
- 4) A licensee who has completed an Emergency Medical Technician training program for EMT-B, EMT-I or EMT-P certification in accordance with 77 Ill. Adm. Code 515 or who has taken ~~CE continuing education~~ for renewal of those certifications in accordance with 77 Ill. Adm. Code 515.590 may apply up to 10 hours toward meeting the ~~CE continuing education~~ hours set forth in this Section, provided the topics covered during these hours are relevant to the practice of athletic training.
- 5) A licensee who serves as an instructor, speaker or discussion leader of a course given by an approved sponsor will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course. In no case shall credit for actual time of presentation and preparation be given for more than 9 hours during any renewal period.
- 6) The ~~CE continuing education~~ hours used to satisfy the CE requirements for renewal of an athletic trainer license held in another jurisdiction shall be applied toward the CE requirements for renewal of an Illinois athletic trainer license.
- 7) College course work relevant to athletic training completed at an accredited college or university. One semester hour of course work is equivalent to 15 hours of CE and one quarter hour of course work is equivalent to 10 hours of CE.
- 8) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 9) CPR certification by the American Red Cross, American Heart Association, National Safety Council, or their international affiliates, or AED certification by the American Red Cross or other qualified organization as authorized by the Automated External Defibrillator Act.

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Five hours of ~~CE continuing education~~ may be earned for one CPR or AED certification. No more than 2 certifications may be submitted per renewal.

- c) CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
 - A) The ~~BOC or CE sponsors approved by the BOC Board of Certification for the Athletic Trainer, the Illinois Athletic Trainers' Association, the Illinois High School Association, or its/their~~ successor ~~agency/agencies~~;
 - B) Any other school, college or university, State agency, or any other person, firm or association that has been approved and authorized by the Division to coordinate and present ~~CE continuing education~~ courses and programs in conjunction with this Section.
 - 2) An entity seeking approval as a CE sponsor, as provided in ~~subsection Section 1160.65(c)(1)(B)~~, shall file an application, along with the required fee set forth in Section 1160.35(e) ~~of this Part~~, that includes:
 - A) Certification:
 - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(5) below and all other criteria in this Section;
 - ii) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(7); and
 - iii) That, upon request by the Division, the sponsor will submit evidence as is necessary to establish compliance with this Section. ~~The Such~~ evidence shall be required when the Division has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;

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- B) A copy of a Certificate of Attendance or Participation that meets the requirements set forth in subsection (c)(7); and
 - C) A sample of a CE course that includes, but is not limited to, course materials, books, instructor credentials.
- 3) Each sponsor shall submit by May 31 of even-numbered years a renewal application along with the required renewal fee set forth in Section 1160.35(f) of this Part. ~~With the application, the sponsor shall be required to submit to the Division a list of all courses and programs offered in the past 2 years that includes a description, location, date and time the course was offered.~~
- 4) State agencies, colleges and universities shall submit a sponsor application in accordance with subsections (c)(2) and (3); however, they shall be exempt from payment of the fee.
- 5) All courses and programs shall:
- A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of athletic training;
 - B) Specify the course objectives, course content and teaching methods to be used;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
 - E) Include some mechanism whereby participants evaluate the overall quality of the program.
- 6) All programs given by sponsors shall be open to all licensed athletic trainers and not be limited to the members of a single organization or group.

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- 7) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation that shall contain the following information:
 - A) The name, address and license number of the sponsor;
 - B) The name and license number of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of clock hours actually attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
 - 8) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(7) for not less than 5 years, except for the signature of the sponsor.
 - 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
 - 10) The Division, upon recommendation of the Board, shall withdraw, suspend or place on probation the approval of a CE sponsor when, at any time, the quality of the CE fails to meet the established criteria as set forth in this Section or if the sponsorship approval was based upon false or deceptive information or if any other related license of the sponsor or instructor is suspended, revoked or otherwise disciplined.
 - 11) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any CE continuing education program at any time.
 - 12) The Division shall maintain a list of all approved CE continuing education sponsors.
- d) CE Continuing Education Earned in Other Jurisdictions

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- 1) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, the applicant is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(5) ~~of this Section~~. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted at least 90 days prior to the expiration date of the license.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) ~~of this Section~~.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Division may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. The additional documentation will be required in the context of a Division audit.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Restoration of Nonrenewed License. Upon evidence of compliance with CE requirements, the Division may restore the license upon payment of the required fee.

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- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application, the required renewal fee, a statement setting forth the facts concerning ~~the noncompliances~~~~such non-compliance~~, and a request for waiver of the CE requirements on the basis of these facts. The applicant may request an interview with the Board at the time of the waiver request. If the Division, upon the written recommendation of the Board, finds from the applicant's affidavit or any other evidence submitted that extreme hardship has been shown to substantiate granting of a waiver, the Division shall waive enforcement of the CE requirements for the renewal period for which the applicant has applied.
 - 2) If an interview with the Board is requested at the time the request for waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
 - 3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness, documented by a currently licensed physician; or
 - ~~C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or~~
 - ~~C)D)~~ Any other similar extenuating circumstances (i.e., family illness and prolonged hospitalization).
 - 4) Any renewal applicant who, prior to the expiration date of ~~the~~~~his/her~~ license, submits a request for a waiver, pursuant to the provisions of this Section, shall be deemed to be in good standing and may practice until the

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Division's final decision on the waiver has been made.

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

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- 1) Heading of the Part: Illinois Physical Therapy Act
- 2) Code Citation: 68 Ill. Adm. Code 1340
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1340.20	Amendment
1340.30	Amendment
1340.40	Amendment
1340.50	Amendment
1340.55	Amendment
1340.57	Amendment
1340.60	Amendment
1340.61	Amendment
- 4) Statutory Authority: Implementing the Illinois Physical Therapy Act [225 ILCS 90] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-229 was the sunset reauthorization of the Act (effective August 3, 2015) requiring some minor technical changes/updates to the rules. The Department is also proposing a change in testing procedure to address some students' difficulties in meeting the current testing deadlines based on particular schools' graduation dates due to an unintended consequence in the current rules that resulted in students having to wait until October to take the exam, as their graduation date made it difficult or impossible for them to become registered for the earlier July exam. This rule change will allow those students to sit for the exam in July and become licensed three months earlier than under the current rule.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective (if applicable): This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice.

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Physical therapists and/or physical therapist assistants regulated under the Act may be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Physical therapy skills are required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1340

ILLINOIS PHYSICAL THERAPY ACT

Section

1340.15	Application for Licensure Under Section 8.1 of the Act (Grandfather) (Repealed)
1340.20	Approved Curriculum
1340.30	Application for Licensure on the Basis of Examination
1340.40	Examination
1340.50	Endorsement
1340.55	Renewals
1340.57	Fees
1340.60	Restoration
1340.61	Continuing Education
1340.65	Unprofessional Conduct
1340.66	Advertising
1340.70	Granting Variances

AUTHORITY: Implementing the Illinois Physical Therapy Act [225 ILCS 90] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 5 Ill. Reg. 6500, effective June 3, 1981; codified at 5 Ill. Reg. 11048; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 9 Ill. Reg. 1906, effective January 28, 1985; recodified from Chapter I, 68 Ill. Adm. Code 340 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1340 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2959; amended at 12 Ill. Reg. 8030, effective April 25, 1988; amended at 15 Ill. Reg. 5254, effective March 29, 1991; emergency amendment at 15 Ill. Reg. 11503, effective July 30, 1991, for a maximum of 150 days; emergency expired December 27, 1991; amended at 16 Ill. Reg. 3175, effective February 18, 1992; amended at 17 Ill. Reg. 14606, effective August 27, 1993; amended at 20 Ill. Reg. 10678, effective July 26, 1996; amended at 23 Ill. Reg. 11970, effective September 17, 1999; amended at 24 Ill. Reg. 567, effective December 31, 1999; amended at 26 Ill. Reg. 11953, effective July 18, 2002; amended at 28 Ill. Reg. 16252, effective December 2, 2004; amended at 38 Ill. Reg. 19686, effective October 10, 2014; amended at 40 Ill. Reg. _____, effective _____.

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Section 1340.20 Approved Curriculum

- a) In determining whether an applicant's curriculum should be approved, the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) ~~may consider~~shall take into consideration, but not be bound by, accreditation of the applicant's school by the Commission on Accreditation in Physical Therapy Education (CAPTE).
- b) The Division shall, upon the recommendation of the Physical Therapy Licensing and Disciplinary Board (Board), approve an applicant's physical therapist curriculum if the school from which the applicant graduated~~it~~ meets the following minimum criteria:
 - ~~1)~~ 1)A) ~~The school from which the applicant was graduated:~~
 - ~~1)A)~~ 1)A) ~~It is~~Is legally recognized and authorized by the jurisdiction in which it is located to confer a physical therapy degree; ~~and~~
 - ~~2)B)~~ 2)B) ~~It has~~Has a faculty sufficient to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions; and
 - ~~3)C)~~ 3)C) ~~It maintains~~Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
 - 2) ~~Prior to January 1, 2002, the applicant's curriculum shall have a minimum of 120 semester hours which shall include a minimum of 50 semester hours credit in general education and at least the following subject areas in professional education (a minimum of 57 semester hours required):~~
 - A) ~~Basic Health Sciences~~
 - i) ~~Anatomy~~
 - ii) ~~Physiology~~

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- iii) Pathology
 - iv) Kinesiology
 - v) Neurology
 - vi) Psychology
- B) ~~Clinical Sciences to include, but not limited to the major areas of:~~
- i) Medicine
 - ii) Surgery
 - iii) ~~Physical therapy theory and application, including therapeutic exercise, evaluation procedures, physical agents, mechanical modalities, electrotherapy, massage, orthotics and prosthetics, and professional issues~~
- C) ~~Clinical Education—a minimum of 800 clock hours.~~
- 3) ~~Applicants graduating after January 1, 2002 must have a minimum of a master's degree in physical therapy.~~
- 4) ~~No course in which the applicant received a grade lower than a C will be accepted for coursework.~~
- c) The Division shall, upon the recommendation of the Board, approve an applicant's physical therapist assistant curriculum if it meets the following minimum criteria:
- 1) The school from which the applicant ~~was~~ graduated:
 - A) Is legally recognized and authorized by the jurisdiction in which it is located to offer a physical therapist assistant curriculum that leads to an associate degree;
 - B) Has a faculty sufficient to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in

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their areas of teaching from professional colleges or institutions;
and

- C) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- 2) The applicant's curriculum includes at least the following subject areas in professional education (a minimum of 29 semester hours required):
- A) Basic Health Sciences, which shall include the following:
 - i) Anatomy and physiology
 - ii) Pathology
 - iii) Psychology
 - iv) Kinesiology
 - B) Clinical Sciences to include, but not be limited to, the major areas of:
 - i) Medicine and surgery
 - ii) Applied physical therapy science, including gross evaluation techniques, physical agents, mechanical modalities, therapeutic exercise, electrotherapy, massage, and professional issues; and
 - C) Clinical Education – a minimum of 600 clock hours.
- 3) No course in which the applicant received lower than a C will be accepted for coursework.
- d) Recommendation of Approval
- 1) The Division, upon the recommendation of the Board, has determined that the curricula of all physical therapist and physical therapist assistant

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programs accredited by CAPTE ~~on or after~~ January 1, 1996, meet the minimum criteria set forth in subsections (b) and (c) and are, therefore, approved.

- 2) In the event of a decision by CAPTE to deny or withdraw accreditation of any physical therapist or physical therapist assistant program, the Board shall proceed to evaluate the curriculum and either approve or disapprove it in accordance with subsections (b) and (c).
- e) Graduates from Outside the United States
- 1) A graduate of a physical therapist program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the ~~Department Board~~, to determine equivalence of education to ~~an approved curriculum a physical therapist degree conferred by a regionally accredited college or university~~ in the United States. The credentialing service must have a physical therapist consultant on its staff. The ~~Department and the~~ Board ~~recognize~~ recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as ~~an acceptable~~ service ~~determined by the Board to be acceptable~~. A person who graduated from a physical therapist program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL).
 - 2) A graduate of a physical therapist assistant program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the ~~Department Board~~, to determine equivalence of education to a physical therapist assistant degree conferred by a regionally accredited college or university in the United States. The Board recognizes ~~the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313~~ as ~~an acceptable~~ service ~~determined by the Board to be acceptable~~. A person who graduated from a physical therapist assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of ~~the Test of English as a Foreign Language (TOEFL)~~.
 - 3) An individual who is deficient in course work may complete the required

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courses at a regionally accredited college or university within the United States or its territories. The individual will be required to submit an official transcript from the program indicating successful completion of the course and a course description. A passing CLEP (College Level Examination Program) test score is also acceptable in satisfying a deficiency requirement.

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

Section 1340.30 Application for Licensure on the Basis of Examination

- a) An applicant for a physical therapist license by examination shall ~~submit;file an~~
- 1) ~~A completed and signed~~ application on forms ~~provided;supplied~~ by the Division;~~;-The application shall include:~~
 - 2) Certification of graduation from a physical therapist program, signed by the Director of the Physical Therapy Program or other authorized university official and bearing the seal of the university, which meets the requirements set forth in Section 1340.20; and
 - 3) The required fee ~~set forth;~~specified in Section 1340.57.
- b) An applicant for a physical therapist assistant license by examination shall ~~submit;file an~~
- 1) ~~A completed and signed~~ application on forms ~~provided;supplied~~ by the Division;~~;-The application shall include:~~
 - 2) Certification of graduation from a physical therapist assistant program and attainment of a minimum of an associate's degree signed by the director of the Physical Therapist Program or other authorized school official and bearing the seal of a school that meets the requirements set forth in Section 1340.20; and
 - 3) The required fee ~~set forth;~~specified in Section 1340.57.
- c) If supporting documentation for the application is not in English, a certified translation must be included.

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- d) ~~Graduates from Outside the United States~~
- 1) ~~A graduate of a physical therapist program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the Board, to determine equivalence of education to a physical therapist degree conferred by a regionally accredited college or university in the United States or its territories pursuant to Section 1340.20(b). The credentialing service must have a physical therapist consultant on its staff. The Board recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the Board to be acceptable.~~
 - 2) ~~A graduate of a physical therapist assistant program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the Board, to determine equivalence of education to a physical therapist assistant degree conferred by a regionally accredited college or university in the United States or its territories pursuant to Section 1340.20(b). The Board recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the Board to be acceptable.~~
- d)e) An applicant shall have 60 days, or until the next date when the test is administered, after approval of the application to take the examination. If the examination is not taken on the authorized test date, the examination fee is forfeited and the applicant shall resubmit the required examination fee to the designated testing service~~Continental Testing Services, Inc.~~ An applicant who fails to take the examination on the authorized test date shall forfeit the~~his/her~~ right to work as a physical therapist or physical therapist assistant until the examination is passed.
- e)f) If the applicant has ever been licensed/registered in another state or territory of the United States, the applicant~~he/she~~ shall also submit a certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:

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- 1) The time during which the applicant was licensed/registered in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- ~~f)g)~~ An applicant for a license, who has successfully completed the examination recognized by the Division in another jurisdiction but who has not been licensed in that jurisdiction, shall file an application in accordance with subsection (a) or (b) and have the examination scores submitted to the Division by the reporting entity.
- ~~g)h)~~ When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain ~~thesuch~~ relevance or sufficiency, clarify information or clear up any ~~discrepancies~~~~discrepancies~~ or conflicts in information.
- ~~h)i)~~ If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of authorization ~~thatwhich~~ allows ~~the applicant~~~~him/her~~ to practice under supervision in accordance with Section 2 of the Illinois Physical Therapy Act (the Act). Supervision shall constitute the presence of the licensed physical therapist on site to provide supervision. The applicant shall not begin practice as a physical therapist or physical therapist assistant, license pending, until the letter of authorization is received from the Division.
- i) Examination Prior to Graduation
- 1) An applicant enrolled in an approved physical therapy program may apply to take the examination no more than 120 days prior to graduation if the

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applicant provides certification from the physical therapy program of the date upon which the applicant is expected to graduate. If certification of graduation is not received within 90 days after the scheduled graduation date, the results of the examination shall be void.

- 2) The results of the examination shall be made available to the applicant, but no license shall be issued until the Division has received certification that the applicant graduated within 90 days after the scheduled graduation date specified in the certification received from the physical therapy program required by subsection (i)(1), and until the applicant has met all other requirements for licensure set forth in the Act and this Part.
- 3) If the applicant fails the examination, the applicant must submit a certificate of graduation to the Division or its designated testing service prior to taking the next examination.

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

Section 1340.40 Examination

- a) The examination for a physical therapist license shall be the National Physical Therapy Examination (NPTE) of the Federation of State Boards of Physical Therapy for physical therapists.
- b) The examination for a physical therapist assistant license shall be the ~~National Physical Therapy Examination (NPTE) of the Federation of State Boards of Physical Therapy~~ for physical therapist assistants.
- c) The passing ~~score for grade on~~ the physical therapy and physical therapist assistant examination shall be ~~the passing a sealed~~ score established by the testing entity of ~~600~~. The scores shall be submitted to the Division from the designated testing ~~service~~entity.
- d) An applicant who ~~failshas 3 failures of~~ the examination 3 times in any jurisdiction ~~will be required to furnish proofshall be ineligible to retake the examination in Illinois until such time as he/she submits certification~~ of remedial training ~~on forms supplied by the Department, to the BoardCommittee on forms provided by the Division. The proof shall include certification that, subsequent to the third failure,~~ the applicant ~~has~~ successfully completed a structured clinical training

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program of not less than 3 months on a full-time basis. The training shall be under the direct, on site, personal supervision of a licensed physical therapist ~~preapproved, as approved~~ by the ~~Department or Board~~ Committee.

- e) Any person licensed in Illinois as a physical therapist or physical therapist assistant shall not be admitted to the examination. However, in no way shall this provision limit the Division's ability to require reexaminations for restoration or enforcement purposes.
- f) ~~The provisions of this Section shall apply to all applicants regardless of where the applicant is in the application process.~~

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

Section 1340.50 Endorsement

- a) An applicant who is currently licensed under the laws of another state or territory of the United States and who wishes to be licensed as a physical therapist or physical therapist assistant by endorsement, shall ~~submit; file an~~
- 1) A completed and signed application ~~with the Division~~, on forms provided by the Division; ~~which shall include:~~
 - 2) ~~4)~~ Certification, on forms provided by the Division, of successful completion of an approved physical therapist or physical therapist assistant program as set forth in ~~accordance with~~ Section 1340.20;
 - 3) ~~2)~~ Certification from the state or territory of original licensure and the state in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains record of any disciplinary actions taken or pending, and the applicant's license number;
 - 4) ~~3)~~ If the applicant's first language is not English, certification of passage of ~~The Division may waive the TOEFL examination. This provision does not apply to~~ individuals who are licensed in a U.S. jurisdiction and have been actively practicing in another U.S. jurisdiction for 3 years prior to the date of application for licensure in Illinois;

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- ~~5)4)~~ A report of the applicant's examination record forwarded directly from the test reporting service; and
- ~~6)5)~~ The required fee ~~set forth~~~~specified~~ in Section 1340.57.
- b) ~~Graduates from Outside the United States~~
- 1) ~~A graduate of a physical therapist program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the Board, to determine equivalence of education to a physical therapist degree conferred by a regionally accredited college or university in the United States or its territories. The credentialing service must have a physical therapist consultant on its staff. The Board recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the Board to be acceptable. A person who graduated from a physical therapist program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL).~~
- 2) ~~A graduate of a physical therapist assistant program outside the United States or its territories shall have his or her credentials evaluated, by a credentialing service acceptable to the Board, to determine equivalence of education to a physical therapist assistant degree conferred by a regionally accredited college or university in the United States. The Board recognizes the Foreign Credentialing Commission of Physical Therapy, Inc. (FCCPT), P.O. Box 25827, Alexandria, Virginia 22313 as a service determined by the Board to be acceptable. A person who graduated from a physical therapist assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL).~~
- 3) ~~Applicants who were licensed in another state between August 1, 1996 and September 1, 1999 will have their curriculum reviewed on an individual basis. All programs previously approved by the Division will no longer be considered approved.~~
- ~~b)e)~~ The Division shall examine each endorsement application to determine whether

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the requirements in the jurisdiction at the date of licensing were substantially equivalent to the requirements then in force in this State and whether the applicant has otherwise complied with the Act.

- ~~c)~~ The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.
- ~~d)~~ When an applicant for licensure by endorsement as a physical therapist or physical therapist assistant is notified in writing by the Division that the application is complete, the applicant may practice in Illinois for one year or until licensure has been granted or denied, whichever period of time is lesser, as set forth provided in Section 2(4) of the Act.

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

Section 1340.55 Renewals

- a) Every physical therapy license issued under the Act shall expire on September 30 of each even-numbered year. Every physical therapist assistant license issued under the Act shall expire on September 30 of each odd-numbered year. The holder of a license may renew ~~the such~~ license during the month preceding the expiration date of the license thereof by paying the required fee and completing continuing education (CE) as set forth in ~~accordance with~~ Section 1340.61.
- b) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew a license or pay the renewal fee.
- c) Practicing or offering to practice on a license ~~that which~~ has expired shall be considered unlicensed activity and shall be grounds for discipline as set forth in pursuant to Section 31 of the Act.

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

Section 1340.57 Fees

The following fees shall be paid to the Division and are not refundable:

- a) Application Fees

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- 1) The fee for application for a license as a physical therapist or physical therapist assistant is \$100. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The fee for application as a continuing education sponsor is \$500. Illinois State colleges and universities and Illinois State agencies are exempt from payment of this fee.
- b) Renewal Fees
- 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
 - 2) The fee for renewal of ~~CE~~continuing education sponsor approval is \$250 for the renewal period.
- c) General Fees
- 1) The fee for the restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees, but not to exceed \$200.
 - 2) The fee for restoration of a license from inactive status is the current renewal fee.
 - 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
 - 4) The fee for a certification of a licensee's record for any purpose is \$20.

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- 5) The fee to have the scoring of an examination authorized by the Division reviewed and verified is \$20 plus any fees charged by the ~~designated~~applicable testing service.
- 6) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 7) The fee for a roster of persons licensed as physical therapists or physical therapist assistants in this State shall be the actual cost of producing the roster.

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

Section 1340.60 Restoration

- a) Any person seeking restoration of a license that has ~~been~~ expired or been placed on inactive status for more than 5 years shall ~~submit; file an~~
 - 1) A completed and signed application, on forms ~~provided~~supplied by the Division; ~~together with~~
 - 2) ~~The required~~ the fee set forth ~~in~~required by Section 1340.57; and
 - 3) ~~Proof~~proof of having met the ~~CE~~continuing education requirements set forth in ~~of~~ Section 1340.61. ~~CE~~Continuing education must be completed during the 24 months preceding application for restoration. In addition, the applicant shall ~~submit~~also do one of the following:
 - A) ~~1) Certification~~Submit certification of current licensure from another state or territory completed by the appropriate state board; and ~~show~~ proof of current active practice; ~~or~~
 - B) ~~2) An~~Submit an affidavit attesting to military service as set forth ~~provided~~ in Section 15 of the Act. If application is made within 2 years ~~after~~of discharge, and if all other provisions of Section 15 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; ~~or~~
 - C) ~~3) Proof of passage of~~Pass the examination set forth in Section

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1340.40; or

- ~~D)4)~~ Evidence~~Submit evidence~~ of recent attendance at educational programs in physical therapy, including attendance at college level courses, special seminars, or any other similar program, or evidence of recent related work experience to show that the applicant has maintained competence in the applicant's~~his/her~~ field. The Division will accept:
- ~~i)A)~~ For an applicant whose license has lapsed 5 to 10 years, 160 contact hours of clinical training under the supervision of a licensed physical therapist preapproved~~approved~~ by the Board.
- ~~ii)B)~~ For an applicant whose license has lapsed for 10 years or more, 320 contact hours of clinical training under the supervision of a licensed physical therapist preapproved~~approved~~ by the Board.
- b) A person applying for restoration of a license that has expired for 5 years or less shall submit~~file an~~
- 1) A completed and signed application, on forms provided by~~with~~ the Division; ~~and submit all~~
- 2) The required fees ~~as set forth~~specified in Section 1340.57. If application is made within 2 years after discharge from military service, and if all other provisions of Section 15 of the Act are satisfied, the applicant will be required to pay only the current renewal fee; ~~and~~
- 3) Proof~~A licensee seeking restoration of a license shall be required to submit~~ of the required hours of CE set forth~~of continuing education~~ in accordance with Section 1340.61. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.
- c) A licensee~~registrant~~ seeking restoration of a license that has been on inactive status for less than 5 years shall have the license restored upon payment of the current renewal. A licensee seeking restoration of a license shall be required to submit proof of the required hours of CE set forth~~continuing education~~ in

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~~accordance with~~ Section 1340.61. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain ~~thesueh~~ relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts of information. Upon the recommendation of the Board and approval by the Director ~~of the Division with the authority delegated by the Secretary,~~ an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

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

Section 1340.61 Continuing Education

- a) ~~CE~~Continuing Education Hour Requirements
- 1) Every physical therapist shall complete 40 hours of ~~continuing education~~ ~~(CE)~~ relevant to the practice of physical therapy during each prerenewal period as a condition of renewal. Beginning with the September 2016 renewal, at least 3 hours of the 40 hours must include content related to the ethical practice of physical therapy.
 - 2) Every physical therapist assistant shall complete 20 hours of CE relevant to the practice of physical therapy during each prerenewal period as a condition of renewal. Beginning with the September 2017 renewal, at least 3 hours of the 20 hours must include content related to the ethical practice of physical therapy.
 - 3) A prerenewal period is the 24 months ~~preceeding~~preceeding September 30 in the year of the renewal.

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- 4) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 5) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of academic credit awarded.
 - 6) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 7) Physical therapists and physical therapist assistants licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section. CE credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois if the CE requirements in the other state are equivalent to the CE requirements in this Section.
- b) Approved [CE Continuing Education](#)
- 1) All CE activities shall be relevant to the advancement, extension and enhancement of providing patient/client management, including but not limited to physical therapy examination, evaluation, intervention, and prevention and providing physical therapy services or fulfilling the other professional roles of a physical therapist or physical therapist assistant. Courses not acceptable for the purpose of this definition include, but are not limited to, personal estate planning, personal financial planning, personal investments, and personal health.
 - 2) CE hours may be earned by verified attendance at or participation in a program that is offered by an approved [CE continuing education](#) sponsor who meets the requirements set forth in subsection (c). Credit shall not be given for courses taken in Illinois from unapproved sponsors.
 - 3) CE may also be earned from the following activities:
 - A) Teaching a course for an approved CE sponsor or a CAPTE accredited PT or PTA program. An applicant will receive 2 hours

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of credit for each CE hour awarded to course attendees the first time the course is taught and 1 hour of credit for each CE hour the second time the same course is taught; no credit will be given for teaching the same course 3 or more times. A maximum of 50% of the total CE requirements may be earned through CE instruction. The applicant must be able to provide verification of unique content for each CE course taught via course goals, objectives, and outline.

- B) American Board of Physical Therapy Specialties (ABPTS) Clinical Specialist Certification. An applicant will receive 40 hours of CE credit for the prerenewal period in which the initial certification is awarded.
- C) American Physical Therapy Association (APTA)-approved post-professional clinical residency or fellowship. An applicant will receive 1 hour of CE credit for every 2 hours spent in clinical residency, up to a maximum of 20 hours. Clinical residency hours may not be used for CE credit if the applicant is also seeking CE credit for hours earned for post-professional academic coursework in the same prerenewal period.
- D) Professional research/writing. An applicant may receive CE credit for publication of scientific papers, abstracts, or review articles in peer-reviewed and other professional journals; publication of textbook chapters; and poster or platform presentations at conferences sponsored by any entity that has ~~preapproved~~
~~approved~~ status, up to a maximum of 50% of the total CE requirements:
 - i) 15 hours for each refereed article.
 - ii) 3 hours for each non-refereed article, abstract of published literature or book review.
 - iii) 5 hours for each textbook chapter.
 - iv) 5 hours for each poster or platform presentation or review article.

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- E) Self-study. A maximum of 50% of the total CE requirements may be earned through the following self-study activities:
- i) An applicant may obtain CE credit by taking correspondence or web-based courses from an approved CE sponsor. These courses shall include a test that must be passed in order to obtain credit.
 - ii) An applicant can receive CE credit for utilizing moderated teleconferences, webinars, or ~~prerecorded~~~~pre-recorded~~ professional presentations offered by approved sponsors. The applicant will be responsible for verifying purchase/registration for teleconferences or audio presentations.
 - iii) An applicant can receive CE credit for completion of published tests/quizzes based on APTA publications. The applicant will be responsible for verifying successful completion. (These publication-based tests/quizzes, typically offered for less than 1 hour of CE credit, are the only exception to the requirement that all approved CE activities must be at least 1 hour.)
- F) Journal clubs. Up to 5 hours of CE credit may be obtained for participation in a journal club. Credit will be earned based on actual hours of participation and must be verified with an attendance list and list of articles from peer-reviewed journals discussed at each meeting.
- G) Educational programs at Illinois Physical Therapy Association (IPTA) district meetings. Up to 5 hours of CE credit may be obtained for attendance at these programs. Credit will be earned based on actual hours of participation and must be verified with an attendance list and referenced presentation materials.
- H) Departmental inservices. Up to 5 hours of CE credit may be obtained for attendance at inservices at healthcare facilities or organizations. Credit will be earned based on actual hours of

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participation and must be verified with an attendance list and referenced presentation materials.

- D) Up to 5 CE hours may be earned for completion of skills certification courses. A maximum of 2 hours in cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, or other qualified organization may be accepted, while a maximum of 3 hours may be accepted for certification or recertification in Basic Life Support for Healthcare Providers (BLS), Advanced Cardiac Life Support (ACLS), or Pediatric Advanced Life Support (PALS) or their equivalent.
 - J) Clinical instructor. Up to 5 hours of CE credit may be obtained by being a clinical instructor for either PT or PTA students. Credit will be earned based on hours of cumulative student clinical instruction, with 1 hour of CE credit per 120 student hours. CE credit hours for clinical instruction will be awarded by the student's academic institution.
- 4) CE will not be awarded for the following types of activities:
- A) Entry-level physical therapist or physical therapist assistant academic coursework.
 - B) Employee orientation programs.
 - C) Professional meetings or conventions, other than educational programming by approved sponsors.
 - D) Committee meetings.
 - E) Work experience.
 - F) Individual scholarship, mass media programs or self-study activities not identified in subsection (b)(2)(E).
- c) [CE Continuing Education](#) Sponsors and Programs
- 1) Approved sponsor, as used in this Section, shall mean:

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- A) APTA and its components, including programs, courses and activities approved by the IPTA;
 - B) Federation of State Boards of Physical Therapy, including programs, courses and activities approved through its ProCert program;
 - C) Colleges, universities, or community colleges or institutions with physical therapist or physical therapist assistant education programs accredited by the Commission on Accreditation in Physical Therapy Education; for post-professional academic coursework, all regionally accredited colleges and universities would be approved sponsors; and
 - D) Any other person, firm, association, corporation, or group that has been approved and authorized by the Division pursuant to subsection (c)(2) upon the recommendation of the Board to coordinate and present ~~CE~~continuing education courses or programs.
- 2) Entities seeking a license as a CE sponsor pursuant to subsection (c)(1)(D) shall file a sponsor application, along with the required fee set forth in Section 1340.57. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (b) and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(7)(A); and
 - C) That, upon request by the Division, the sponsor will submit

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evidence as is necessary to establish compliance with this Section. Evidence shall be required when the Division has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.

- 3) Each licensed sponsor shall submit by September 30 of each even-numbered year a sponsor application along with the renewal fee set forth in Section 1340.57. ~~With the application the sponsor shall be required to submit to the Division a list of all courses and programs offered within the past 24 months, which includes a description, location, date and time the course was offered.~~
- 4) Each CE program by a licensed sponsor shall provide a mechanism for written evaluation of the program and instructor by the participants. ~~The Such~~ evaluation forms shall be kept for 5 years and shall be made available to the Division upon written request.
- 5) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of physical therapy;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Provide for a mechanism for the evaluation of the program by the participants;
 - E) Be open to all licensed physical therapists and physical therapist assistants and not be limited to the members of a single organization or a group; and
 - F) Specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.

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- 6) Certificate of Attendance by a Licensed Sponsor
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name of the sponsor;
 - ii) The name of the participant;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program;
 - vi) Signature of the sponsor.
 - B) The sponsor shall maintain these records for not less than 5 years.
 - 7) The licensed sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.
 - 8) Upon the failure of a licensed sponsor to comply with any of the foregoing requirements, the Division, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until ~~such time as~~ the Division receives reasonably satisfactory assurances of compliance with this Section.
- d) CE~~Continuing Education~~ Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or 90 days prior to the expiration date of the license. The Board shall review and recommend

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approval or disapproval of this program using the criteria set forth in this Section.

- 2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
 - 2) The Division may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of ~~such~~ compliance for a minimum of 5 years.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Division a renewal application, the renewal fee set forth in Section 1340.57, a statement setting forth the facts concerning ~~the noncompliance~~~~such non-compliance~~, and a request for waiver of the CE requirements on the basis of ~~those~~~~such~~ facts. If the Division, upon the written recommendation of the Board, finds from ~~the~~~~such~~ affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Division shall waive enforcement of ~~the CE~~~~such~~ requirements for the renewal period for which the applicant has applied.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to

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fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of ~~the prerenewal~~ such period; or
- B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician;
 - ii) A physical inability to travel to the sites of approved programs; or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for the waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) shall be deemed to be in good standing until the Division's final decision on the application has been made.

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

HEALTH FACILITIES AND SERVICES REVIEW BOARD

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- 1) Heading of the Part: Health Facilities and Services Review Operational Rules
- 2) Code Citation: 77 Ill. Adm. Code 1130
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1130.140	Amendment
1130.531	New Section
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12]
- 5) A Complete Description of the Subjects and Issues Involved: The Board is codifying a longstanding practice regarding the timing of adjustments to the Inventory. For planning purposes, the Board has an established practice of adjusting its Inventory immediately after a project is approved. This practice applies to adjustments made after the Board approves projects to establish a health care facility, as well as after the Board approves projects to discontinue a health care facility or category of service. This Part already explains the timing of adjustments to the Inventory after the Board approves projects to establish a health care facility, but it does not address the timing of adjustments for discontinuation projects. This amendment will remedy that by indicating when adjustments to the Inventory will be made for discontinuations.

The Board is updating the definition of "substantially changes the scope or changes the functional operation of the facility" to make it more precise.

The Board is reinstating exemption requirements for projects involving neonatal intensive care beds. The requirements were removed in June of 2015. When the requirements were removed, the intent was to require these projects to apply for a permit. However, that was not accomplished and the Board ultimately did not make that change. Since these types of projects continue to be eligible for an exemption, the Board must re-establish requirements for them.

- 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

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
1130.120	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.130	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.140	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.150	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.215	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.230	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.240	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.250	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.310	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.410	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.500	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.520	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.525	New Section	39 Ill. Reg. 16277; December 28, 2015
1130.550	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.560	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.570	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.580	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.590	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.610	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.620	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.635	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.640	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.650	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.655	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.660	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.670	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.680	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.710	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.720	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.730	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.740	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.750	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.760	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.770	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.775	Amendment	39 Ill. Reg. 16277; December 28, 2015

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1130.780	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.790	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.810	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.910	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.920	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.930	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.940	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.950	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.980	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.990	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.995	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.1020	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.1030	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.1040	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.1080	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.1130	Amendment	39 Ill. Reg. 16277; December 28, 2015
1130.APPENDIX A	Amendment	39 Ill. Reg. 16277; December 28, 2015

- 11) Statement of Statewide Policy Objective: This rulemaking may affect units of local government that own or operate health care facilities.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Jeannie Mitchell
Assistant General Counsel
Health Facilities and Services Review Board
69 West Washington Street, Suite 3501
Chicago IL 60602

312/814-6226
e-mail: Jeannie.Mitchell@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking may affect units of small businesses, small municipalities and not-for-profit corporations that own or operate health care

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facilities, such as hospitals, ambulatory surgery treatment centers, long-term care centers, end stage renal dialysis centers, free standing emergency care centers, and freestanding birth centers.

- B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent Regulatory Agendas because when the regulatory agendas were submitted, the Board intended to remove the ability for NICU projects to receive an exemption.

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

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TITLE 77: PUBLIC HEALTH

CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD

SUBCHAPTER b: OTHER BOARD RULES

PART 1130

HEALTH FACILITIES AND SERVICES REVIEW OPERATIONAL RULES

SUBPART A: AUTHORITY

Section

- 1130.110 Statutory Authority/Applicability
- 1130.120 Introduction
- 1130.130 Purpose
- 1130.140 Definitions
- 1130.150 Referenced and Incorporated Materials

SUBPART B: GENERAL REQUIREMENTS

Section

- 1130.210 Persons and Facilities Subject to the Act
- 1130.215 Health Care Facilities Subject to the Act
- 1130.220 Necessary Parties to the Application for Permit or Exemption
- 1130.230 Fees
- 1130.240 Reporting and Notification Requirements
- 1130.250 HFSRB Meetings

SUBPART C: PROJECTS OR TRANSACTIONS SUBJECT TO THE ACT

Section

- 1130.310 Projects or Transactions Subject to the Act

SUBPART D: PROJECTS OR TRANSACTIONS ELIGIBLE FOR EXEMPTION FROM PERMIT REQUIREMENTS

Section

- 1130.410 Projects or Transactions Exempt from Permit Requirement

SUBPART E: OPERATIONAL REQUIREMENTS FOR EXEMPTIONS

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Section

- 1130.500 General Requirements for Exemptions
- 1130.510 Requirements for Exemptions Involving the Acquisition of Major Medical Equipment (Repealed)
- 1130.520 Requirements for Exemptions Involving the Change of Ownership of a Health Care Facility
- 1130.530 Requirements for Exemptions Involving Health Maintenance Organizations (Repealed)
- 1130.531 Requirements for Exemptions for the Establishment or Expansion of Neonatal Intensive Care Service and Beds (Repealed)
- 1130.539 Requirements for Exemptions Involving the Establishment of Positron Emission Tomography (P.E.T.) Service (Repealed)
- 1130.540 Requirements for Exemptions Involving Discontinuation (Repealed)
- 1130.541 Requirements for Exemptions for Combined Facility Licensure (Repealed)
- 1130.542 Requirements for Exemptions for Temporary Use of Beds for Demonstration Programs (Repealed)
- 1130.543 Requirements for Exemption for Equipment to be Acquired By or on Behalf of a Health Care Facility (Repealed)
- 1130.544 Requirements for Exemption for the Addition of Dialysis Stations (Repealed)
- 1130.550 Agency Processing of an Application for Exemption
- 1130.560 State Board Action
- 1130.570 Validity of an Exemption and Reporting Requirements
- 1130.580 Relinquishment of an Exemption
- 1130.590 Revocation of an Exemption

SUBPART F: OPERATIONAL REQUIREMENTS FOR THE REVIEW
AND PROCESSING OF APPLICATIONS FOR PERMIT

Section

- 1130.610 Duration of the Review Period and Time Frames
- 1130.620 Technical Assistance, Classification, Completeness Review, and Review Procedures
- 1130.630 HFSRB Staff Actions During the Review Period
- 1130.635 Additional Information Provided During the Review Period
- 1130.640 Extension of the Review Period
- 1130.650 Modification of an Application
- 1130.655 HFSRB Consideration and Action
- 1130.660 Approval of an Application
- 1130.670 Intent to Deny an Application

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1130.680 Denial of an Application

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section

1130.710 Validity of Permits
1130.720 Financial Commitment
1130.730 Extension of the Financial Commitment Period
1130.740 Permit Renewal
1130.750 Alteration of Post-Permit Projects
1130.760 Annual Progress Reports
1130.770 Project Completion, Final Realized Costs and Cost Overruns
1130.775 Relinquishment of a Permit
1130.780 Revocation of a Permit
1130.790 Penalties, Fines and Sanctions Mandated in the Illinois Health Facilities Planning Act for Non-compliance with the Act and HFSRB Rules

SUBPART H: DECLARATORY RULINGS

Section

1130.810 Declaratory Rulings

SUBPART I: PUBLIC HEARING AND COMMENT PROCEDURES

Section

1130.910 Applicability
1130.920 Notice of Review and Opportunity for Public Hearing and Comment on Applications for Permit
1130.930 Notice of Public Hearing on Applications for Permit
1130.940 Procedures for Public Hearing on Applications for Permit
1130.950 Written Comments on Applications for Permit
1130.960 Notice Procedures for Public Hearing on Applications for Certificate of Recognition (or Revocation of Recognition) (Repealed)
1130.970 Procedures for Public Hearing on Applications for Certificate of Recognition (or Revocation of Recognition) (Repealed)
1130.980 Procedures Concerning Public Hearing for Certificate of Exemption for Change of Ownership
1130.990 Procedures for Public Hearing and Comment on Proposed Rules
1130.995 Procedures for Public Comment on All Other Matters

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SUBPART J: PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

Section

1130.1010	The Right to an Administrative Hearing and Applicable Rules
1130.1020	Initiation of a Contested Case (Pleadings)
1130.1030	Waiver of Hearing
1130.1040	Parties to Hearings
1130.1050	Appearance – Right to Counsel
1130.1060	Prehearing Conferences
1130.1070	Intervention
1130.1080	Disqualification of Administrative Law Judge
1130.1090	Form of Papers
1130.1100	Service
1130.1110	Conduct of Hearings
1130.1120	Discovery
1130.1130	Motions
1130.1140	Subpoenas
1130.1150	Administrative Law Judge's Report and Recommendation
1130.1160	Proposal for Decision (Repealed)
1130.1170	Final Decision
1130.1180	Records of Proceedings
1130.1190	Miscellaneous
1130.1200	Copies of Pleadings to be Filed
1130.1210	Applicability

1130.APPENDIX A Capital Expenditure Minimums/Review Thresholds

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

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26, 1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; recodified at 20 Ill. Reg. 2597; emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum of 150 days; emergency expired January 30, 1998;

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amended at 23 Ill. Reg. 2911, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 3835, effective March 15, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7752, effective July 9, 1999; amended at 24 Ill. Reg. 6013, effective April 7, 2000; amended at 25 Ill. Reg. 10786, effective August 24, 2001; amended at 27 Ill. Reg. 2976, effective February 21, 2003; amended at 30 Ill. Reg. 14852, effective September 1, 2006; amended at 31 Ill. Reg. 15270, effective November 1, 2007; amended at 32 Ill. Reg. 12355, effective July 18, 2008; amended at 37 Ill. Reg. 6227, effective June 1, 2013; amended at 38 Ill. Reg. 2869, effective February 1, 2014; amended at 39 Ill. Reg. 6347, effective June 1, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART A: AUTHORITY

Section 1130.140 Definitions

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

"Administrative Law Judge" means the person appointed to preside at administrative hearings under Subpart J of this Part and pursuant to the Act.

"Administrator" means the chief executive officer of HFSRB, responsible to the HFSRB Chairman and, through the Chairman, responsible to HFSRB for the execution of its policies and procedures.

"Adverse Action" means a disciplinary action taken by IDPH, CMMS, or any other State or federal agency against a person or entity that owns or operates or owns and operates a licensed or Medicare or Medicaid certified healthcare facility in the State of Illinois. These actions include, but are not limited to, all Type "A" and Type "AA" violations. As defined in Section 1-129 of the Nursing Home Care Act [210 ILCS 45], "*Type 'A' violation*" means a violation of the Nursing Home Care Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that risk of death or serious mental or physical harm to a resident will result therefrom or has resulted in actual physical or mental harm to a resident. As defined in Section 1-128.5 of the Nursing Home Care Act, a "*Type AA violation*" means a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility that proximately caused a resident's death. [210 ILCS 45/1-129]

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"Affirmation" means a statement, declaration, proclamation, pronouncement or notice made by an applicant regarding the information requirements for an application for exemption, with the understanding that there are still consequences to any matters that are non-compliant with the terms of the exemption issued.

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

"Alteration" means any revision or change to a project as detailed in the application that occurs after HFSRB issuance of the permit. A completed project cannot be altered. The site of the proposed project or the persons who are the permit holder cannot be altered.

"Applicant" means a person, as defined in the Act, who applies for a permit or exemption. See Section 1130.220 to determine what parties are necessary for an application.

"Audit" means the most recent formal examination, correction and official endorsement of financial reports by an independent certified public accountant.

"Authorized Representative" means a person who has authority to act on behalf of the legal entity or person that is the applicant or permit holder. Authorized representatives are: in the case of a corporation, any of its officers or members of its board of directors; in the case of a limited liability company, any of its managers or members (or the sole manager or member when two or more managers or members do not exist); in the case of a partnership, any of its general partners (or the sole general partner when two or more general partners do not exist); in the case of estates and trusts, any of its beneficiaries (or the sole beneficiary when two or more beneficiaries do not exist); and in the case of a sole proprietor, the individual who is the proprietor.

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

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expenditure is made shall be included in determining if such expenditure exceeds the capital expenditure minimum. Unless otherwise interdependent or submitted as one project by the applicant, components of construction or modification undertaken by means of a single construction contract or financed through the issuance of a single debt instrument shall not be grouped together as one project. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under the Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review. [20 ILCS 3960/3]

"Capital Expenditure Minimum" means the dollar amount or value which would require a permit for capital projects and major medical equipment. Capital expenditure minimums are adjusted annually to reflect the increase in construction costs due to inflation per Section 1130.310. Current capital expenditure minimums are posted on the HFSRB website (www.hfsrb.illinois.gov) and Appendix A.

"Censure" means a formal and public reprimand issued by HFSRB.

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

"Chairman" means the presiding officer of HFSRB.

"Change in the Bed Count of a Health Care Facility" means a change in a health care facility's authorized bed capacity, including reductions, increases with permit or allowable increases without permit. *A permit or exemption shall be obtained prior to the construction or modification of a health care facility that: changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility to another by more than 20 beds or 10% of total bed capacity as defined by the State Board in its Inventory of Health Care Facilities and Services and Need Determinations found on the Board's website at www.hfsrb.illinois.gov, whichever is less, over a 2-year period. [20 ILCS 3960/5]* The two-year period begins on the date the additional beds or stations become operational. (See Section 1130.240(f) for more detail.)

"Change of Ownership" means a change in the person who has operational control

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

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

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

for facilities not subject to licensing, the issuance of a provider number to a different person by certification agencies that administer Titles XVIII and XIX of the Social Security Act; or

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

a change of 50% or more of the voting members of a not-for-profit corporation's board of directors, during any consecutive 12 month period, that controls a health care facility's operations, license, certification (when the facility is not subject to licensing) or physical plant and capital assets; or

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

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

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

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"Clinical Service Area" means a department or service that is directly *related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility* [20 ILCS 3960/3]. A clinical service area's physical space shall include those components required under the facility's licensure or Medicare or Medicaid Certification, and as outlined by documentation from the facility as to the physical space required for appropriate clinical practice.

"Co-applicant" means a person, as defined in the Act, who, together with other persons, applies for a permit or exemption. (See Section 1130.220 to determine what parties are necessary for an application.)

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

"Completion Date" or "Project Completion Date" means the date established by the applicant for the completion of the project in the approval of the permit or subsequent renewal.

"Construction" or "Modification" *means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditures made by or on behalf of a health care facility for the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act or a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act shall be excluded from any obligations under the Act.* [20 ILCS 3960/3]

"Contested Case" is defined in Section 1-30 of the IAPA [5 ILCS 100/1-30].

"Control" means that a person possesses any of the following discretionary and non-ministerial rights or powers:

In the case of an entity, the ability to direct the management and policies of the entity, whether through the voting of securities, corporate

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membership, contract, or otherwise. Examples of such control include, without limitation:

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

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

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

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

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

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

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

serving as lessee or sublessee.

"Conversion" means a change in the control of an existing health care facility's physical plant, assets, or operations by such methods as, but not limited to, a change in ownership, acquisition, merger, consolidation, lease, stock transfer, or change in sponsorship. Types of conversion include:

change of ownership;

consolidation by combining two or more existing health care facilities into a new health care facility, terminating the existence of the existing or original facilities ($A + B = C$). Consolidation results in the establishment

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of a health care facility within the meaning of the Act and in the discontinuation of the existing facilities, resulting in termination of license for facilities subject to licensing or the loss of certification for facilities not subject to licensing;

merger by the absorption of one or more existing health care facilities into another existing health care facility. The result of the absorption is that only one facility survives ($A + B = B$). Merger results in the modification (e.g., expansion of beds or services) of the survivor facility and the discontinuation of the facility being absorbed.

"Date" means, for purposes of 77 Ill. Adm. Code 1130, a time period starting at 12:00:01 a.m. of a specified day and ending at 12:00:01 a.m. the following day.

"Director" means *the Director of the Department of Public Health*. [20 ILCS 3960/3]

"Discontinuation" means to cease operation of an entire health care facility or category of service on a voluntary or involuntary basis. A permit is required prior to discontinuation. [For discontinuations approved by HFSRB, the discontinued beds will be removed from the Inventory once the permit is issued.](#) A facility or category of service that has ceased operation or has interrupted service on a temporary basis due to unanticipated or unforeseen circumstances (such as the lack of appropriate staff, or a natural or unnatural disaster) may be determined to not have discontinued, provided that the facility has exercised appropriate efforts to maintain operation and has provided documentation of the circumstances and anticipated date of restoration to HFSRB within 30 days after the temporary interruption of the service. Discontinuation also includes a determination by HFSRB that:

a category of service approved after January 1, 1992 is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100 (Narrative and Planning Policies), for that category of service, by the end of the second year of operation after project completion and on average for any two-year period thereafter (based upon data reported by the facility to HFSRB staff pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability

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to adequately staff the existing service; or

an existing category of service is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of service, on average for any two-year period commencing on January 1, 1995 and thereafter (based upon data reported by the facility to HFSRB staff pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service.

HFSRB NOTE: HFSRB may determine that discontinuation has not occurred when a facility has complied with the requirements of this definition. Failure to obtain a permit prior to discontinuation may result in the imposition of sanctions or penalties as provided by the Act.

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

"Emergency Projects" means projects that are *emergent in nature and must be undertaken immediately to prevent or correct structural deficiencies or hazardous conditions that may harm or injure persons using the facility, as defined at 77 Ill. Adm. Code 1110.40(a)*. [20 ILCS 3960/12(9)]

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

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

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

- preplanning costs;
- site survey and soil investigation fees;
- site preparation costs;
- off-site work;
- construction contracts and contingencies (including demolition);
- capital equipment included in construction contracts;
- architectural and engineering fees;
- consultants and other professional fees that are related to the project;
- capital equipment not in construction contracts;
- bond issuance expenses;
- net interest expense during construction; and
- all other costs that are to be capitalized.

"Exemption" means the classification of projects that are exempt from the Certificate of Need permit review process, but are reviewed under *the procedures and requirements of HFSRB regarding issuance of exemptions*. (See Subpart E.) *An exemption shall be approved when all information required by the Board, in accordance with Subpart E, is submitted.* [20 ILCS 3960/6(b)]

"Existing Health Care Facility" means any health care facility subject to the Act that:

- has a license issued by IDPH and has provided services within the past 12 months, unless the failure to provide such service is the result of pending

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license revocation procedures, and has not surrendered or abandoned its license or had its license revoked or voided or otherwise deemed invalid by IDPH; or

is certified under Titles XVIII or XIX of the Social Security Act (42 USC 1395); or

is a facility operated by the State of Illinois.

HFSRB NOTE: Projects approved by HFSRB for establishment of a health care facility that have not been deemed complete in accordance with the provisions of this Part shall not be considered existing facilities, but the approved number of beds or services shall be recorded in the Inventory of Health Care Facilities and shall be counted against any applicable need estimate.

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

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

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

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

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

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

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

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

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

The commitment to expend 33% or more of the total project cost by signed contracts or other legal means. (See Section 1130.760 (Annual Progress Reports).)

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

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

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

"Intent to Deny" means the negative decision of HFSRB, following its initial consideration of an application for permit that failed to receive the number of affirmative votes required by the Act. (See Section 1130.670.)

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"Interdependent Components" means components of construction or modification that are architecturally or programmatically interrelated to the extent that undertaking one or more of the components compels the other components to be undertaken. *Unless otherwise interdependent, or submitted as one project by the applicant, components of construction or modification undertaken by means of a single construction contract or financed through the issuance of a single debt instrument shall not be grouped together as one project.* [20 ILCS 3960/3]

"Inventory" means the HFSRB Inventory of Health Care Facilities and Need Determination created pursuant to Section 12(4) of the Act and found on the Board's website at www.hfsrb.illinois.gov.

"Major Construction Project" means:

Projects for the construction of new buildings;

Additions to existing facilities;

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

Such projects as the State Board shall define and prescribe (see Section 1130.310) pursuant to the Act. [20 ILCS 3960/5]

"Major Medical Equipment" means medical equipment that is used for the provision of medical and other health services and that costs in excess of the capital expenditure minimum, except that this term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act (42 USCA 1395x) to meet the requirements of paragraphs (10) and (11) of section 1861(S) of the Social Security Act. *In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of the equipment shall be included.* [20 ILCS 3906/3]

"Medicaid Certified" or "Medicare Certified" or "Medicaid Certification" or "Medicare Certification" means approval for a facility to receive reimbursement

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under Title XVIII (Medicare) and/or XIX (Medicaid) of the Social Security Act (42 USC 1395).

"Modification of an Application" or "Modification" means any change to an application during the review period (i.e., prior to a final HFSRB action). These changes include, but are not limited to: changing the proposed project's physical size or gross square feet, the site within a planning area, the operating entity when the operating entity is not the applicant, the number of proposed beds, the categories of service to be provided, the cost, the method of financing, proposed project completion date, the configuration of space within the building, or any change in the person who is the applicant, including the addition or deletion of one or more persons as co-applicants.

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

"Moral Turpitude" means conduct that has an inherent quality of baseness, vileness or depravity with respect to another person or society in general, contrary to the accepted and customary rule of right and duty. Examples include rape, forgery, robbery, arson, counterfeiting and wrongful solicitation.

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

"Newspaper of Limited Circulation" is defined in Section 8.5 of the Act.

"Non-clinical Service Area" means an area for the benefit of the patients, visitors, staff or employees of a health care facility and not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; news stands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks;

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and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers. [20 ILCS 3960/3]

"Non-substantive Projects" means certain projects that have been defined in 77 Ill. Adm. Code 1110.40, with a review period of 60 days.

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

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

"Out-of-state Facility" *means a person that is both licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility or its parent, or Illinois physicians licensed to practice medicine in all its branches, shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act. [20 ILCS 3960/3]*

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

"Permit Acceptance Agreement" means a written HFSRB communication to the permit holder, specifying and consolidating all post-permit requirements necessary to maintain the permit.

"Person" means any one or more natural persons, legal entities, governmental

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bodies other than federal, or any combination thereof. [20 ILCS 3960/3]

"Project Financial Commitment Date" means the date by which the permit holder is to expend or commit to expend by contract or other legal means at least 33% of the total project cost. (See Section 1130.760 (Annual Progress Reports).)

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

"Related Person" means any person that:

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

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

is otherwise controlled or managed by one or more health care facilities or controls or manages the health care facility; or

otherwise controls or manages the health care facility; or

is otherwise, directly or indirectly, under common management or control with one or more health care facilities.

"Relinquishment of a Permit" means a voluntary and knowing abandonment of a permit or exemption, forsaking all rights associated with that permit or exemption. Once relinquishment is granted by HFSRB, a relinquished permit or exemption is considered null and void. The ~~Inventory~~[inventory](#) will be modified, if affected by the permit relinquishment, to the same status as prior to the permit issuance.

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

"Site" means the physical location of a proposed project and is identified by

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address or legal property description.

"Square Feet" or "SF" or "Square Footage" means a unit of measure of physical service areas or buildings considered by HFSRB. Departmental Gross Square Feet (DGSF) means the designation of physical areas for departments and services. It consists of the entire space dedicated to the use of that department or service, including walls, shafts and circulation. Building Gross Square Feet (BGSF) means the designation of physical area of an entire building. It includes all exterior walls and space within those walls.

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

~~the addition or discontinuation of a category of service as defined in 77 Ill. Adm. Code 1110.40(e) and Section 1130.140;~~

~~the discontinuation of a health care facility or category of service as defined in this Part;~~

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

withdrawal or non-participation in the Medicare and/or Medicaid programs;

charge information;

requirements of variances pursuant to 77 Ill. Adm. Code 1110;

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

the addition of a specialty not previously approved by HFSRB for an ambulatory surgical treatment center (ASTC) that has not been classified as a multi-specialty ASTC by HFSRB in accordance with the provisions

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of 77 Ill. Adm. Code 1110.1540;

an increase of more than three dialysis stations or more than 10% of the facility's total number of dialysis stations, whichever is less, over a two-year period. The two-year period begins on the date the facility's additional stations are certified. When a permit is issued for additional stations or for the establishment of an additional facility/service, the facility may not add any more dialysis stations for two years from the date that such stations approved in the permit are certified without obtaining an additional permit; or

the acquisition, construction, or leasing of space, buildings, or structures for the purpose of providing outpatient surgical services on a site or location that is not within the licensed premises of the health care facility. Outpatient surgical services are those surgical procedures that are routinely performed in such settings as a hospital or ambulatory surgical treatment center, or in any room or area that is designed, equipped, and used for surgery, such as, but not limited to, a surgical suite or special procedures room. Outpatient surgical services do not include those procedures performed as part of a physician's private practice in examination or non-surgical treatment rooms.

"Substantially Complete" means that the application for permit has been determined ready for review, with the understanding that additional information may be needed for clarification during the course of the review period.

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

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

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

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Projects proposing a change in the bed capacity of a health care facility by an increase in the total number of beds or by a redistribution of beds among various categories of service or by a relocation of beds from one facility to another by more than 20 beds or more than 10% of total bed capacity, as defined by the State Board in the Inventory, whichever is less, over a 2-year period. [20 ILCS 3960/12]

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

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

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

SUBPART E: OPERATIONAL REQUIREMENTS FOR EXEMPTIONS

Section 1130.531 Requirements for Exemptions for the Establishment or Expansion of Neonatal Intensive Care Service and Beds ~~(Repealed)~~

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a) Application for Exemption

The application for exemption is subject to approval under Section 1130.560 and shall include the information required by Section 1130.500, as well as the following information:

- 1) A description of the project that identifies the location of the neonatal intensive care unit and the number of neonatal intensive care beds proposed;
- 2) Verification that a final cost report will be submitted to the Agency no later than 90 days following the anticipated project completion date;
- 3) Verification that failure to complete the project within the 24 months after the Board approved the exemption will invalidate the exemption.

b) Extension of Exemption

The exemption holder can request an extension. To receive the extension, the exemption holder must show that the project has proceeded with due diligence.

(Source: Former Section repealed at 39 Ill. Reg. 6347, effective June 1, 2015, and new Section added at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Industrial Hemp Pilot Program
- 2) Code Citation: 8 Ill. Adm. Code 1100
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1100.10	New Section
1100.20	New Section
1100.30	New Section
1100.40	New Section
1100.50	New Section
1100.60	New Section
1100.70	New Section
1100.80	New Section
1100.90	New Section
1100.100	New Section
- 4) Statutory Authority: Cannabis Control Act [720 ILCS 550/15.2]
- 5) Effective Date of Rules: September 23, 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) Date Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 5741; April 8, 2016
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between Proposal and Final Version: See the following Sections:

In Section 1100.10: in the definition of "Registration" added after Department "required by federal law (7 USC 5940(b)(1)(B)(ii),". Under the definition of "Security Plan" added "ensure that persons authorized to work with industrial hemp have been sufficiently screened for criminal background;"

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In Section 1100.40: Removed "g) A \$100 application fee."

In Section 1100.50: Removed (b) "The Department may request background checks for any individuals identified in the Application for Registration. The Department may also consider any failure to submit to a background check. The results of any background check shall be kept confidential by the Department." and renumbered. After "the final administrative decision" added "and reviewable under the Administrative Review Law [735 ILCS 5/Art. III]." Also, added "unless a longer period is authorized under Section 1100.60."

In Section 1100.90: Replaced last two sentences in (a) and replaced with the following chart of the Quarterly reports:

<u>Reporting Period</u>	<u>Due Date</u>
July 1-September 30	October 15
October 1-December 31	January 15
January 1-March 31	April 15
April 1-June 30	July 15

In 1100.90(b) removed the sentence "The annual report may not be submitted more than 30 days prior to that date."

No other substantive changes have been made. Formal and technical changes suggested by the Joint Committee on Administrative Rules (JCAR) have been adopted.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking will develop regulations for the cultivation of industrial hemp for research purposes.
- 16) Information and questions regarding these adopted rules shall be directed to:

Susan Baatz
Illinois Department of Agriculture

DEPARTMENT OF AGRICULTURE

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P. O. Box 19281, State Fairgrounds
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

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

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER v: LICENSING AND REGULATIONSPART 1100
INDUSTRIAL HEMP PILOT PROGRAM

Section

1100.10	Definitions
1100.20	General Provisions
1100.30	Registration Required
1100.40	Application for Registration
1100.50	Department Decision on Application for Registration
1100.60	Amending Registration
1100.70	Notice to Local Law Enforcement
1100.80	Recordkeeping
1100.90	Reports
1100.100	Inspections and Violations

AUTHORITY: Implementing and authorized by Section 15.2 of the Cannabis Control Act [720 ILCS 550/15.2] and Section 7606 of the Agricultural Act of 2014 (7 USC 5940).

SOURCE: Adopted at 40 Ill. Reg. 13822, effective September 23, 2016.

Section 1100.10 Definitions

"Act" means the Cannabis Control Act [720 ILCS 550].

"Agent in Charge" means the institution of higher education faculty member designated by the institution of higher education in the Application for Registration to have control and management over the day to day operations of the research project.

"Department" means the Illinois Department of Agriculture.

"Industrial Hemp" means cannabis sativa L. having no more than 0.3% total THC available, upon heating, or maximum delta-9 tetrahydrocannabinol content possible. (Section 15.2(e) of the Act)

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"Institution of Higher Education" means a State institution of higher education that offers a 4-year degree in agricultural science. (Section 15.2(e) of the Act)

"Registration" means official recognition from the Department, required by federal law (7 USC 5940(b)(1)(B)(ii)), that an institution of higher education is certified to cultivate industrial hemp as part of a research project.

"Research Project" means a plan stating the objectives and purposes of the research being proposed and the methods and procedures for carrying out the research.

"Security Plan" means a plan to:

ensure that persons authorized to work with industrial hemp have been sufficiently screened for criminal background;

control and limit unauthorized access to industrial hemp, whether in seed, plant or harvested form; and

prevent the unauthorized or inadvertent dissemination of industrial hemp.

Section 1100.20 General Provisions

- a) An institution of higher education shall not cultivate industrial hemp without first applying for and receiving a registration from the Department.
- b) The Agent in Charge is responsible for all communication between the institution of higher education and the Department during both the application period and throughout the duration of the research project and approved registration period.
- c) The Agent in Charge shall ultimately be responsible for all activities associated with the institution of higher education's cultivation of industrial hemp.
- d) All individuals involved in any manner in cultivating industrial hemp must be employees or students of the registered institution of higher education.
- e) A copy of the registration shall accompany any transportation of industrial hemp off registered premises.

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Section 1100.30 Registration Required

- a) An institution of higher education shall not cultivate industrial hemp unless it has received a registration from the Department.
- b) The Department will only provide registration if:
 - 1) The industrial hemp is cultivated for purposes of agricultural or academic research; and
 - 2) The research project studies the cultivation or marketing of industrial hemp.

Section 1100.40 Application for Registration

An institution of higher education may apply for registration by submitting an Application for Registration form, which shall be provided by the Department and shall include, but not be limited to:

- a) A description of the research project;
- b) The name, if any, and either the legal description or global positioning coordinates of the locations where industrial hemp will be cultivated;
- c) The name, professional address, professional telephone number, and professional e-mail address of the Agent in Charge;
- d) The names of all individuals known at the time of application who will be involved in any manner in cultivating industrial hemp;
- e) A security plan describing how the institution of higher education plans to secure the industrial hemp;
- f) The anticipated start date and expected duration of the research project.

Section 1100.50 Department Decision on Application for Registration

- a) In deciding whether to grant a registration, the Department may consider:

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- 1) Whether the proposed research project studies the cultivation or marketing of industrial hemp;
 - 2) The feasibility of the proposed research project;
 - 3) The feasibility and adequacy of the security plan;
 - 4) Prior violations of this Part or the Act by the institution of higher education or the Agent in Charge; and
 - 5) Whether the proposed research project would comply with local, Illinois and federal law specifically including Section 7606 of the Agricultural Act of 2014.
- b) The Department shall notify the institution of higher education of its decision in writing within 30 days. The Department's decision is a final administrative decision and reviewable under the Administrative Review Law [735 ILCS 5/Art. III].
 - c) The Application for Registration shall be incorporated into the registration and be binding on the institution of higher education, along with any other conditions imposed by the Department. The Department may, at any time, impose additional conditions on the registration, including, but not limited to, security and disposal of industrial hemp.
 - d) The term of the registration shall be as specified by the Department on the registration, not to exceed three years unless a longer period is authorized under Section 1100.60.

Section 1100.60 Amending Registration

- a) An institution of higher education may apply in writing to the Department for an extension of the term of the registration by setting forth the need and reasons for the extension no more than 60 days prior to the original expiration of the term.
- b) An institution of higher education may apply in writing to the Department for an amendment to any other provision of the registration by setting forth the need and reasons for the amendment.

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- c) In deciding whether to approve an extension or amendment, the Department shall consider the factors listed in Section 1100.50.
- d) An institution of higher education shall not implement any amendment unless and until written approval has been received from the Department.

Section 1100.70 Notice to Local Law Enforcement

An institution of higher education registered by the Department to cultivate industrial hemp shall notify local law enforcement in writing at least 10 days prior to commencement of that cultivation.

Section 1100.80 Recordkeeping

- a) A registered institution of higher education shall create, maintain and make available accurate records, in a form and at a location satisfactory to the Department, that set forth, for the reporting period described by Section 1100.90, the following information:
 - 1) the name of the cultivars cultivated and the volume of each cultivar purchased, acquired and/or used; and
 - 2) the volume of industrial hemp:
 - A) cultivated;
 - B) harvested; and
 - C) disposed of, along with the date, location and method of each disposal, if any.
- b) The records and materials referred to in subsection (a) shall be maintained on the registered premises and made available to the Department for two years from the date they were made or prepared.

Section 1100.90 Reports

- a) A registered institution of higher education shall provide quarterly reports to the Department detailing research results related to the issues and matters set forth in

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its Application for Registration as provided in the following chart:

<u>Reporting Period</u>	<u>Due Date</u>
July 1-September 30	October 15
October 1-December 31	January 15
January 1-March 31	April 15
April 1-June 30	July 15

- b) A registered institution of higher education shall also provide an annual report for the period July 1 through June 30 to the Department by October 1 of each year.

Section 1100.100 Inspections and Violations

- a) An institution of higher education registered to cultivate industrial hemp under this Part shall be subject to random inspections by the Department, the Illinois State Police, and local law enforcement agencies.
- b) The Department may revoke a registration for any violation of the provisions of the registration, this Part, or any federal, State or local law. Revocation of the registration is a final administrative decision and reviewable under the Administrative Review Law.
- c) An institution of higher education shall comply with all Illinois and federal law, specifically including any permits required by the United States Drug Enforcement Administration.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 900
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
900.60	Amendment
900.70	Amendment
900.100	Amendment
900.120	Amendment
900.125	Amendment
- 4) Statutory Authority: Authorized by the Prompt Payment Act [30 ILCS 540]
- 5) Effective Date of Rules: September 26, 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. 6891; May 6, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The first notice version of this rule contained a provision that included payments made to local government entities for utility services provided by a municipal or other local government utility as eligible to receive interest penalties applied to late payments. Upon agreement with JCAR, that provision was removed from the final version of the rule. Additionally, the final version of the rule contains some technical clean ups to Section 900.120 that were not included in first notice.
- 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

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking was made to reflect a 2012 amendment to the Prompt Payment Act, which provided that beginning in Fiscal Year 2012, interest on certain bills was to begin accruing after 90 days, rather than 60, following receipt of a proper bill or invoice. This rule revision amends the rules so that they are consistent with the time period set forth in the statute.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/524-7518

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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TITLE 74: PUBLIC FINANCE

CHAPTER VIII: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 900

JOINT RULES OF THE COMPTROLLER AND
THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES:
PROMPT PAYMENT

Section	
900.10	Scope
900.20	Definitions
900.30	General Duties of State Agencies
900.35	Duties of State Agencies: Interest Payments
900.40	Statement Indicating That Interest Penalty May Be Available
900.50	Other Interest Provisions
900.60	When a Payment is Late
900.70	Approval by the State
900.80	Submission and Receipt of Bills
900.90	When and How Vendors Must Request Interest
900.100	Calculation of Interest
900.110	No Interest on Interest
900.120	Exclusions
900.125	Vendor Payment Program
900.130	Special Rules and Procedures Regarding the Application of the Act to the State Employee's Group Insurance Program
900.140	Resolution of Disputes

AUTHORITY: Implementing the State Prompt Payment Act [30 ILCS 540].

SOURCE: Emergency rule adopted at 17 Ill. Reg. 11168, effective July 1, 1993, for a maximum of 150 days; emergency expired November 28, 1993; adopted at 18 Ill. Reg. 11498, effective July 11, 1994; amended at 24 Ill. Reg. 19049, effective December 18, 2000; amended at 25 Ill. Reg. 11351, effective August 28, 2001; emergency amendment at 26 Ill. Reg. 10939, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 14666, effective September 19, 2002; amended at 31 Ill. Reg. 5751, effective March 29, 2007; emergency amendment at 34 Ill. Reg. 16587, effective October 8, 2010, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 3792, effective February 16, 2011, for the remainder of the 150 days; emergency amendment at 35 Ill. Reg. 5619, effective March 18,

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2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13109, effective July 29, 2011; amended at 40 Ill. Reg. 13831, effective September 26, 2016.

Section 900.60 When a Payment is Late

For bills payable from funds appropriated prior to FY03, a payment is late if the Date of Payment is not within 60 days after the Date of Approval of the Vendor's bill. For bills payable from funds appropriated on and after July 1, 2002, a payment is late if the Date of Payment is not within 60 days after the receipt of a Proper Bill. For bills payable from funds appropriated on and after December 28, 2012, a payment is late if the Date of Payment is not within 90 days after the receipt of a Proper Bill.

(Source: Amended at 40 Ill. Reg. 13831, effective September 26, 2016)

Section 900.70 Approval by the State

- a) A State agency shall review in a timely manner each bill after its receipt to determine if the bill is a Proper Bill. A bill is not a Proper Bill if it contains one of the following defects:
 - 1) lacks sufficient and/or correct information required by the agency to process the bill;
 - 2) lacks the Vendor's taxpayer identification number or a completed Internal Revenue Service Form W-9 or Form 147C certifying that the Vendor's taxpayer identification number has been applied for but not received and the Vendor is not subject to backup withholding due to underreporting; or
 - 3) is directed to an address or person other than the one designated in written instructions from the State.
- b) An agency shall approve Proper Bills or deny bills with defects, in whole or in part, within 30 days after receipt. Vendor bills denied during this 30 day period shall be assigned a new Date of Receipt when a corresponding Proper Bill is subsequently received.
- c) The State agency shall notify the Vendor upon the discovery of a defect, as soon as possible. The notification shall indicate the nature of the defect and any additional information necessary to correct the defect. The notification may be

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verbal or in writing, as the agency may determine is appropriate given the circumstances surrounding the payment and the nature of the defect in the bill. The State agency shall maintain adequate documentation of all such notifications and subsequent agency and Vendor actions so as to determine when and from what date late payment interest is due and to resolve any related Vendor disputes.

- d) If a Vendor bill is approved, in whole or in part, after the required 30 day period to approve or deny bills, late payment interest shall be due for the approved portion of the bill if the Date of Payment is not within 90~~60~~ days after receipt of the Proper Bill or part of the bill, except as to bills payable from funds appropriated prior to December 28, 2012, in which case late payment interest shall be due for the approved portion of the bill if the Date of Payment is not within 60 days after receipt of the Proper Bill or part of the bill.
- e) If a Vendor bill is denied, in whole or in part, after the required 30 day period to approve or deny bills and the denied bill or part of bill is subsequently approved for payment as originally submitted and denied, late payment interest shall be due for the approved portion of the bill if the Date of Payment is not within 90~~60~~ days after original receipt of the Proper Bill or part of the bill, except as to bills payable from funds appropriated prior to December 28, 2012, in which case late payment interest shall be due for the approved portion of the bill if the Date of Payment is not within 60 days after receipt of the Proper Bill or part of the bill. Vendor bills denied, in whole or in part, and not subsequently approved for payment as originally submitted and denied shall be assigned a new Date of Receipt when a Proper Bill is subsequently received.
- f) If the agency and the Vendor have not formally executed a contract and State law requires a written contract, any bills submitted before the formal execution shall be deemed to be received when the contract is executed. State law allows payments to be made only after the formal contract is executed for Supplies or Services over \$10,000 or Professional and Artistic Services over \$5,000.

(Source: Amended at 40 Ill. Reg. 13831, effective September 26, 2016)

Section 900.100 Calculation of Interest

- a) Interest is calculated at the rate of 1% per month. This results in a daily interest factor of .00033 (01/30).

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- b) For each day payment is late, the amount late shall be multiplied by the daily interest factor to determine the late payment charge.
- c) The interest penalty shall be simple interest and not compound interest, meaning that the interest penalty is computed on the amount of the bill only and shall not include previously accrued interest.
- d) For bills payable from funds appropriated on and after December 28, 2012, interest~~Interest~~ shall begin accruing on the 91st~~61st~~ day after receipt of a Proper Bill and shall continue to accrue until the bill is paid by the Comptroller's Office. For bills payable from funds appropriated prior to December 28, 2012, interest shall begin accruing on the 61st day after receipt of a Proper Bill and shall continue to accrue until the bill is paid by the Comptroller's Office.
- e) Interest shall not accrue on the Date of Payment. In the event the Date of Payment is the same date that interest begins to accrue, there shall be no interest payable by the State for purposes of efficiency to the State.

(Source: Amended at 40 Ill. Reg. 13831, effective September 26, 2016)

Section 900.120 Exclusions

The following non-exhaustive list represents the types of payments that are excluded from the Act and consequently do not qualify for interest penalties:

- a) Inter- and intra-agency payments. This includes transfers and payments to revolving funds, reimbursement of petty cash funds and imprest accounts, inter-fund transfers and inter-fund payments in which an agency or department serves as the Vendor of Goods or Services.
- b) Payments to State employees for personal services (salary only and not including health insurance benefits).
- c) Awards and grants, as defined by the Comptroller's Office in SAMS Manual Procedure 15, including pass-through grants and distributive payments and refunds.
- d) Contract retainers associated with construction contracts.

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- e) State Board of Education categorical grants.
- f) Community College Board grants.
- g) Illinois Student Assistance Commission grants.
- h) Payments to local government entities, including school districts.
- i) Payments of interest penalties.
- j) Payments made to contractual employees (these payments are generally made via a Contractual Services Payroll Voucher).
- k) Payments from accounts or funds not appropriated by the General Assembly.
- l) Gratuitous payments made to induce a business to remain in or to locate in this State.
- m) Any type of payment to a Vendor assigned or sold by that Vendor to a different payee (including any assignments or sales made by the vendors to the Department of Healthcare and Family Services), except for assignments or sales made pursuant to a vendor payment program approved by the Department of Central Management Services and the Comptroller.
- n) Barter transactions.
- o) Payments made by a State agency comprised of federal funds only and no State or local funds.
- p) Medical and claims payments under the Workers' Compensation [\[820 ILCS 305\]](#) and Workers' Occupational Diseases [\[820 ILCS 310\]](#) Acts.
- q) Tax refunds.
- r) State Employee's Group Insurance Program payments covered by late payment interest provisions in [Sections 368a and 370a of the Illinois Insurance Code \[215 ILCS 5\]](#).

(Source: Amended at 40 Ill. Reg. 13831, effective September 26, 2016)

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Section 900.125 Vendor Payment Program

The requirements set forth in this Section establish the criteria for participation by participating vendors and qualified purchasers in a vendor payment program. Information regarding the program may be found at <http://www.payments.illinois.gov>.

- a) **Authority.** The State Comptroller and the Department are authorized to establish and implement the program pursuant to Section 3-3 of the Prompt Payment Act ~~[30 ILCS 540/3-3]~~.
- b) **Applicability.** This Section applies to all qualified accounts receivable not otherwise excluded from receiving prompt payment interest pursuant to Section 900.120. Section 900.125 shall not apply to the purchase of any accounts receivable related to payments made under a medical assistance program, including Medicaid payments, or any other purchase of accounts receivable that is otherwise prohibited by law.

- c) **Definitions:**

"Applicant" is any entity seeking to be designated as a qualified purchaser.

"Application Period" is the time period when the program is accepting applications as determined by the Department.

"Assigned Penalties" are penalties payable by the State in accordance with the Prompt Payment Act and this Part that are assigned to the qualified purchaser of an assigned receivable.

"Assigned Receivable" is the base invoice amount of a qualified account receivable and any associated assigned penalties due, currently and in the future, in accordance with the Prompt Payment Act.

"Assignment Agreement" is an agreement executed and delivered by a participating vendor and a qualified purchaser pursuant to which the participating vendor will assign one or more qualified accounts receivable to the qualified purchaser and make certain representations and warranties in respect thereof.

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"Base Invoice Amount" is the unpaid principal amount of the invoice associated with an assigned receivable.

"Department" is the Department of Central Management Services.

"Medical Assistance Program" is any program which provides medical assistance pursuant to Article V of the Illinois Public Aid Code [305 ILCS 5/5], including Medicaid.

"Participating Vendor" is a vendor whose application for the sale of a qualified account receivable is accepted for purchase by a qualified purchaser pursuant to the program terms.

"Program" is a vendor payment program.

"Prompt Payment Act" is the State Prompt Payment Act [30 ILCS 540].

"Prompt Payment Penalties" are penalties payable by the State in accordance with the Prompt Payment Act and this Part.

"Purchase Price" is 100% of the base invoice amount associated with an assigned receivable minus:

- any deductions against the assigned receivable arising from State offsets; and
- if and to the extent exercised by a qualified purchaser, other deductions for amounts owed by the participating vendor to the qualified purchaser for State offsets applied against other accounts receivable assigned by the participating vendor to the qualified purchaser pursuant to the program.

"Qualified Account Receivable" is an account receivable due and payable by the State that is outstanding for ~~90~~60 days or more, is eligible to accrue prompt payment penalties under the Prompt Payment Act and is verified by the relevant State agency. A qualified account receivable shall not include any account receivable related to medical assistance program (including Medicaid) payments or any other accounts receivable, the transfer or assignment of which is prohibited by, or otherwise prevented by, applicable law.

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"Qualified Purchaser" is any entity that, during any application period, is approved by the Department to participate in the program on the basis of certain qualifying criteria as determined by the Department.

"State" is the State of Illinois.

"State Comptroller" is the Illinois Office of the Comptroller.

"State Offsets" is any amount deducted from payments made by the State in respect of any qualified account receivable due to the State's exercise of any offset or other contractual rights against a participating vendor. For the purpose of this Section, State offsets include statutorily required administrative fees imposed pursuant to the State Comptroller Act [15 ILCS 405].

"Sub-Participant" is any individual or entity that intends to purchase assigned receivables, directly or indirectly, by or through an applicant or qualified purchaser for the purposes of the program.

"Sub-Participant Certification" is an instrument executed and delivered to the Department by a sub-participant pursuant to which the sub-participant certifies its agreement, among others, to be bound by the terms and conditions of the program as a condition to its participation in the program as a sub-participant.

- d) Criteria for a vendor payment program.
- 1) Under the program, qualified purchasers may purchase from participating vendors certain qualified accounts receivable owed by the State to the participating vendors. A participating vendor shall not simultaneously apply to sell the same qualified account receivable to more than one qualified purchaser.
 - 2) In consideration of the payment of the purchase price, a participating vendor shall assign to the qualified purchaser all of its rights to payment of the qualified account receivable, including all current and future prompt payment penalties due relating to that qualified account receivable in accordance with the Prompt Payment Act.
- e) Criteria for vendor participation. A vendor may apply to participate in the program if:

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- 1) the vendor is owed an account receivable by the State for which prompt payment penalties have commenced accruing;
 - 2) the vendor's account receivable is eligible to accrue prompt payment penalty interest under the Prompt Payment Act;
 - 3) the vendor's account receivable is not for payments under a medical assistance program; and
 - 4) the vendor's account receivable is not prohibited by, or otherwise prevented by, applicable law from being transferred or assigned pursuant to this Section.
- f) Criteria for qualified purchasers. Factors to be considered by the Department in determining qualification to be a qualified purchaser shall include but are not limited to:
- 1) the qualified purchaser's agreement to commit a minimum purchase amount as established from time to time by the Department based upon the current needs of the program and the qualified purchaser's demonstrated ability to fund its commitment;
 - 2) the demonstrated ability of a qualified purchaser's sub-participants to fund their portions of a qualified purchaser's minimum purchase commitment;
 - 3) the ability of a qualified purchaser and its sub-participants to meet standards of responsibility substantially in accordance with the requirements of the Standards of Responsibility found in 44 Ill. Adm. Code 1.2046(b) (Government Contracts, Procurement, and Property Management);
 - 4) the agreement of each qualified purchaser, at its sole cost and expense, to administer and facilitate the operation of the program with respect to that qualified purchaser, including without limitation, assisting potential participating vendors with the application and assignment process;
 - 5) the agreement of each qualified purchaser, at its sole cost and expense, to establish a website that is determined by the Department to be sufficient to

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administer the program in accordance with the terms and conditions of the program;

- 6) the agreement of each qualified purchaser, at its sole cost and expense, to market the program to potential participating vendors;
- 7) the agreement of each qualified purchaser, at its sole cost and expense, to educate participating vendors about the benefits and risks associated with participation in the program;
- 8) the agreement of each qualified purchaser, at its sole cost and expense, to deposit funds into, release funds from, and otherwise maintain all required accounts in accordance with the terms and conditions of the program. Subject to the program terms, all required accounts shall be maintained and controlled by the qualified purchaser at the qualified purchaser's sole cost and at no cost, whether in the form of fees or otherwise, to the participating vendors;
- 9) the agreement of each qualified purchaser, at its sole cost and expense, to submit a monthly written report, in both hard copy and Excel format, to the State Comptroller or its designee and the Department or its designee, within 10 days after the end of each month, which, unless otherwise specified by the Department, at a minimum, shall contain:
 - A) a listing of each assigned receivable purchased by that qualified purchaser during the month, specifying the base invoice amount and invoice date of that assigned receivable and the name of the participating vendor, State contract number, voucher number and State agency associated with that assigned receivable;
 - B) a listing of each assigned receivable with respect to which the qualified purchaser has received payment of the base invoice amount from the State during that month, including the amount of and date on which that payment was made and the name of the participating vendor, State contract number, voucher number, and State agency associated with the assigned receivable, and identifying the relevant application period for each assigned receivable;

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- C) a listing of any payments of assigned penalties received from the State during the month, including the amount of and date on which the payment was made, the name of the participating vendor, the voucher number for the assigned penalty receivable, and the associated assigned receivable, including the State contract number, voucher number and State agency associated with the assigned receivable and identifying the relevant application period for each assigned receivable;
 - D) the aggregate number and dollar value of assigned receivables purchased by the qualified purchaser from the date on which such qualified purchaser commenced participating in the program through the last day of the month;
 - E) the aggregate number and dollar value of assigned receivables purchased by the qualified purchaser for which no payment by the State of the base invoice amount has yet been received, from the date on which the qualified purchaser commenced participating in the program through the last day of the month; and
 - F) such other data as the State Comptroller and the Department may reasonably request from time to time.
- 10) the agreement of each qualified purchaser to use its reasonable best efforts, and for any sub-participant to cause a qualified purchaser to use its reasonable best efforts, to diligently pursue receipt of assigned penalties associated with the assigned receivables, including, without limitation, by promptly notifying the relevant State agency that an assigned penalty is due and, if necessary, seeking payment of assigned penalties through the Illinois Court of Claims; and
- 11) the agreement of each qualified purchaser and any sub-participant to use their reasonable best efforts to implement the program terms and to perform their obligations under the program in a timely fashion.
- g) Right to review performance of qualified purchaser's obligations. Each qualified purchaser's performance and implementation of its obligations under subsection (f) shall be subject to review by the Department and the State Comptroller at any time to confirm that the qualified purchaser is undertaking

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such obligations in a manner consistent with the terms and conditions of the program. A qualified purchaser's failure to so perform its obligations including, without limitation, its obligations to diligently pursue receipt of assigned penalties associated with assigned receivables, shall be grounds for the Department and the State Comptroller to terminate the qualified purchaser's participation in the program in accordance with subsection (i) of this Section. Any such termination shall be without prejudice to any rights a participating vendor may have against that qualified purchaser, in law or in equity, including without limitation, the right to enforce the terms of the assignment agreement and of the program against the qualified purchaser.

- h) Right to Review Sub-Participants.
 - 1) In determining whether any applicant shall be designated as a qualified purchaser, the Department shall have the right to review or approve sub-participants that intend to purchase assigned receivables, directly or indirectly, by or through the applicant.
 - 2) The Department reserves the right to reject or terminate the designation of any applicant as a qualified purchaser or require an applicant to exclude a proposed sub-participant in order to become or remain a qualified purchaser on the basis of a review, whether prior to or after the designation.
 - 3) Each applicant and each qualified purchaser has an affirmative obligation to promptly notify the Department of any change or proposed change in the identity of the sub-participants that it disclosed to the Department no later than 3 business days after that change.
 - 4) Each sub-participant shall be required to execute a sub-participant certification that will be attached to the corresponding qualified purchaser designation.
 - 5) Sub-participants shall meet, at a minimum, the requirements of subsections (f)(2), (3), (10), and (11).
- i) Term and termination.

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- 1) The program shall commence in March 2011 and shall continue until terminated:
 - A) by the State Comptroller, after consulting with the Department, by giving 10 days prior written notice to the Department and the qualified purchasers in the program;
 - B) by the Department, after consulting with the State Comptroller, by giving 10 days prior written notice to the State Comptroller and the qualified purchasers in the program.
- 2) In the event a qualified purchaser or sub-participant breaches or fails to meet any of the terms or conditions of the program, that qualified purchaser or sub-participant may be terminated from the program:
 - A) by the State Comptroller, after consulting with the Department. The termination shall be effective immediately upon the State Comptroller giving written notice to the Department and the qualified purchaser or sub-participant; or
 - B) by the Department, after consulting with the State Comptroller. The termination shall be effective immediately upon the Department giving written notice to the State Comptroller and the qualified purchaser or sub-participant.
- 3) A qualified purchaser or sub-participant may terminate its participation in the program, solely with respect to its own participation in the program, in the event of any change to the Prompt Payment Act or this Part from the form that existed on the date that the qualified purchaser or the sub-participant, as applicable, submitted the necessary documentation for admission into the program if the change materially and adversely affects the qualified purchaser's or the sub-participant's ability to purchase and receive payment on receivables on the terms described in this Section.
- 4) If the program, a qualified purchaser, or a sub-participant is terminated under subsection (i)(1) or (2), the program, qualified purchaser, or sub-participant may be reinstated only by written agreement of the State Comptroller and the Department.

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- 5) No termination under subsections (i)(1), (2), or (3) shall alter or affect the qualified purchaser's or sub-participant's obligations with respect to assigned receivables purchased by or through the qualified purchaser prior to the termination.

(Source: Amended at 40 Ill. Reg. 13831, effective September 26, 2016)

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- 1) Heading of the Part: Procurement
- 2) Code Citation: 44 Ill. Adm. Code 1400
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1400.510	Amendment
1400.515	Amendment
1400.520	Amendment
1400.530	Amendment
1400.1005	Amendment
1400.1505	Amendment
1400.1515	Amendment
1400.2005	Amendment
1400.2010	Amendment
1400.2015	Amendment
1400.2020	Amendment
1400.2025	Amendment
1400.2030	Amendment
1400.2035	Amendment
1400.2040	Amendment
1400.2045	Amendment
1400.2505	Amendment
1400.2510	Amendment
1400.2515	Amendment
1400.2520	Amendment
1400.3005	Amendment
1400.3510	Amendment
1400.3520	Amendment
1400.3525	Amendment
1400.4005	Amendment
1400.4010	Amendment
1400.4015	Amendment
1400.4020	Amendment
1400.4510	Amendment
1400.4515	Amendment
1400.4520	Amendment
1400.4525	Amendment
1400.4526	New Section
1400.4530	Amendment

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1400.4535	Repealed
1400.4540	Amendment
1400.4545	Amendment
1400.4550	Amendment
1400.4555	Amendment
1400.4560	Amendment
1400.4565	Amendment
1400.5005	Amendment
1400.5030	Amendment
1400.5037	New Section
1400.5040	Amendment
1400.5045	Amendment
1400.5055	Amendment
1400.5060	Amendment
1400.6010	Repealed
1400.6035	Amendment

- 4) Statutory Authority: 30 ILCS 500/1-30 and 30 ILCS 525/1-6
- 5) Effective Date of Rules: September 23, 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 State Treasurer's office at 219 State House, Springfield IL 62706 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 7602; May 27, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 1400.515 was added to the adoption because new language was added to the Procurement Code. Incorporated the definitions of Subcontract and Subcontractor found in the Procurement Code into Section 1400.520. Also, added a definition for Code and revised the definition of Respondent in Section 1400.520. In Section 1400.2020(a) and Section 1400.2035(a)(3), the small purchase limit for contracts for professional or artistic services was returned to the

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previous limit of \$20,000. Amended Section 1400.2025 to include a provision for a hearing in response to objections to a sole source procurement. Added language to Section 1400.2505 to clarify the interaction of FOIA with pending and finalized procurements and to require that bidders be a legal entity prior to bidding. Added language to Section 1400.3510 clarifying the 10 year maximum length of contracts. Changed the title of Section 1400.4530 to Special Sources. A new Section 1400.5037 was added to address the registration of and prohibitions on contributions by certain vendors in the Procurement and Election Codes. Additional technical changes were made throughout the rule for purposes of clarity, style, and grammar.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Does 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 changes to the Treasurer's Procurement Rules are intended to update procedures and requirements to more closely align with changes in the Illinois Procurement Code, changes in technology, and similar rules used by other Constitutional Officers. Changes bring these rules into compliance with the Illinois Freedom of Information Act (FOIA). The small purchase limit is adjusted and linked to the Chief Procurement Officer for General Services limit. Additionally, provides that the Treasurer's office may enter into joint purchasing agreements pursuant to the Governmental Joint Purchasing Act.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/557-2673

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

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TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING,
PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXI: TREASURERPART 1400
PROCUREMENT

SUBPART A: GENERAL

Section	Title
1400.505	Title
1400.510	Policy
1400.515	Applicability
1400.520	Definition of Terms
1400.525	Property Rights
1400.530	Governmental Joint Purchasing Act Department of Central Management Services

SUBPART B: PROCUREMENT AUTHORITY

Section	Title
1400.1005	Chief Procurement Officer
1400.1010	Purchasing Officer
1400.1015	Small Business Specialist

SUBPART C: PUBLICATION, SOLICITATION AND DOCUMENTATION

Section	Title
1400.1505	Publication
1400.1510	Solicitation
1400.1515	Documentation

SUBPART D: PROCUREMENT METHODS

Section	Title
1400.2005	Competitive Sealed Bidding
1400.2010	Multi-Step Sealed Bidding
1400.2015	Competitive Sealed Proposals
1400.2020	Small Purchases

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- 1400.2025 Sole Source Procurements
- 1400.2030 Emergency Procurements
- 1400.2035 Procurement of Professional and Artistic Services
- 1400.2040 Procurement of Real Property Leases
- 1400.2045 Other Methods of Source Selection

SUBPART E: GENERAL PROCUREMENT GUIDELINES

Section

- 1400.2505 General Provisions
- 1400.2510 Tie Bids and Proposals
- 1400.2515 Correction or Withdrawal of Proposals
- 1400.2520 Cancellation of Solicitations and Rejection of Offers

SUBPART F: SPECIFICATIONS AND SECURITY REQUIREMENTS

Section

- 1400.3005 Specifications
- 1400.3010 Security Requirements

SUBPART G: CONTRACTS

Section

- 1400.3505 Types of Contracts
- 1400.3510 Duration of Contracts
- 1400.3515 Contract Pricing
- 1400.3520 Contract Provisions
- 1400.3525 Prevailing Wage Requirements

SUBPART H: DISPUTES, PROTESTS AND CONTROVERSIES

Section

- 1400.4005 Disputes and Protests Regarding Solicitations and Awards
- 1400.4010 Contract Controversies
- 1400.4015 Remedies
- 1400.4020 Suspension

SUBPART I: PREFERENCES

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Section

1400.4505	Procurement Preferences
1400.4510	Resident Vendor Preference
1400.4515	Soybean Oil-based Ink
1400.4520	Recycled Supplies <u>Materials</u>
1400.4525	Recycled Paper
<u>1400.4526</u>	<u>Environmentally Preferable Procurement</u>
1400.4530	<u>Special Sources</u> Correctional Industries
1400.4535	Sheltered Workshops for the Disabled (<u>Repealed</u>)
1400.4540	<u>Vehicles</u> Gas Mileage
1400.4545	Illinois Agricultural Products
1400.4550	Corn-based Plastics
1400.4555	Vehicles Powered by Agricultural Commodity-based Fuel
1400.4560	Small Businesses
1400.4565	Preferences for Veterans, Minorities, Females, and Persons with Disabilities

SUBPART J: ETHICS

Section

1400.5005	Purpose
1400.5010	Bribery
1400.5015	Felons
1400.5020	Conflicts of Interest
1400.5025	Negotiations for Future Employment
1400.5030	Revolving Door
1400.5035	Disclosure of Financial Interests and Potential Conflicts of Interest
<u>1400.5037</u>	<u>Vendor Registration and Certification and Prohibition on Political Contributions</u>
1401.5040	Reporting Anticompetitive Practices
1400.5045	Confidentiality
1400.5050	Insider Information
1400.5055	Additional Provisions
1400.5060	Other Violations
1400.5065	Supply Inventory

SUBPART K: CONCESSIONS

Section

1400.5505	Concessions
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SUBPART L: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

1400.6005	Severability
1400.6010	Government Furnished Property (Repealed)
1400.6015	Inspections
1400.6020	No Waiver of Sovereign Immunity
1400.6025	Postage Stamps
1400.6030	Printing
1400.6035	Annual Reports

AUTHORITY: Implementing and authorized by Section 1-30 of the Illinois Procurement Code [30 ILCS 525/1-30].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 13169, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 15644, effective August 24, 1998; amended by emergency rule at 24 Ill. Reg. 358, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 8393, effective May 30, 2000; recodified Title of the Part at 39 Ill. Reg. 5903; amended at 40 Ill. Reg. 13847, effective September 23, 2016.

SUBPART A: GENERAL

Section 1400.510 Policy

All procurements by the Treasurer's office will be accomplished in ~~the most~~ competitive, expeditious, economical and commercially reasonable manner ~~that is~~ in accordance with law, this Part, and other applicable rules.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.515 Applicability

- a) This Part applies to all procurements by the Treasurer's office with a Solicitation Date of July 1, 1998 or later with the exception of the following:
 - 1) contracts between the Treasurer's office and any federal, State, or local governmental body;
 - 2) agreements for the deposit of State moneys in interest bearing accounts or

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the investment of State moneys under the Deposit of State Moneys Act [15 ILCS 520] or the Public Funds Investment Act [30 ILCS 235];

- 3) hiring employees, including contractual employees but not independent contractors, of the Treasurer's office;
 - 4) collective bargaining agreements;
 - 5) contracts approved by the Chief Legal Counsel as necessary to prepare for anticipated litigation, enforcement actions, or investigations;
 - 6) grants, except that grant agreements shall be filed with the Comptroller as required by Section 20-80 of the Illinois Procurement Code [30 ILCS 500].
- b) The terms and conditions and the rights and obligations under contracts resulting from procurements with a Solicitation Date that is earlier than the effective date of this Part will not be impaired.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.520 Definition of Terms

Each term listed in this Section has the meaning below unless its use clearly requires a different meaning. Terms may be defined in particular Sections for use in those Sections.

"Award" – The determination that a particular vendor has been selected from among other potential vendors to enter into negotiations for the purpose of finalizing a contract.

"Bid" – A response to an Invitation for Bids.

"Bidder" – The person or entity submitting a bid.

"Brand Name or Equal Specification" – A specification that uses one or more manufacturer's names or catalogue numbers to describe the standard of quality, performance, and other characteristics needed to meet Treasurer's office requirements, and that allows the submission of equivalent products.

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"Brand Name Specification" – A specification limited to one or more items by manufacturer's names or catalogue numbers.

"Code" means the Illinois Procurement Code [30 ILCS 500].

"Chief Legal Counsel" – An attorney for the Treasurer's office who reports directly to the Chief of Staff and is primarily responsible for the legal functioning of the Treasurer's office.

"Chief of Staff" – The Chief of Staff for the Treasurer's office.

"Chief Procurement Officer" – The employee of the Treasurer's office who is appointed by the Treasurer to be primarily responsible for the procurement of all goods and services by the Treasurer's office.

"Contract" – All types of State agreements, regardless of what they may be called:

for the procurement, use or disposal of supplies, services, professional or artistic services, or construction; or for leases of real property when the State is the lessee; or for capital improvements; and

including renewals, master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders. [30 ILCS 500/1-15.30]

The term contract, as used in this Part, does not include supplies or services for which the governing terms are established by tariff of the Illinois Commerce Commission or the Federal Communications Commission and for which there is no authorized competition. Any agreement or lease that requires the payment of State funds by the Treasurer's office in exchange for goods or services.

"Contractor" or "Vendor" – The terms contractor and vendor are used interchangeably for purposes of this Part. When appropriate, the term "vendor" shall also include subcontractors.

"Day" – Calendar day as opposed to business day. In computing any period of time, the day of the event from which the designated period of time begins to run is not included, but the last day of the period is included unless it is a Saturday,

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Sunday, or a State holiday, in which event the period runs to the end of the next business day.

"Deputy Treasurer" – An individual with the title Deputy Treasurer, appointed by the Treasurer, who reports directly to the Treasurer.

"Invitation for Bids" or "IFB" – A document prepared and distributed by the Treasurer's office soliciting bids for the provision of goods or services to the Treasurer's office.

"Offer" – A bid, proposal, or response solicited by the Treasurer's office.

"Offeror" – The person or entity submitting a bid, proposal or response solicited by the Treasurer's office.

"Procurement Review Board" – A board composed of the Chief of Staff, the Chief Legal Counsel, and the Deputy Treasurer~~Inspector General~~ for the Treasurer's office.

"Professional and Artistic Services" – Those services provided under contract to the Treasurer's office by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability. [30 ILCS 500/1-15.60]

"Proposal" – A response to a Request for Proposals.

"Proposer" – The person or entity submitting a proposal.

"Purchasing Officer" – One or more employees of the Treasurer's office that serve at the direction of the Chief Procurement Officer and are responsible for coordinating the procurement activity of the Treasurer's office.

"Request for Information" or "RFI" – The process of requesting information from interested parties to aid the Treasurer in decision making. This type of RFI is not a procurement method and will not result in a participant receiving a contract.~~A document prepared and distributed by the Treasurer's office soliciting lease information for real property.~~

"Request for Information for Real Property" or "RFI-Real Property Leases" – The

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process of seeking proposals for leases of real property or capital improvements.

"Request for Proposals" or "RFP" – The process by which the Treasurer's office requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals~~A document prepared and distributed by the Treasurer's office soliciting proposals~~ for the provision of goods or services to the Treasurer's office.

"Respondent" – The person or entity submitting a response to a Request for Information or a Request for Proposals from the Treasurer's office.

"Response" – A response to a Request for Information.

"Responsible Bidder, Proposer or Respondent" – A person or entity that is capable in all respects of performing fully the contract requirements and has the integrity and reliability that will assure good faith performance.

"Responsive Bidder" – A person or entity that has submitted a bid conforming in all material respects to an Invitation for Bids or Request for Proposal.

"Small Business Specialist" – An employee of the Treasurer's office who is responsible for assisting small businesses in submitting offers to the Treasurer's office for the provision of goods and services.

"Solicitation" – An Invitation for Bids, Request for Proposals or Request for Information.

"Solicitation Date" – The date that bids or proposals are solicited for the provision of goods or services to the Treasurer's office by communicating the solicitation orally, depositing the solicitation in the U.S. Mail or posting the solicitation electronically, whichever occurs first.

"Specification" – Any description of the physical, functional or performance characteristics or of the nature of a supply, a service, or construction items. A specification includes, as appropriate, requirements for inspecting, testing, or preparing a supply, a service, or construction item for delivery.

"Subcontract" means a contract between a person and a person who has a contract subject to this Part, pursuant to which the subcontractor provides to the

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contractor, or, if the contract price exceeds \$50,000, another subcontractor, some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency. For purposes of this Part, a "subcontract" does not include purchases of goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to the Code. [30 ILCS 500/1-15.107]

"Subcontractor" means a person or entity that enters into a contractual agreement with a total value of \$50,000 or more with a person or entity who has a contract subject to this Part pursuant to which the person or entity provides some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary State contract, including subleases from a lessee of a State contract. For purposes of this Part, a person or entity is not a "subcontractor" if that person only provides goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to this Part. [30 ILCS 500/1-15.108]

"Treasurer's Web Site" – The ~~Web Site~~~~World Wide Web site~~ of the Office of the Illinois State Treasurer ~~at www.illinoistreasurer.gov or successor-at www.state.il.us/treas.~~

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.530 Governmental Joint Purchasing Act~~Department of Central Management Services~~

- a) The Treasurer's office may, without soliciting independent bids, proposals, or responses, procure goods and services from vendors selected by the Department of Central Management Services (CMS) or another governmental unit in accordance with a competitive selection process established ~~pursuant to by CMS~~ under the Governmental Joint Purchasing Act~~Illinois Procurement Code~~ [30 ILCS 525].
- b) The Treasurer's office may enter into agreements to make joint purchases pursuant to the Governmental Joint Purchasing Act and may act as a lead state or a participant state. The purchases of all personal property, supplies and services under the Governmental Joint Purchasing Act shall be based on competitive, sealed bids. All purchases, orders or contracts shall be awarded to the lowest

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responsible bidder, taking into consideration the qualities of the articles or services supplied, their conformity with the specifications, their suitability to the requirements of the participating governmental units and the delivery terms. [30 ILCS 525/4]

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART B: PROCUREMENT AUTHORITY

Section 1400.1005 Chief Procurement Officer

The Chief Procurement Officer shall ~~ensure~~^{insure} that all procurements of the Treasurer's office are in accordance with this Part and in the best interest of the State. The Chief Procurement Officer is responsible for the activities of the Purchasing Officers and the Small Business Specialist who serve under his or her direction and supervision.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART C: PUBLICATION, SOLICITATION AND DOCUMENTATION

Section 1400.1505 Publication

- a) **Electronic Publication**

Every solicitation for bids, proposals, requests for information, or responses required under this Part must be published on the Treasurer's Web Site at least 14 calendar days before the date set in the solicitation for the opening of the bids, proposals, or responses. Every notice of intention to enter into a sole source contract must be published on the Treasurer's Web Site at least 14 calendar days before the award of the contract. ~~Notices of the exercise of an option to renew a lease must be published on the Treasurer's Web Site at least 60 days prior to the exercise of the option.~~ All other documents required to be published under this Part must be published on the Treasurer's Web Site as soon as practicable and no later than 30 days from the date on which the document was produced. There is no fee assessed for access to the page of the Treasurer's Web Site containing procurement information.
- b) **Paper Publication**

All documents published on the Treasurer's Web Site ~~may~~^{must} be printed~~published~~ in a paper format and made available upon request as of the date

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that it is published electronically. The Treasurer's office may charge a minimal fee that does not exceed ~~the costs of postage and copying. The fee for postage and copying will not exceed~~ the limits established by the Treasurer's Office ~~pursuant to the~~ Freedom of Information Act ~~[5 ILCS 140]. requests at 2 Ill. Adm. Code 651.~~ The paper publication will be available for inspection free of charge at locations in Springfield and Chicago by appointment.

c) Content of Publications

- 1) Solicitations. Every solicitation must include the following:
 - A) the date of the solicitation;
 - B) the specifications;
 - C) a procurement reference number if used;
 - D) the date, time, and location of any bidders' conferences;
 - E) the date, time, and location for making submissions, to the extent known at the time of solicitation;
 - F) method of source selection;
 - G) name of the Chief Procurement Officer and the Treasurer; and
 - H) instructions on how to obtain additional information.
- 2) Notices of Contract Awarded. Every notice of contract awarded must contain the following information:
 - A) the name of the vendor selected for the award;
 - B) a brief description of what the vendor will do or provide;
 - C) the contract amount, which may be an amount not-to-exceed, along with the applicable rate and unit of measurement of the goods, supplies or services ~~price~~;

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- D) the number of unsuccessful vendors;
 - E) the date the solicitation was first published;
 - F) the date, time and location for making submissions that led to the contract award;
 - G) name of the Chief Procurement Officer and the Treasurer; and
 - H) instructions on how to obtain additional information.
- 3) Notices of Cancellation or Rejection. The notices of cancellation of a solicitation or rejection of offers must:
- A) identify the solicitation;
 - B) briefly explain the reason for the cancellation or rejection; and
 - C) when~~where~~ appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar goods or services.
- 4) Other Publications. All other publications required by this Part must contain any and all information that is required by this Part.
- 5) Publicizing Award
Successful bidders shall be notified of award and that notification may be in the form of a letter, purchase order or other clear communication. Notice of award shall be issued by either paper or electronic means to all offerors submitting responses to the solicitation.
- 6) Retention of Publication Information
Information published on the Treasurer's Web Site may be removed from the Treasurer's Web Site after a period of one year after first publication, provided that a copy of that information is maintained in the appropriate procurement file maintained in accordance with the State Records Act [5 ILCS 160].

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

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Section 1400.1515 Documentation

- a) Minutes
Minutes of all meetings of the Procurement Review Board ~~and bidders'~~ ~~conferences~~ will be created and made available for inspection and copying.
- b) Procurement File
All official procurement records, notices, contracts, written determinations, minutes, forms, and any other documents required under this Part must be made part of the procurement file maintained by the Chief Procurement Officer. The procurement file must be open to inspection and copying under conditions established by the Chief Procurement Officer and in compliance with the Freedom of Information Act (FOIA).
- c) Contract Filing
Filing of contracts with the ~~Office of the~~ Comptroller must be done in accordance with Section 20-80 of the Illinois Procurement Code [30 ILCS 500] and any ~~the~~ rules promulgated by the Comptroller ~~Comptroller's office~~.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART D: PROCUREMENT METHODS

Section 1400.2005 Competitive Sealed Bidding

- a) Application
Competitive sealed bidding is the required method of source selection except as allowed by this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- b) The Invitation for Bids
 - 1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.
 - 2) Content. The Invitation for Bids must include, at a minimum, the following:

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- A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the Treasurer's office, and any other special information;
 - B) the specification, evaluation factors, delivery or performance schedule, and any inspection and acceptance requirements as are not included in the specification; and
 - C) the contract terms and conditions, including warranty, collateralization, bonding or other security requirements, as applicable.
- 3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference if the Invitation for Bids specifies where the documents can be obtained.
 - 4) Publication and Documentation of the Invitation for Bids. The Invitation for Bids must be published as provided in Section 1400.1505 and made a part of the procurement file.
- c) Optional Bid Requirements
- 1) Bid Form. The Invitation for Bids may provide a form which includes a space in which the bid price may be inserted and which the bidder must sign and submit along with all other necessary submissions.
 - 2) Bid Samples and Descriptive Literature.
 - A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.
 - B) Unsolicited bid samples or descriptive literature submitted at the bidder's risk may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the Treasurer's office.

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- d) Prequalification
- 1) The Chief Procurement Officer may require that vendors be prequalified as a condition of being placed on the bid list. Any bid lists developed will be updated by June 30 of each year. Vendors will be given an opportunity to prequalify prior to each update of the list. The opportunity to prequalify and whether prequalification will be a condition of being awarded a contract must be published as provided in Section 1400.1505.
 - 2) The fact that a prospective vendor has been prequalified does not necessarily represent a finding of responsibility for a particular procurement.
 - 3) Distribution of and responses to the solicitation may be limited to prequalified vendors and award of a contract may be denied because a vendor was not prequalified.
- e) Bidders' Conferences
- Bidders' conferences may be conducted to enhance understanding of the procurement requirements. The conferences must be announced to all prospective bidders known to have received an Invitation for Bids. The conference may be designated as attendance mandatory or attendance optional. The conference must be held long enough after the Invitation for Bids has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparing their bids. Any questions posed in a bidders' conference shall be subsequently submitted in writing and, along with the answers, shall be published on the Treasurer's Web Site as provided in Section 1400.1505. Only the written minutes of the conference are binding. Nothing stated in the bidders' conference changes the Invitation for Bids unless a change is made by written amendment to the Invitation for Bids. The Chief Procurement Officer shall cause a listing of all attendees at a bidders' conference to be prepared and made a part of the procurement file. Minutes of the conference will be supplied upon request.
- f) Amendments to Invitations for Bids
- 1) Form. Amendments to Invitations for Bids must be identified and must require that the bidder acknowledge receipt of all amendments issued. The amendment must reference the portions of the Invitation for Bids it

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amends.

- 2) Distribution. Amendments must be sent to all prospective bidders known to have received an Invitation for Bids.
 - 3) Timeliness. Amendments must be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If necessary, the Chief Procurement Officer may extend the response time in writing, or by e-mail ~~facsimile~~ or telephone and confirmed in writing.
- g) Pre-Opening, Modification or Withdrawal of Bids
- 1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the Invitation for Bids prior to the time and date set for bid opening. An e-mail ~~A facsimile~~ modification or withdrawal, or withdrawal received by telephone prior to the time and date set for bid opening, will be effective if followed in writing.
 - 2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, will be returned to the bidder.
 - 3) Records. All documents relating to the modification or withdrawal of bids must be made a part of the procurement file.
- h) Receipt, Opening and Recording of Bids
- 1) Receipt. Upon its receipt, each bid and modification must be recorded ~~time-stamped~~ but not opened and must be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file must so state.
 - 2) Opening and Recording.
 - A) Bids and modifications must be opened publicly, in the presence of one or more witnesses, at the time, date, and place designated in the Invitation for Bids. The name of each bidder, the bid price, and any other information that the Chief Procurement Officer deems appropriate must be recorded.

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- B) The winning bid must be available for public inspection after award, along with the record of the other bids.
- 3) ~~Confidential Data. The Chief Procurement Officer shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data or other information, the bid must be rejected as nonresponsive.~~
- i) Bid Evaluation and Award
- 1) General. The contract is to be awarded to the lowest bid by a responsible and responsive bidder, unless otherwise permitted in this subsection (i). No bid may be evaluated for any requirements or criteria that are not disclosed in the Invitation for Bids.
 - 2) Determination of Bidder as Responsible and Responsive. The Chief Procurement Officer ~~or Purchasing Officer~~ shall reach the determination of whether each bidder is responsible and responsive. The determination must be conducted to determine whether each bid is acceptable and appropriate for further evaluation and not for the purpose of determining whether one bidder's product or service capability is superior to another. ~~If any bidder is determined to be nonresponsive and/or not responsible, that~~The determination shall be reduced to writing and made part of the procurement file.
 - 3) Product Quality or Service Capability. The Chief Procurement Officer ~~or Purchasing Officer~~ shall also evaluate and make a notation of any differences in the product quality or service capability among the responsible and responsive bidders before reaching the determination of the lowest bidder.
 - 4) Determination of Lowest Responsible and Responsive Bidder. Bids must be evaluated to determine which responsible and responsive bidder offers the lowest cost to the State in accordance with the evaluation criteria in the Invitation for Bids. Only objectively measurable criteria in the Invitation for Bids may be applied in determining the lowest bidder.
 - 5) Award. The Chief Procurement Officer ~~or Purchasing Officer~~ shall award

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the contract to the lowest responsible and responsive bidder, unless the differences in product quality or service capability suggest that the selection of another bid is in the best interest of the State.

- 6) Price Negotiation. The Chief Procurement Officer or ~~designee~~Purchasing Officer may negotiate with the low bidder to obtain a lower price for the item bid.

- j) Notification, Publication and Documentation of Award
Following the award, a notice of contract must be provided to the successful bidder, published as provided in Section 1400.1505, and made a part of the procurement file. The notice of contract awarded must indicate if a bidder other than the lowest responsible and responsive bidder was selected and the basis for the selection.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2010 Multi-Step Sealed Bidding

When it is considered impracticable to initially prepare a definitive purchase description to support an award based on price, an IFB may be issued requesting the submission of unpriced offers to be followed by an IFB limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

- a) Description
~~Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced offers to be evaluated by the Treasurer's office, and a second phase in which those bidders whose unpriced offers are determined to be acceptable during the first phase have their price bids considered.~~

- b) Applicability of Requirements
~~Except for the variations described in this Section, all the requirements for competitive sealed bidding in Section 1400.2005 apply to multi-step sealed bidding.~~

- e) Conditions for Use
~~The multi-step sealed bidding method may be used when it is considered impracticable by the Chief Procurement Officer or Purchasing Officer to initially~~

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~~prepare a specification to support an award based on price.~~

- d) ~~Procedure for Phase One of Multi-Step Sealed Bidding~~
- 1) ~~Form. Multi-step sealed bidding must be initiated by the issuance of an Invitation for Bids in the form required for competitive sealed bidding by Section 1400.2005 with the addition of the following information:~~
 - A) ~~that unpriced offers are requested;~~
 - B) ~~whether priced bids are to be submitted at the same time as unpriced offers in a separate sealed envelope;~~
 - C) ~~that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced offers are found acceptable in the first phase;~~
 - D) ~~the criteria to be used in the evaluation of the unpriced offers;~~
 - E) ~~that the Treasurer's office, to the extent the Chief Procurement Officer or Purchasing Officer finds necessary, may conduct oral or written discussions of the unpriced offers; and~~
 - F) ~~that the item being procured must be furnished generally in accordance with the bidder's unpriced offer as found to be finally acceptable and must meet the requirements of the Invitation for Bids.~~
 - 2) ~~Amendments to the Invitation for Bids. After receipt of unpriced offers, amendments to the Invitation for Bids will be distributed only to bidders who submitted unpriced offers, and they will be permitted to submit new unpriced offers or to amend those submitted. The Invitation for Bids may be cancelled in accordance with Section 1400.2520 and a new Invitation for Bids issued if, in the opinion of the Chief Procurement Officer, a contemplated amendment will significantly change the nature of the procurement.~~
 - 3) ~~Receipt and Handling of Unpriced Offers. Unpriced offers submitted by~~

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~~bidders must be opened in the presence of at least one witness. The offers must not be disclosed to unauthorized persons. Bidders may request nondisclosure of trade secrets and other proprietary data identified in writing.~~

- 4) ~~Evaluation of Unpriced Offers. The unpriced offers submitted by bidders must be evaluated solely in accordance with the criteria in the Invitation for Bids. The unpriced offers must be initially categorized as:
 - A) acceptable;
 - B) potentially acceptable; or
 - C) unacceptable, in which case the Chief Procurement Officer or Purchasing Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.~~
- 5) ~~Discussion of Unpriced Offers. The Chief Procurement Officer must initiate discussion with the vendors of the unpriced offers unless, in the Chief Procurement Officer's opinion, there are sufficient acceptable unpriced offers to assure effective price competition in the second phase without discussions, in which case he or she may initiate phase two of the procedure. The Chief Procurement Officer, or his or her designee, may conduct discussions with any vendor who submits an unpriced offer that is initially categorized as acceptable or potentially acceptable. During the course of the discussions the Chief Procurement Officer, or his or her designee, must not disclose any information derived from an unpriced offer to any other bidder. The Chief Procurement Officer may permit any bidder to submit supplemental information amending its offer.~~
- 6) ~~Acceptability of Potentially Acceptable Unpriced Offer. Prior to phase two, the Chief Procurement Officer or Purchasing Officer shall determine whether the unpriced offers which were initially categorized as potentially acceptable are acceptable or unacceptable.~~
- e) Procedure for Phase Two of Multi-Step Sealed Bidding
 - 1) ~~Unless priced bids were submitted at the same time as the unpriced offers, phase two will be conducted by distributing an Invitation for Bids to those~~

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~~bidders whose unpriced offers were ultimately determined to be acceptable during the first phase, requesting priced bids in accordance with the initial or a revised specification.~~

- 2) ~~If priced bids were submitted at the same time as unpriced offers, the priced bids from the acceptable bidders will be opened in phase two.~~

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2015 Competitive Sealed Proposals

- a) ~~Supplies and services may be procured through the competitive sealed proposal method of source selection, on a case-by-case basis, when it is determined by the Chief Procurement Officer that competitive sealed bidding is either not practicable or advantageous. Competitive sealed proposals may be used whenever permitted by this Part or when the Chief Procurement Officer determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State.~~
- b) The types of procurements for which the competitive sealed proposals method of source selection may be used without a written determination of the Chief Procurement Officer include the following:
- 1) electronic data processing equipment, software, and services;
 - 2) telecommunications equipment, software, and services;
 - 3) consulting services; and
 - 4) banking services; ~~and~~
 - 5) ~~legal services.~~
- c) Generally, the Chief Procurement Officer should determine in writing that competitive sealed bidding is either not practicable or advantageous to the State, and enter into a contract by competitive sealed proposals where evaluation factors involve the relative abilities of offerors to perform, including degrees of experience or expertise, where the types of supplies or services may require the use of comparative, judgmental evaluations to evaluate them adequately, or where

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the type of need to be satisfied involves weighing aesthetic values to the extent that price is a secondary consideration.

- 1) When Competitive Sealed Bidding Is Not Practicable. Competitive sealed bidding is not practicable unless the nature of the procurement permits an award to a low bidder who agrees by its bid to perform without condition or reservation in accordance with the specification, delivery or performance schedule, and all other terms and conditions of the Invitation for Bids.
 - 2) When Competitive Sealed Bidding Is Not Advantageous. A determination may be made to use competitive sealed proposals if it is determined that it is not advantageous to the State, even though practicable, to use competitive sealed bidding.
- d) Prequalification
The Chief Procurement Officer may require that vendors are prequalified in the manner described in Section 1400.2005 for competitive sealed bidding.
- e) Request for Proposals
- 1) Solicitation. Proposals must be solicited through a Request for Proposals ~~that which must be prepared in accordance with the requirements for an Invitation for Bids for competitive sealed bidding in Section 1400.2005 and~~ contain the following ~~additional~~ information:
 - A) A requirement that proposals are submitted in two parts. The first part should cover all items except price and the second part should cover price.
 - B) A statement that discussions may be conducted with offerors who submit proposals determined to be reasonably capable of being selected for award, but that proposals may be accepted without a discussion.
 - C) A statement of when and how price should be submitted.
 - 2) Publication and Documentation of the Request for Proposals. The Request for Proposals must be published as provided in Section 1400.1505

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and made part of the procurement file.

- f) Receipt, Opening and Recording of Proposals
~~The date and time of receipt of proposals~~Proposals and modifications must be recorded~~time-stamped~~ upon receipt, but the proposal and modifications must not be opened and shall be held in a secure place until the established due date. Proposals must be opened publicly in the presence of at least one witness at the time and place designated in the Request for Proposals, but proposals must be opened in a manner to avoid disclosure of their contents to competing offerors. A record of proposals must be prepared and must be open for inspection after contract is awarded. The ~~record~~register of proposals must include for all proposals the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the supply or service item offered. The ~~record~~register of proposals must be made part of the procurement file and be open to public inspection after award of the contract. ~~Proposals and modifications may be shown only to personnel having a legitimate interest in them.~~
- g) Evaluation of Proposals
- 1) Evaluation Factors in the Request for Proposals. The ~~RFP~~Request for Proposals must state all of the evaluation factors, including price, and their relative importance. All evaluation factors stated will be considered equally unless otherwise indicated in the RFP.
 - 2) Evaluation. The evaluation must be based on the evaluation factors in the ~~RFP~~Request for Proposals. Factors not specified in the ~~RFP~~Request for Proposals must not be considered. Numerical rating systems may be used but are not required. The first part of all proposals covering items other than price must be evaluated and ranked independently of the second part of all proposals.
 - 3) ~~Classifying Proposals. For the purpose of conducting discussions, proposals must be initially classified as:~~
 - A) acceptable;
 - B) potentially acceptable; or
 - C) unacceptable, in which case the Chief Procurement Officer or

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~~Purchasing Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.~~

- h) Proposal Discussions with Individual Offerors
- 1) Offerors ~~may that are classified as acceptable or potentially acceptable~~ ~~must~~ be given a fair and equal opportunity to discuss their proposals.
 - 2) Purposes of Discussions. Discussions are held to:
 - A) promote understanding of the Treasurer's office requirements and the offerors' proposals; and
 - B) facilitate arriving at a contract that is most advantageous to the State taking into consideration price and the other evaluation factors in the Request for Proposals.
 - 3) Clarification of the Request for Proposals. If during discussions there is a need for any substantial clarification of, or change in, the Request for Proposals, the Request for Proposals must be amended to incorporate the clarification or change. Any substantial oral clarification of a proposal must be reduced to writing by the offeror.
 - 4) Best and Final Offers. The Chief Procurement Officer may request best and final offers with a common date and time for submission of the offers. The Chief Procurement Officer, or his or her designee, may conduct additional discussions or change the Treasurer's office requirements and require another submission of best and final offers. If an offeror does not submit either a notice of withdrawal or another best and final offer, that offeror's immediately previous offer will be construed as its best and final offer.
 - 5) Disclosure of Information. In conducting discussions there must be no disclosure of any information derived from proposals submitted by competing offerors. Any other information that is disclosed to any offeror must be provided to all competing offerors.
- i) Award

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- 1) Determination. The award must be made by the Chief Procurement Officer ~~or Purchasing Officer~~ in accordance with a written determination showing the basis on which the award was found to be the most advantageous to the State, based on the Request for Proposals.
- 2) Notification, Publication and Documentation of the Award. The successful offeror will be promptly notified of the award. The notification of the award and the written determination must be published as provided in Section 1400.1505 and made part of the procurement file.
- 3) Unsuccessful offerors may be allowed a debriefing when determined by the Chief Procurement Officer to be in the best interests of the State.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2020 Small Purchases

- a) Application
Any individual procurement of supplies or services that does not exceed ~~\$80,000~~25,000 ~~or any individual procurement of professional or artistic services for a nonrenewable term of less than one year that does not exceed \$20,000~~, may, at the discretion of the Chief Procurement Officer, be made without notice, competition, publication, or use of any prescribed method of source selection. Each July 1 the small purchase maximum shall be subject to the annual cost of living increases set forth in subsection (b). Procurements of less than \$20,000 for professional and artistic services, and that have a nonrenewable term of one year or less, may, at the discretion of the Chief Procurement Officer, be made without advance notice, competition or use of any prescribed method of source selection.
- b) Adjustment
~~The small purchase maximums may be adjusted~~Each July 1, the small purchase maximum established in subsection (a) will be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100. for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest \$100. In determining the annual small purchase maximums, the CPO may rely upon a published adjustment of the small purchase limits announced by the Chief Procurement Office for General Services pursuant to the procedure found at 44

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Ill. Adm. Code 1.2020.

- c) In determining whether a contract is under the limit, the value of the contract for the full term and any optional renewals, as well as the stated value of the goods or services plus any optional goods and services, determined in good faith, must be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount must be calculated for a 12~~twelve~~-month period.
- d) Procurement requirements must not be artificially divided to avoid using one of the other source selection methods described in this Part.
- e) If, after signing the contract, the actual need is determined to be more than the limits provided in this Section, and the Chief Procurement Officer determines that reprocurement is not appropriate, the Chief Procurement Officer may follow the procedures for sole source or emergency procurement, if applicable, to obtain the additional supplies or services.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2025 Sole Source Procurements

- a) **Application**
The provisions of this Section apply to procurement from a sole economically feasible source (referred to as sole source) that is above the limit for small purchases in Section 1400.2020 and does not qualify as an emergency procurement as defined in Section 1400.2030.
- b) **Conditions for Use of Sole Source Procurement**
Sole source procurement is permissible when a good or service is available from only a single supplier or when only one supplier is deemed economically feasible. A requirement for a particular proprietary item by itself does not justify a sole source procurement if there is more than one potential bidder or offeror authorized to provide that item. The following are examples of circumstances that could necessitate sole or sole economically feasible source procurement:
 - 1) compatibility of equipment, accessories, replacement parts or service is a paramount consideration;
 - 2) items are needed for trial use or testing of that specific product or service;

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- 3) item is for commercial resale;
 - 4) noncompetitive public utility services;
 - 5) item is copyrighted or patented and the item or service is not available except from the holder of the copyright or patent;
 - 6) media for advertising;
 - 7) art, entertainment services or athletic events;
 - 8) radio and television broadcast rights;
 - 9) procurements related to training for continuing professional education, professional memberships and related expenses. These procurements may include, but are not limited to, dues and membership fees, travel and lodging, and facility usage fees;
 - 10) federal or State grant requires contract with named vendor;
 - 11) items required by franchise agreements; and
 - 12) changes to existing contracts (see subsection (c)).
- c) Changes to existing contracts germane to the original contract ~~that, which~~ are necessary or desirable to complete the project, and ~~that which~~ can be best accomplished by the contract holder, may be procured under this provision.
- d) The determination as to whether a procurement may be made as a sole source must be made by the Chief Procurement Officer in writing and must include an explanation of why no other source would be suitable or acceptable. The determination must be made part of the procurement file. ~~The Chief Procurement Officer shall also specify the application of the determination and the duration of its effectiveness.~~
- e) The Chief Procurement Officer shall, having defined a sole economically feasible source, issue a notice of intent to utilize the sole source method of procurement that sets forth a description of the item to be procured and the intended sole

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source contractor. A notice containing the following information must be published as provided in Section 1400.1505:

- 1) name of the Chief Procurement Officer ~~or Purchasing Officer~~, who made the determination to utilize~~performed~~ the sole source procurement;
 - 2) name of the vendor;
 - 3) brief description of what the vendor will do or provide;
 - 4) contract price (to the extent known); and
 - 5) reason why the vendor was determined to be the sole economically feasible source.
- f) If a written protest is filed by an interested party pursuant to Section 1400.4005 requesting a public hearing, then the Chief Procurement Officer shall, after posting a notice as provided in Section 1400.1505, hold a public hearing and take public testimony concerning the proposed sole source designation. If there is no protest challenge to the Chief Procurement Officer's determination or if the Chief Procurement Officer is convinced that the sole source designation is appropriate after considering the protest challenge, ~~at~~ the contract may~~will~~ be executed with the selected sole source vendor on the scheduled date. If a written protest challenge is received and, after considering the protest, that convinces the Chief Procurement Officer is convinced that the sole source designation is not appropriate, the Chief Procurement Officer ~~or Purchasing Officer~~ shall commence a competitive method of procurement unless an emergency situation exists.
- g) **Negotiation in Sole Source Procurement**
The Chief Procurement Officer ~~or Purchasing Officer~~ shall conduct negotiations, as appropriate, in an effort to obtain the most favorable price, delivery and other terms and conditions available for the State.
- h) **Maintenance of Record**
The Chief Procurement Officer ~~or Purchasing Officer~~ shall maintain a record of sole source procurements in the procurement file showing:
- 1) the vendor's name;

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- 2) the amount and type of the contract; and
- 3) a listing of the goods or services procured under each contract.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2030 Emergency Procurements

- a) Applications
The provisions of this Section apply to every procurement over the small purchase limit set in Section 1400.2020 that the Chief Procurement Officer determines is necessary under the following circumstances:
 - 1) public health or safety, including if the health or safety of any particular person, is threatened;
 - 2) repairs are needed to State property to protect against further loss or damage to State property, or to prevent loss or damage to State property;
 - 3) action is needed to prevent or minimize serious disruption in the operation of the Treasurer's office;
 - 4) action is needed to ensure the integrity of State records;
 - 5) a supplier of needed goods or services makes an announcement that gives the Chief Procurement Officer reason to determine that making a purchase immediately is in the State's best interest, including but not limited to an announcement of bankruptcy, going out of business, or loss of franchise;
 - 6) commodity items are available on the spot at prices that are favorable enough that good business judgment mandates a purchase;
 - 7) legal services to assist the Treasurer's office in the formulation of policy, in drafting or evaluating documents, or in determining the extent of statutory authority are needed more quickly than an alternative method of procurement under this Part would allow;
 - 8) escrow agent services for general obligation bonds and procurements for escrow agent services and registrar and paying agent services for college

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savings bonds are needed more quickly than an alternative method of procurement under this Part would allow; or

- 9) bids or proposals received in accordance with a competitive sealed bid or competitive sealed proposal method are unreasonable, noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals.
- b) **Scope of Emergency Conditions**
Emergency procurements must be limited to those supplies, services, or construction items necessary to meet the emergency.
- c) **Authority to Make Emergency Procurements**
The Chief Procurement Officer ~~or Purchasing Officer~~ may make emergency procurements when the need cannot be met through normal procurement methods, but, whenever practicable, existing contracts must be utilized ~~and, whenever practicable, approval by the Chief Procurement Officer must be obtained prior to the procurement.~~
- d) **Source Selection Methods**
Any method of source selection, whether identified in this Part or not, may be used to conduct the emergency procurement. The procedure used must be selected to assure that the required supplies, services, or construction items are procured in time to meet the emergency. As much competition as is practicable must be obtained.
- e) **Filing with the Auditor General**
The Chief Procurement Officer ~~or Purchasing Officer~~ shall file an affidavit with the Auditor General within 10 days after making an emergency procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available, the estimate should be provided in the affidavit and the actual cost must be reported immediately after it is determined.
- f) **Determination, Record and Publication of Emergency Procurements**
 - 1) **Determination.** The Chief Procurement Officer ~~or Purchasing Officer~~ shall make a written determination stating the basis for an emergency procurement and for the selection of the particular vendor.

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- 2) Record. A record of each emergency procurement must be made as soon as practicable and must include the following information:
 - A) the vendor's name;
 - B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record must be supplemented with the final amount once known);
 - C) a description of what the vendor will do or provide;
 - D) the reasons for using the emergency procurement method of source selection;
 - E) the name of the Chief Procurement Officer ~~or Purchasing Officer.~~
- 3) The written determination and the record of the emergency procurement must be made part of the procurement file and must be published as provided in Section 1400.1505 ~~of this Part.~~

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2035 Procurement of Professional and Artistic Services

- a) The provisions of this Section apply to ~~the~~every procurement of professional and artistic services with the exception of the following:
 - 1) sole source procurements;
 - 2) emergency procurements; ~~and~~
 - 3) any procurement of professional and artistic services less than \$20,000 for a nonrenewable term of less than one year made as a small purchase; ~~and that the Chief Procurement Officer determines, in a writing that contains a brief explanation and is published as provided in Section 1400.1505, should be procured as a small purchase in accordance with Section 1400.2020.~~

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4) architect, engineering and land surveying services procured pursuant to the procedures of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535].

b) Forms

~~The Chief Procurement Officer shall develop forms for use in the solicitation, review, and acceptance of all professional and artistic services. The following details must be included among the forms:~~

- 1) ~~a description of the goal to be achieved;~~
- 2) ~~the services to be performed;~~
- 3) ~~the need for the service;~~
- 4) ~~the qualifications that are necessary; and~~
- 5) ~~a plan for post performance review.~~

~~The forms must be published as provided in Section 1400.1505.~~

e) Contract Requirements

~~Contracts must contain at least the following information:~~

- 1) ~~the details listed in subsection (b);~~
- 2) ~~the duration of the contract, with a schedule of services, if applicable;~~
- 3) ~~the method for charging and measuring cost;~~
- 4) ~~the rate of remuneration;~~
- 5) ~~the maximum price; and~~
- 6) ~~any provisions that are required by the Chief Legal Counsel.~~

bd)

Written Determinations Required Prior to Request for Proposals

Prior to announcing the need for professional or artistic services, the Chief Procurement Officer ~~or Purchasing Officer~~ shall make a written determination

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that explains the nature of the services and how the Chief Procurement Officer ~~or Purchasing Officer~~ reached the determination that the services are professional or artistic. The written determination must be made part of the procurement file.

e) Prequalification

~~The Chief Procurement Officer may maintain a list of prequalified professional and artistic vendors. Vendors seeking to be added to the list shall submit a statement of qualifications in the following format:~~

- ~~1) the name of the vendor, the location of the vendor's principal place of business and any other locations that may be used to perform a contract with the Treasurer's office;~~
- ~~2) educational qualifications and licenses;~~
- ~~3) general background and experience;~~
- ~~4) a listing and description of government contracts, including contracts with the Treasurer's office;~~
- ~~5) resumes of the persons who will be responsible for performance of any contract awarded;~~
- ~~6) statement of compliance with all State of Illinois requirements; and~~
- ~~7) any additional relevant information.~~

~~Vendors may amend statements of qualifications at any time by filing a new statement.~~

cf) Professional and artistic services shall be procured using a Request for Proposals.

- 1) Contents. The RFP~~Request for Proposals~~ must be drafted or approved by the Chief Procurement Officer and must contain at least the following information:
 - A) the type and scope of services required;
 - B) a date by which proposals for the performance of the services must

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- be submitted;
- C) the type of information and data required of each offeror;
 - D) how the price should be presented;
 - E) the factors to be used in the evaluation and selection process and their relative importance (all evaluation factors stated will be considered equally unless otherwise indicated in the RFP); and
 - F) when practicable, a draft contract with a notice to the vendors that by submitting a response they are consenting to the terms and conditions of the draft agreement and agree to be bound by a final agreement that is substantially similar to the draft.
- 2) Evaluation. Proposals must be evaluated only on the basis of evaluation factors stated in the Request for Proposals. The relative importance of the evaluation factors will vary according to the type of services being procured. Factors may include~~The minimum factors are:~~
- A) the plan for performing the required services;
 - B) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
 - C) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and
 - D) a record of past performance of similar work.
- 3) Publication and Filing. The Request for Proposal must be published as provided in Section 1400.1505 and must be made part of the procurement file.
- dg) Bidders' Conferences
Bidders' conferences may be conducted to enhance understanding of the

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procurement requirements. ~~They must be announced to all prospective proposers known to have received a Request for Proposal.~~ The conference may be designated as attendance mandatory or attendance optional. The conference should be held long enough after the Request for Proposals has been issued to allow proposers to become familiar with it, but sufficiently before the opening of proposals to allow consideration of the conference results in preparing their proposals. Any questions posed in a bidders' conference shall be subsequently submitted in writing and, along with the answers, shall be published on the Treasurer's Web Site as provided in Section 1400.1505. Only the written minutes of the conference are binding. Nothing stated in the bidders' conference changes the Request for Proposals unless a change is made by written amendment to the Request for Proposals. The Chief Procurement Officer shall cause a listing of all attendees at a bidders' conference to be prepared and made a part of the procurement file. Minutes of the conference must be supplied upon request.

eh) Amendments to Requests for Proposals

- 1) Form. Amendments to Requests for Proposals must be published as provided in Section 1400.1505 and must be made part of the procurement file.~~identified and must require that the proposer acknowledge receipt of all amendments issued. The amendment must reference the portions of the Request for Proposals it amends.~~
- 2) Distribution. Amendments must be sent to all prospective proposers known to have received a Request for Proposal.
- 3) Timeliness. Amendments must be published~~distributed~~ within a reasonable time to allow prospective bidders to consider them in preparing their bids. If necessary, the Chief Procurement Officer may extend the response time by amending the RFP as provided for in this subsection (e)(3)~~in writing, or by facsimile or telephone and confirmed in the amendment.~~

fi) Receipt and Handling of Proposals

Proposals and modifications must be sent to the Chief Procurement Officer where they must be recorded~~time-stamped~~ upon receipt, but not opened, and held in a secure place until the established due date and time, at which time they will be opened by the Chief Procurement Officer. Proposals must not be opened publicly nor disclosed to unauthorized persons and must be opened in the presence of at

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least one witness. A record of proposals that includes the following must be established for all proposals: the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the services offered. The ~~record~~register of proposals must be open to public inspection only after award of the contract and must be made part of the procurement file at that time. ~~To the extent permitted by the contract entered into with the vendor, the successful proposal must be available for inspection by the public; however, proposals of offerors who are not awarded the contract must not be open to public inspection.~~

- j) ~~Request for Nondisclosure of Data~~
~~If the offeror selected for award has requested in writing the nondisclosure of trade secrets and other proprietary data so identified, the Chief Procurement Officer shall examine the request in the proposal to determine its validity prior to entering into negotiations with the offeror. If the parties do not agree as to the disclosure of data in the contract, the Chief Procurement Officer may reject the proposal.~~
- gk) Discussions
- 1) Discussions Permissible. The Chief Procurement Officer ~~or Purchasing Officer~~ shall evaluate all proposals submitted and may conduct discussions with any proposer. The purposes of the discussions are to:
 - A) determine in greater detail the proposer's qualifications; and
 - B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach.
 - 2) No Disclosure of Information. No information derived from proposals submitted by an offeror may be disclosed to any other proposer.
 - 3) Best and Final Offers. The Chief Procurement Officer may request best and final offers with a common date and time for submission of the proposals. The Chief Procurement Officer may conduct additional discussions or change the specifications or other contract requirements and require another submission of best and final proposals. If a proposer does not submit either a notice of withdrawal or another best and final offer, the

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proposer's immediate previous proposal will be construed as its best and final proposal.

- h) Negotiation and Award of Contract
- 1) General. The Chief Procurement Officer, in conjunction with the Chief Legal Counsel or designee, or Purchasing Officer shall negotiate a contract with the best qualified proposer, based on the evaluation factors in the request for proposals, for the required services at compensation determined in writing to be fair and reasonable.
 - 2) Successful Negotiation of Contract with Best-Qualified Proposer. If compensation, contract requirements, and contract documents can be agreed upon with the best-qualified proposer, the contract must be awarded to that proposer, unless the procurement is cancelled.
 - 3) Failure to Negotiate Contract with Best-Qualified Offeror:
 - A) If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified proposer, a written record stating the reasons must be made part of the procurement file and the Chief Procurement Officer ~~or Purchasing Officer~~ shall advise that proposer of the termination of negotiations.
 - B) Upon failure to negotiate a contract with the best-qualified offeror, the Chief Procurement Officer ~~or Purchasing Officer~~ may enter into negotiations with the next most qualified offeror.
 - 4) Evaluation of Pricing Data
Pricing submitted for all acceptable proposals timely submitted shall be opened and ranked.
 - 1) If the low price is submitted by the most qualified vendor, the CPO may award to that vendor.
 - 2) If the price of the most qualified vendor is not low and if it does not exceed \$30,000, the CPO may award to that vendor.
 - 3) If the price of the best qualified vendor exceeds \$30,000, the CPO

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~~must state why a vendor other than the low priced vendor was selected and that determination shall be published as provided in Section 1400.1505 and must be made part of the procurement file. Ranking by Price. For contracts with annualized value that exceeds \$25,000, evaluation and ranking by price are required. The Chief Procurement Officer may, with the Treasurer's approval, select an offeror other than the offeror with the most favorable price, if the Chief Procurement Officer explains in a written decision why another offeror was selected. A copy of the decision must be forwarded to the Chief of Staff for review. The written decision must be made part of the contract and published as provided in Section 1400.1505.~~

- 5) Notice of Award. Written notice of award must be promptly provided to the successful offeror, published as provided in Section 1400.1505 and made a part of the procurement file. The notice must provide, at a minimum, the following:
- A) the name of the Chief Procurement Officer ~~or Purchasing Officer;~~
 - B) the successful vendor;
 - C) the type of services to be provided ~~a contract reference number or other identifier;~~ and
 - D) the amount ~~value~~ of the contract, which may be an amount not-to-exceed, along with any applicable rates.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2040 Procurement of Real Property Leases

- a) Applicability
This Section applies to all leases for real property, including office and storage space, buildings, and other facilities for the Treasurer's office, with the exception of the following:
- 1) property of less than 10,000 square feet;

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- 2) rent of less than \$100,000 per year;
 - 3) nonrenewable leases with a duration of less than one year;
 - 4) specialized space available at only one location; ~~or~~
 - 5) renewal ~~or~~ extension of any existing lease so long as the term of the lease, including the renewal or extension, does not exceed 10 years; or in effect before July 1, 1998 if:
 - A) ~~the Chief Procurement Officer determines in writing that the renewal or extension is in the best interest of the State;~~
 - B) ~~the Chief Procurement Officer submits his or her written determination and the renewal or extension to the Procurement Review Board;~~
 - C) ~~the Procurement Review Board does not object in writing to the renewal or extension within 30 days after its submission; and~~
 - D) ~~the Chief Procurement Officer publishes the renewal or extension as provided in Section 1400.1505.~~
 - 6) leases with other governmental units when deemed by the Chief Procurement Officer to be in the best interest of the Treasurer's office.
- b) Request for Information – Real Property Leases
Except as otherwise provided in this Section, all contracts for leases of real property must be awarded by the following Request for Information-Real Property Leases process. The RFI-Real Property Leases~~Request for Information~~ must include the following:
- 1) the type of property to be leased;
 - 2) the proposed uses of the property;
 - 3) the duration of the lease;
 - 4) the preferred location of the property; and

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- 5) a general description of the configuration desired.
- c) **Publication of Notice**
Notice of the Request for Information must be published as provided in Section 1400.1505 and must also be published in a newspaper of general circulation in the community or communities where the Treasurer's office is seeking space.
- d) **Evaluation of Responses**
The evaluation must be based on price and the ability of the respondent to meet the criteria in the Request for Information.
- e) **Negotiations with Individual Offerors**
 - 1) For the purpose of conducting negotiations, proposals must be initially classified as:
 - A) acceptable;
 - B) potentially acceptable; or
 - C) unacceptable, in which case the Chief Procurement Officer ~~or Purchasing Officer~~ shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.
 - 2) Negotiations will be entered into with respondents who are classified as acceptable or potentially acceptable for the purpose of securing a lease that is in the best interest of the State.
 - 3) A written determination of the acceptability of each respondent and a report of the negotiations will be retained in the procurement file and will include the reasons for the final selection.
- f) **Award**
The lease will be awarded to the respondent that the Chief Procurement Officer deems to be most capable of meeting the needs of the Treasurer's office. The notice of award must be promptly provided to the successful respondent and must be published as provided in Section 1400.1505. When the lowest proposer by price is not selected, the Chief Procurement Officer shall issue a written

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explanation for the selection of another proposer. The written explanation must also be published as provided in Section 1400.1505.

- g) Lease Agreements
 - 1) All leases must be in writing and approved by the Chief Legal Counsel.
 - 2) Length of Leases:
 - A) Term. All leases must be for a term that does not exceed 10 years and must include a termination option in favor of the Treasurer's office after five years.
 - B) Renewal. Leases may include a renewal option if the leases and any renewals do not exceed a 10-year term. ~~An option to renew may be exercised only when the Chief Procurement Officer determines in writing that renewal is in the best interest of the State and notice of the exercise of the option is published as provided in Section 1400.1505.~~
- h) Purchase Option

Initial leases of all space in entire, free-standing buildings must include an option to purchase exercisable by the State, unless the Chief Procurement Officer determines that inclusion of a purchase option is not in the State's best interest ~~and publishes that determination as provided in Section 1400.1505.~~
- i) Rent Without Occupancy

Except when deemed by the Procurement Review Board to be in the best interest of the State, the Treasurer's office may not incur rental obligations before occupying the space rented.
- j) Local Site Preference

The Chief Procurement Officer may, in his or her discretion, give leasing preferences to sites located in enterprise zones, tax increment financing districts or redevelopment districts.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2045 Other Methods of Source Selection

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- a) State and Federal~~CMS~~ Warehouses
Prior to any equipment procurement, the Treasurer's office should consider property available from the State and Federal Surplus Warehouses that are under the jurisdiction of CMS.
- b) State Agencies and Other Governmental Units
Various goods and services are available from State agencies and other governmental units. These may be procured without notice and competition.
- c) Auction
Purchases may be made at an auction in accordance with the procedural requirements applicable to the particular auction. Notice and competition is not required and the amount payable will be the amount bid and accepted plus any required buyer's premium.
- d) Donations
With approval of the Chief Procurement Officer, if the Treasurer's office receives a donation that provides the majority of the funding for a particular project, it may follow any procurement or contracting requirements established as a condition of the donation, but must follow this Part whenever practicable.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART E: GENERAL PROCUREMENT GUIDELINES

Section 1400.2505 General Provisions

- a) Late Bids, Proposals, Responses, Withdrawals and Modifications
- 1) Definition. Any bid, proposal or response received after the time, date and place set for receipt is late. Any withdrawal or modification of a bid, proposal or response received after the time and date set for opening of bids, proposals or responses at the place designated for opening is late.
 - 2) Treatment. No late bid, proposal or response, modification, or withdrawal will be considered unless it is received before contract award, and the bid, proposal, response, modification, or withdrawal would have been timely but for the action or inaction of Treasurer's office personnel.

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- 3) Records. Records must be made and kept for each late bid proposal, response, modification, or withdrawal.
 - 4) Any other submission that has a time or date deadline must be treated in the same manner as a late bid, proposal or response.
- b) Extension of Time
- 1) The date or time for submitting a bid, proposal, response, modification or withdrawal may be extended by the Chief Procurement Officer prior to the opening of bids, proposals, responses, modifications or withdrawals~~date or time~~ for the convenience of the Treasurer's office.
 - 2) After opening bids, proposals, or responses the Chief Procurement Officer may request that the offerors extend the time during which the State may accept their bids, proposals, or responses if, with regard to bids, no other change is permitted. The reasons for requesting the extension must be documented.
- c) Electronic ~~and Facsimile~~-Submissions
- 1) The Invitation for Bids, Request for Proposals, or Request for Information may state that electronic ~~and facsimile~~-submissions will be considered if they are received at the designated office by the time and date set for receipt. Any required attachments will be submitted as stated in the Invitation for Bids, Request for Proposals or Request for Information.
 - 2) Electronic submissions will be opened in accordance with electronic security measures in effect at the time of opening. Unless the electronic submission procedures provide for a secure receipt, the vendors assume the risk of premature disclosure due to submission in unsealed form.
 - 3) ~~Facsimile submissions must be placed in a sealed container upon receipt and opened as other submissions. The vendors assume the risk of premature disclosure due to submission in unsealed form.~~
- d) Intent to Submit
- The Invitation for Bids, Request for Proposals, or Request for Information may

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require that vendors submit, by a certain time and date, a notice of their intent to submit a bid, proposal, or response. Bids, proposals, and responses submitted without complying with the notice of intent requirement will be rejected.

- e) **Only One Bid, Proposal or Response Received**
If only one responsive bid, proposal, or response is received, an award may be made to the single offeror if the Chief Procurement Officer finds that the [proposal](#) and price submitted is fair and reasonable, and that either other prospective offerors had a reasonable opportunity to respond or there is not adequate time for resolicitation. Otherwise:
- 1) new bids, proposals or responses may be solicited;
 - 2) the procurement may be cancelled; or
 - 3) if the Chief Procurement Officer determines in writing that the need for the supply or service continues, but that ~~A~~ after attempting to negotiate a better price, the one offer is not fair and reasonable and there is no time for resolicitation, ~~B~~ the vendor is not responsible, or ~~C~~ resolicitation would likely be futile, the procurement may be conducted with any vendor as a sole source procurement under Section 1400.2025 or as an emergency procurement under Section 1400.2030, as appropriate.
- f) **Unsolicited Offers**
- 1) **Defined.** An unsolicited offer is any offer other than one submitted in response to a solicitation.
 - 2) **Conditions for Consideration.** An unsolicited offer must be in writing and must be sufficiently detailed to allow a judgment to be made concerning the potential utility of the offer to the State.
 - 3) **Evaluation.** The unsolicited offer will be evaluated to determine its utility to the State and whether it would be to the State's advantage to enter into a contract based on the offer. An unsolicited offer that meets the requirements of subsection (f)(2) ~~above~~ may be considered for award if the procurement also meets the requirements of Section 1400.2020 for small purchases or Section 1400.2025 for sole source procurements, in which case those procedures must be followed as applicable.

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- 4) Confidentiality. Any request for confidentiality of data contained in an unsolicited offer must be made in writing. If an award is made, confidentiality of data must be agreed upon by the parties and governed by the provisions of the contract. If agreement cannot be reached on confidentiality, the Chief Procurement Officer ~~or Purchasing Officer~~ shall reject the unsolicited offer.
- g) Clarification of Bids, Proposals and Responses
The Chief Procurement Officer ~~or Purchasing Officer~~ may request that a vendor clarify its bid, proposal or response as a part of the evaluation process. A vendor is not allowed to change its bid, proposal or response in response to a request for clarification without the written approval of the Chief Procurement Officer.
- h) Extension of Time on Indefinite Quantity Contracts
The time of performance of an indefinite quantity contract may be extended upon agreement of the parties, provided the extension is for 90 days or less and the Chief Procurement Officer determines in writing that it is not practicable to award another contract at the time of the extension.
- i) Increase in Quantity on Definite Quantity Contracts
The quantity that may be ordered from a definite quantity contract may be increased by up to 20% provided the Chief Procurement Officer ~~or Purchasing Officer~~ determines that separate procurement of the additional quantity is not likely to achieve lower pricing. The quantity may be increased by any percentage provided the dollar value of the increase does not exceed the small purchase threshold applicable to the type of good or service.
- j) Novation or Change of Name
- 1) Assignment. No State contract is transferable, or otherwise assignable, without the written consent of the Chief Procurement Officer, but a vendor may assign monies receivable under a contract after due notice to the State. Assignment may require the execution of a contract with the assignee that meets all requirements for contracting with the State.
 - 2) Recognition of a Successor in Interest; Novation. When in the best interest of the State, a successor in interest may be recognized in a novation agreement in which the transferor and the transferee must agree

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that:

- A) the transferee assumes all of the transferor's obligations;
 - B) the transferee meets all requirements for contracting with the State;
 - C) the transferor waives all rights under the contract as against the State; and
 - D) unless the transferor guarantees performance of the contract by the transferee, the transferee shall, if required by the State, furnish a satisfactory performance bond.
- 3) Change of Name. When a vendor requests to change the name in which it holds a contract with the State, the Chief Procurement Officer shall, upon receipt of a document indicating the change of name, enter into an agreement with the requesting vendor to effect the change of name. The agreement changing the name must specifically indicate that no other terms and conditions of the contract are changed.
- k) Contracting for Installment Purchase Payments, Including Interest
Contracts may provide for installment purchase payments, including interest charges, over a period of time. The interest rate shall not exceed that established by law.
- l) Information Exempt from Disclosure under FOIA
- 1) Vendors must clearly identify in writing any information submitted to the Treasurer's office claimed to be exempt from the disclosure requirement of the Illinois Freedom of Information Act (FOIA) [5 ILCS 140] and must identify the basis of the claimed exemption and show how that basis applies to the request for exemption. Information submitted without a claim of exemption may be disclosed to the public without notice or permission. Information submitted with a claimed exemption may still be disclosed to the public if determined by the Treasurer's office, or other appropriate party, that the claimed exemption does not meet the requirements for withholding the information under FOIA. The Treasurer's office will attempt to provide to the vendor reasonable notice

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and opportunity to object prior to disclosure of any material claimed by the vendor to be exempt from FOIA.

- 2) The CPO may request that bidders, offerors and other respondents provide an additional copy of their bid, offer or response that omits or redacts information claimed to be exempt under FOIA. This copy may be used to respond to FOIA requests for a copy of the respective bid, offer or response.
- 3) To the extent that these public records are exempt under Section 7 of FOIA, and only until an award or final selection is made, proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the Treasurer along with information prepared by or for the Treasurer in preparation of a bid solicitation shall be available only to persons necessary to the procurement process. [5 ILCS 140/7(h)] Subsequent to an award or final selection such public records shall be made available for inspection or copying upon request to the extent required by FOIA.

- m) Bidder or offeror authorized to transact business or conduct affairs do business in Illinois.
In addition to meeting any other requirement of law or rule, a person (other than an individual acting as a sole proprietor) may qualify as a bidder or offeror under this Part only if the person is a legal entity prior to submitting the bid, offer, or proposal. The legal entity must be authorized to transact business or conduct affairs in Illinois prior to execution of the contract.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2510 Tie Bids and Proposals

- a) Tie bids and proposals are those from responsive and responsible vendors that are identical in price or terms of the proposal.
- b) Tie bids and proposals are treated as follows:
 - 1) If the tied vendors include an Illinois resident vendor and a nonresident~~non-resident~~ vendor, the Illinois resident vendor will be

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given the award [if all the conditions for a resident vendor preference in Section 1400.4510 are met](#). "Illinois resident vendor" has the meaning given in Section 1400.4510. In all other situations, the decision is made in accordance with subsections (b)(2) through (b)(5).

- 2) If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award is made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the State may be given additional consideration in determining responsibility if the Chief Procurement Officer ~~or Purchasing Officer~~ determines that dealing with a vendor that has knowledge of State requirements, contracts, job sites, payment practices and other similar factors, and with which there has been favorable past experience, increases the likelihood of successful performance.
 - 3) If there is no significant difference in responsibility, but there is a difference in the quality of the goods or services offered, the vendor offering the best quality is accepted.
 - 4) If there is no significant difference in responsibility and no difference in quality of the goods or services offered, the vendor offering the earliest delivery time is accepted in any case in which the solicitation specified that the needs of the Treasurer's office require as early delivery as possible.
 - 5) If the bids or proposals are equal in every respect, the award is made by lot unless the Chief Procurement Officer determines that splitting the award among two or more of the tied bidders or proposers is in the best interest of the State. Awards may be split if all affected bidders or proposers agree, if splitting is feasible given the type of good or service requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.
- c) Record
- 1) Records must be made of all procurements on which tie bids or proposals are received and must be published as provided in Section 1400.1505, showing at least the following information:

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- ~~A1~~) the identification number of the solicitation;
 - ~~B2~~) the good or service; and
 - ~~C3~~) a listing of all the bidders or proposers and the prices submitted.
- 24) The records must be made part of the procurement file.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2515 Correction or Withdrawal of Proposals

- a) General
Corrections to bids, proposals or responses are allowed, but only to the extent correction is not prejudicial to the interest of the State or fair competition as determined by the Chief Procurement Officer ~~or Purchasing Officer~~. Withdrawals of proposals are allowed as provided in this Section.
- b) Mistakes Discovered Before Opening
A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting as provided in this Section.
- c) Confirmation of Mistake
When the Chief Procurement Officer ~~or Purchasing Officer~~ knows or has reason to conclude that a mistake has been made, the officer should request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake in the bid, proposal or response, it may be corrected or withdrawn if the conditions in this Section, as applicable, are met.
- d) Mistakes Discovered After Opening but Before Award
 - 1) Minor Mistakes. A minor mistake is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation of a bid, proposal or response from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the State. The Chief Procurement Officer ~~or Purchasing Officer~~ shall waive minor

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mistakes or allow the offeror to correct them depending on which is in the best interest of the State. Minor mistakes include insignificant mistakes where the effect on price, quantity, quality, delivery, or contractual conditions is negligible. Examples of minor mistakes as to form include the failure of an offeror to:

- A) return the number of signed bids, proposals, or responses required by the solicitation;
 - B) sign the bid, proposal or response, but only if the unsigned bid, proposal or response is accompanied by other material indicating the offeror's intent to be bound, including but not limited to signature on an auxiliary form, submission of a guarantee or submission of a signed transmittal letter; or
 - C) acknowledge receipt of an amendment to the solicitation, but only if:
 - i) it is clear from the bid, proposal or response that the offeror received the amendment and intended to be bound by its terms; or
 - ii) the amendment involved had a negligible effect on price, quantity, quality, or delivery.
- 2) Corrections of Mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the intended correct offer considered only if:
- A) the mistake and the intended correct offer are clearly evident on the face of the bid, proposal or response, in which event the offer may not be withdrawn; or
 - B) the mistake is not clearly evident on the face of the bid, proposal or response, but the offeror submits adequate proof ~~that~~which clearly and convincingly demonstrates both the existence of a mistake and the intended correct offer, and that correcting the mistake would not be contrary to the fair and equal treatment of other offerors.

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- 3) Withdrawal of Bids, Proposals or Responses. If discussions are not held, or if the best and final offers upon which award will be made have been received, the offeror may be permitted to withdraw the bid, proposal or response if:
- A) the mistake is clearly evident on the face of the proposal and the intended correct offer is not;
 - B) the offeror submits proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made but does not demonstrate the intended correct offer; or
 - C) the offeror submits adequate proof that clearly and convincingly demonstrates the intended offer, but to allow corrections would be contrary to the fair and equal treatment of other offerors.
- e) Determinations Required
When a proposal is corrected or withdrawn, or correction or withdrawal is denied, the Chief Procurement Officer ~~or Purchasing Officer~~ shall prepare a written determination documenting that relief was granted or denied in accordance with this Part. The requirement of this subsection to prepare a written determination shall not apply to "minor mistakes" as defined in subsection (d)(1).

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.2520 Cancellation of Solicitations and Rejection of Offers

- a) Scope of this Section
~~The provisions of this Section govern the cancellation of any Invitation for Bids, Request for Proposals, Request for Information or any other solicitation issued by the Treasurer's office and the rejection of any or all bids, proposals or responses in whole or in part.~~
- ab) Policy
Any solicitation may be cancelled without penalty, and any or all bids, proposals or responses may be rejected in whole or in part, when the Chief Procurement Officer ~~or Purchasing Officer~~ determines in writing that cancellation is in the State's best interest.

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- be) Notice, Publication and Documentation
When a solicitation is cancelled or the offers are rejected, notice of the cancellation or rejection will be promptly provided to all affected vendors, published as provided in Section 1400.1505, and made part of the procurement file.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART F: SPECIFICATIONS AND SECURITY REQUIREMENTS

Section 1400.3005 Specifications

- a) ~~The Chief Procurement Officer's Responsibilities Regarding Specifications~~
The Chief Procurement Officer shall write or authorize the writing of all specifications. ~~A Purchasing Officer may write specifications for procurements for the Treasurer's office, subject to approval of the Chief Procurement Officer.~~
- b) Specifications Prepared by Other Than State Personnel
- 1) Specifications may be prepared by other than Treasurer's office personnel, including, but not limited to, consultants, architects, engineers, designers, and other drafters of specifications for public contracts. Contracts for the preparation of specifications by other than State personnel must require the specification writer to adhere to State requirements.
 - 2) The person who prepared the specifications may not submit a bid or proposal to meet the procurement need unless the Chief Procurement Officer determines in writing that it would be in the best interest to accept a bid or proposal from that person and a notice to that effect is published as provided in Section 1400.1505.
- c) Procedures for the Development of Specifications
- 1) All procurements must be based on specifications that accurately reflect the State's needs. Specifications must clearly and precisely describe the salient technical or performance requirements.
 - 2) Specifications must not include restrictions that do not significantly affect the technical requirements or performance requirements, or other

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legitimate State needs. All specifications must be written in a manner that describes the requirements to be met, without having the effect of exclusively requiring a proprietary supply or service, or procurement from a sole source, unless no other manner of description will suffice.

- 3) Any specifications or standards adopted by business, industry, a not-for-profit organization or governmental unit may be adopted by reference.
 - 4) A specification may provide alternate descriptions ~~when~~where two or more design, functional, or performance criteria will satisfactorily meet the State's requirements.
- d) Brand Name or Equal Specification
- 1) Brand name or equal specifications may be used when the Chief Procurement Officer ~~or Purchasing Officer~~ determines in writing that:
 - A) time does not permit the preparation of another form of specification, not including a brand name specification;
 - B) the nature of the product or the nature of the requirement makes use of a brand name or equal specification suitable for the procurement; or
 - C) use of a brand name or equal specification is in the State's best interest.
 - 2) Brand name or equal specifications must seek to designate more than one brand as "or equal", and must further state that substantially equivalent products to those designated will be considered for award.
 - 3) Required Characteristics. Unless the Chief Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications must include a description of the particular design, functional, or performance characteristics that are required.
 - 4) Nonrestrictive Use of Brand Name or Equal Specifications. When a brand name or equal specification is used in a solicitation, the solicitation must

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contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition. "Or equal" submissions will not be rejected because of minor differences in design, construction or features that do not affect the suitability of the product for its intended use. The burden of proof that a product is equal is on the offeror.

- e) Brand Name Only Specification
 - 1) Use. A brand name only specification may be used only when the Chief Procurement Officer makes a written determination that is made part of the procurement file that only the identified brand name item or items will satisfy the State's needs. Brand name alone may be specified in order to ensure compatibility in existing systems, to preserve warranty, to ensure maintenance, or as authorized in writing by the Chief Procurement Officer. The Chief Procurement Officer may, pursuant to an authorized competitive procedure, select a particular vendor to provide supplies or services for a specified period of time. For that period, the supplier of additional, related and updated supplies and services may be limited to the selected vendor or the brand initially selected.
 - 2) Competition. The Chief Procurement Officer ~~or Purchasing Officer~~ shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit those sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement must be made as a sole source procurement.
 - 3) Small and Emergency Procurements. Brand name only specifications may be used when procuring items under Sections 1400.2020 (small purchases) and 1400.2030 (emergency procurements).

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART G: CONTRACTS

Section 1400.3510 Duration of Contracts

- a) General

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- 1) A multi-year contract for a term up to 10~~ten~~ years is authorized when it is in the best interest of the State.
 - 2) A license agreement or other agreement may have a term longer than 10 years, including a perpetual term, provided the payment term is limited to no more than 10~~ten~~ years.
- b) Each contract is contingent upon and subject to the availability of funds. The Treasurer, at his or her sole option, may terminate or suspend a contract, in whole or in part, without penalty or further payment being required, if the Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay that obligation or if funds needed are insufficient for any reason. Each contract payable in whole or in part by any funds appropriated by the Illinois General Assembly shall recite that the contract is subject to termination and cancellation for lack of, or insufficiency in, funding. A vendor will be notified in writing by the Chief Procurement Officer of a failure to receive or a reduction or decrease in any appropriation affecting the contract. The contractual obligation of the Treasurer's office in each fiscal period after the period in which a contract is executed is subject to appropriation and availability of funds for the obligation. Every contract that extends beyond the fiscal year that the contract is awarded must provide that, in the event that funds are not available for any subsequent fiscal period, the remainder of the contract may be cancelled by the State without penalty to or further payment being required by the State. This provision applies to only those contracts that are funded in whole or in part by funds appropriated by the Illinois General Assembly or other governmental entity.
- c) **Conditions for Use of Multi-year Contracts**
A multi-year contract may be used when:
- 1) special production of definite quantities or the furnishing of long-term services are required to meet State needs; or
 - 2) it is determined by the Chief Procurement Officer that a multi-year contract will serve the best interest of the State by encouraging effective competition or otherwise promoting economies in State procurement. The following factors must be considered by the Chief Procurement Officer before making the determination:

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- A) firms that are not willing or able to compete because of high start-up costs or capital investment in facility expansion and will be encouraged to participate in the competition when they are assured of recouping the costs during the period of contract performance;
 - B) lower production costs because of larger quantity of service requirements, and substantial continuity of production or performance over a longer period of time, can be expected to result in lower unit prices;
 - C) stabilization of the contractor's work force over a longer period of time may promote economy and consistent quality; or
 - D) the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.
- d) Multi-year Contract Procedure
The solicitation must state:
- 1) the proposed term;
 - 2) the amount of supplies or services required for the proposed contract period;
 - 3) whether offerors may submit prices for:
 - A) the first fiscal period only;
 - B) the entire time of performance only; or
 - C) both the first fiscal period and the entire time of performance.
 - 4) that a multi-year contract may be awarded and how award will be determined.
- e) Renewals
- 1) ~~When~~Where the original procurement specifically called for an initial term plus renewals, the renewals may be exercised without further procurement

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activity, provided that both: the initial term and the exercised renewals may not exceed 10 years and is by mutual agreement or the option is reserved solely to the State.

- 2) When~~Where~~ the original procurement was silent as to renewals, a renewal without a new procurement must meet the requirements of Section 1400.2020 (small), 1400.2025 (sole source) or 1400.2030 (emergency) procurements.~~further procurement activity is required.~~
- 3) When a renewal will result in the total term, counting the initial term and any previous renewals, to exceed 10 years, the renewal must be procured using one of the methods of source selection authorized by this Part. This renewal will start a new term that shall not exceed 10 years.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.3520 Contract Provisions

- a) **Mandatory Provisions**

The following provisions are required for all contracts entered into by the Treasurer's office, in addition to the requirements of State and federal law and the regulations of the Office of the Comptroller:

 - 1) **Subcontractors.** Any contract granted hereunder must state whether the services of a subcontractor will be used. The contract must require the disclosure in writing of~~include~~ the names and ~~address~~addresses of each subcontractor having a subcontract with an annual value of more than \$50,000, the general type of work to be performed by each subcontractor,~~all subcontractors~~ and the expected amount of money each will receive under the contract. The contractor will be required to get approval from the Chief Procurement Officer prior to adding or changing subcontractors. *A subcontractor, or contractor on behalf of a subcontractor, may identify information that is deemed proprietary or confidential. If the Chief Procurement Officer determines the information is not relevant to the primary contract, the Chief Procurement Officer may excuse the inclusion of the information. If the Chief Procurement Officer determines the information is proprietary or could harm the business interest of the subcontractor, the Chief Procurement Officer may, in his or her discretion, redact the information. Redacted information shall not*

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become part of the public record. [30 ILCS 500/20-120(a)]

- 2) Subject to Appropriation. All leases must recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the lease.
- 3) Right to Audit Books and Records-
 - A) *Maintenance of books and records. Every contract and subcontract ~~shall~~ must require the contractor or subcontractor, as applicable, to maintain books and records relating to the performance of the contract or subcontract and necessary to support amounts charged to the State under the contract or subcontract. The books and records ~~shall~~ must be maintained by the contractor or subcontractor for a period of at least 3 years from the later of the date of final payment under the contract or completion of the contract or subcontract and ~~that the 3-year~~ period ~~shall~~ must be extended for the duration of any audit in progress at the time of that period's expiration. [30 ILCS 500/20-65(a)]*
 - B) *Audit. Every contract and subcontract ~~shall~~ must provide that all books and records required to be maintained under subsection (a) ~~shall~~ must be available for review and audit by the Auditor General and the Treasurer's office. Every contract and subcontract ~~shall~~ must require the contractor and subcontractor, as applicable, to cooperate fully with any audit. [30 ILCS 500/20-65(b)]*
- b) **Optional Provision**

Any contract entered into by the Treasurer's office under this Part may contain a clause requiring that if more favorable terms are granted by the contractor to any similar governmental agency in any state in a contemporaneous agreement let under the same or similar financial terms and circumstances for comparable supplies or services, the more favorable terms ~~shall~~ will be applicable under the contract. [30 ILCS 500/25-30]

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

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Section 1400.3525 Prevailing Wage Requirements

- a) **Applicability**
All services, as defined in subsection (b), furnished under service contracts of \$2,000 or more or \$200 or more per month and under printing contracts are subject to the following prevailing wage requirements:
- 1) *Not less than the general prevailing wage rate of hourly wages for work of a similar character in the locality in which the work is produced ~~shall~~ may be paid by the successful vendor to its employees who perform the work on the State contracts.*
 - 2) *The offeror, in order to be considered to be a responsible offeror for the purposes of this Part, ~~shall~~ must certify to the Treasurer's office that wages to be paid to its employees are no less, and fringe benefits and working conditions of employees are not less favorable, than those prevailing in the locality where the contract is to be performed.*
 - 3) *Prevailing wages and working conditions ~~shall be~~ are determined by the Director of the Illinois Department of Labor. [\[30 ILCS 500/25-60\]](#)*
 - 2) ~~Whenever a collective bargaining agreement is in effect between an employer, other than governmental body, and service or printing employees as defined in this Section who are represented by a responsible organization that is in no way influenced or controlled by the management, that agreement and its provisions will be considered as conditions prevalent in that locality and will be the minimum requirements taken into consideration by the Director of Labor.~~
 - 3) ~~Collective bargaining agreements between State employees and the State of Illinois will not be taken into account by the Department of Labor in determining the prevailing wage rate.~~
- b) *As used in this Section, "services" means janitorial cleaning services, window cleaning services, building and grounds services, site technician services, natural resources services, food services, and security services. "Printing" means and includes all processes and operations involved in printing, including but not limited to letterpress, offset, and gravure processes, the multilith method, photographic or other duplicating process, the operations of composition,*

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platemaking, presswork, and binding, and the end products of those processes, methods, and operations. As used in this Part "printing" does not include photocopiers used in the course of normal business activities, photographic equipment used for geographic mapping, or printed matter that is commonly available to the general public from contractor inventory. [30 ILCS 500/25-60(b)]

- c) For printing contracts, "~~locality~~"~~location~~ means one of the following areas:
- 1) Cook County.
 - 2) Boone, Bureau, Carroll, Champaign, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, Woodford.
 - 3) Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, Saline, Sangamon, Scott, Shelby, St. Clair, Union, Wabash, Washington, Wayne, White, Williamson.
 - 4) ~~When~~~~Where~~ the printing is performed in a plant outside the jurisdiction of this State, it is deemed produced in the Illinois locality in which delivery of the printing ordered is required to be made. ~~When~~~~Where~~ the printing is required to be delivered to more than one Illinois locality, it is deemed produced in the Illinois locality to which the largest dollar volume of printing under the contract is to be delivered.
- d) For janitorial services, window washing, building and grounds services, site technician services, natural resources services, and security guard services, location means the county in which the work is to be performed.
- e) *This Section does not apply to services furnished under contracts for professional*

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or artistic services. [\[30 ILCS 500/25-60\(e\)\]](#)

- f) *This Section does not apply to vocational programs of training for physically or mentally handicapped persons or to sheltered workshops for the severely disabled.* [\[30 ILCS 500/25-60\(f\)\]](#)
- g) [The Prevailing Wage Act \[820 ILCS 130\] shall apply to any construction contract procured under this Part. It is the policy of the Treasurer's office that a wage of no less than the general prevailing hourly rate as paid for work of a similar character in the locality in which the work is performed, shall be paid to all laborers, workers and mechanics employed by or on behalf of the Treasurer's office. \[820 ILCS 130/1\] Construction contracts shall include a provision notifying the vendor that the contract is subject to the Prevailing Wage Act unless the provisions of that Act exempt its application.](#)

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART H: DISPUTES, PROTESTS AND CONTROVERSIES

Section 1400.4005 Disputes and Protests Regarding Solicitations and Awards

- a) **Procedures**
[Any person may submit a written protest related to the notice of the procurement, the solicitation document, any pre-bid/proposal meeting and any decision to reject a late bid or proposal. Any person who has submitted a bid or proposal may submit a written protest to a decision to reject the person's bid or proposal or to award to another person. In regard to the solicitation notice or solicitation document, including specifications, a protest must be received within 14 calendar days after the date the solicitation was posted to the Treasurer's Web Site and must be received by the Chief Procurement Officer before the date for opening bids or proposals. In regard to rejection of individual bids or proposals or awards, the protest must be received by close of business no later than 14 calendar days after the protesting party knows, or should have known, of the facts giving rise to the protest to ensure consideration and, in any event, must be received before execution of the applicable contract. Any notice posted to the Treasurer's Web Site establishes the "known or should have known" date for the subject matter of the notice. Any dispute or protest regarding solicitations and awards must be communicated to the Chief Procurement Officer by the vendors within 7 days after the protester knows or should have known of the facts giving rise thereto and](#)

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~~before a contract is executed between the Treasurer's office and the successful vendor.~~ The ~~protesting party~~vendors may be required to provide additional information to the Treasurer's office in order to process the dispute or protest. If the Chief Procurement Officer is unable to resolve the issue in a timely manner, then it will be referred to the Procurement Review Board for a final determination that will be communicated to the ~~protesting party~~vendors involved in the dispute or protest and made part of the procurement file within 7 days after the referral by the Chief Procurement Officer.

- b) Procurement Delays
The investigation of a dispute or protest may cause a delay in the procurement process if deemed necessary by the Chief Procurement Officer. If an action concerning the protest has commenced in court, the Chief Procurement Officer will not act on the protest but will refer the protest to the Attorney General, unless the court requests, expects, or otherwise expresses interest in the decision of the Chief Procurement Officer.
- c) Stay or Withdrawal of Award
An award may be stayed or withdrawn by the Chief Procurement Officer if the Procurement Review Board reaches a determination that to do so is necessary in fairness to the other offerors and to protect the interests of the State.
- d) Finality of Determinations
Except as otherwise provided in this Part, determinations made by the Chief Procurement Officer under this Part are final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law. [30 ILCS 500/20-70]

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4010 Contract Controversies

Contract controversies must be promptly referred to the Chief Procurement Officer for resolution. If the Chief Procurement Officer is unable to resolve the controversy, the controversy will be referred to the Chief Legal Counsel who will attempt to resolve the matter. If the Chief Legal Counsel is unable to resolve the matter satisfactorily, and believes that litigation is probable or desirable, he or she may request the Attorney General's assistance in resolving the dispute. ~~Every contract entered into by the Treasurer's office must have a provision that deals with any failures by the vendor to fully perform under the terms of the agreement.~~

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(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4015 Remedies

- a) In all of the following cases the Chief Procurement Officer may, with the approval of the Treasurer and subject to the determination of the Chief Legal Counsel under subsection (b), terminate or rescind any contract entered into under this Part in the event:
- 1) The successful bidder or proposer fails to furnish a satisfactory performance bond within the time specified.
 - 2) The vendor fails to make delivery at the place or within the time specified in the contract or as ordered.
 - 3) Any goods or services provided under the contract are:
 - A) rejected (for not meeting the specification, not conforming to sample, or not being in good condition when delivered) and are not promptly replaced or corrected by the vendor; or
 - B) repeatedly rejected, even though the vendor offers to replace the goods or services promptly.
 - 4) There is sufficient evidence to show that the contract was obtained by fraud, collusion, conspiracy, or other unlawful means.
 - 5) The vendor is guilty of misrepresentation in connection with another contract for the sale of goods or services to the State ~~and cannot reasonably be depended upon to fulfill his or her obligations as a responsible vendor under any of his or her contracts with the State.~~
 - 6) The vendor ~~is insolvent, is the subject of a bankruptcy filing, is should be~~ adjudged bankrupt, or enters into a general assignment for the benefit of his or her creditors or receivership due to insolvency.
 - 7) The vendor disregards laws and ordinances, rules, or instructions of a contracting officer or acts in violation of any provision of the contract or this Part, or the contract conflicts with any statutory or constitutional

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provision of the State of Illinois or of the United States.

- 8) Any other material breach of contract or other unlawful act by the vendor occurs.
- b) **Determination of Right to Terminate or Rescind Contract**
The Chief Legal Counsel shall determine in writing that a violation listed in subsection (a) has occurred prior to the termination or rescission of a contract under this Section.
- c) Contracts that are terminated under this Section will be terminated at no cost to the State.
- d) **Withholding Money to Compensate State for Damages**
If a contract is terminated or rescinded under this Section, the State may deduct from whatever is owed the vendor on that or any other contract an amount sufficient to compensate the State of Illinois for any damages suffered by it because of the vendor's breach of contract or other unlawful act on his or her part on which the cancellation is based.
- e) **Damages**
The damages for which the State may be compensated as provided in this Section or by a suit on the vendor's performance bond or by other legal remedy include, but are not limited to, the following:
- 1) the additional cost of goods or services bought elsewhere;
 - 2) cost of repeating the procurement procedure;
 - 3) any expenses incurred because of delay in receipt of goods or services;
and
 - 4) any other damages caused by the vendor's breach of contract or unlawful act.
- f) **Effect of Declaring a Contract Null and Void**
In all cases where a contract is voided, the Treasurer's office will endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments will be made under the contract.

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- g) In lieu of terminating or rescinding the contract, when appropriate the Chief Procurement Officer may seek to negotiate an alternative resolution that is at least as beneficial to the State as termination or rescission, but the Chief Procurement Officer must not waive the right to terminate or rescind the contract if the situation does not improve.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4020 Suspension

- a) Application
This Section rule applies to all suspensions of vendors from consideration for award of contracts.
- b) The Chief Procurement Officer may suspend a vendor from doing business with the Treasurer's office for all or specific types of supplies or services. A suspension may be issued upon a determination by the Chief Procurement Officer that the vendor violated this Part or failed to conform to specifications or terms of delivery.
- c) When the Chief Procurement Officer determines that cause exists for suspension, a notice of suspension, including a copy of the determination, must be sent to the suspended vendor. Bids, proposals and responses will not be solicited from the suspended vendor, and, if they are received, they will not be considered during the period of suspension.
- d) A contractor may be suspended for any period of time commensurate with the seriousness of the offense. A suspension may be for an indefinite period of time subject to demonstration by the contractor that the suspension is no longer necessary.
- e) The suspension will be effective within seven calendar days after receipt of notice unless an objection is filed. If an objection were filed, the suspension would not become effective until the evaluation of the objection by the Chief Procurement Officer is completed.
- f) The Treasurer's office may consider suspensions and debarments by other State agencies and may choose to~~will~~ not solicit or accept bids, proposals and responses

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from vendors ~~on another agency's of the CMS master~~ list of suspensions and debarments during the period of suspension or debarment.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART I: PREFERENCES

Section 1400.4510 Resident Vendor Preference

- a) "Illinois resident vendor" ~~as used in this Section,~~ means *a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State ~~whereat which~~ it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced, including a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State ~~whereat which~~ it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced. [\[30 ILCS 500/45-10\(b\)\]](#)*
- b) An Illinois resident vendor will be allowed a preference as against a ~~nonresidentnon-resident~~ vendor, which is equal to the preference, if any, that the state of the ~~nonresidentnon-resident~~ vendor affords vendors from that state.
- c) An Illinois resident vendor who would perform the services or provide the supplies from another state will be considered a resident of that other state as against an Illinois resident vendor who would perform the services or provide the supplies from Illinois, if that other state has an in-state preference.
- d) ~~*Federal Funds. This Section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation. [30 ILCS 500/45-10(c)] If an Illinois resident vendor produces or performs at least 51% of the goods or services in another state, that Illinois resident vendor will be considered a resident of that other state for purposes of application of this reciprocal preference when evaluating the offer of an Illinois resident vendor that produces or performs at least 51% of the goods or services in Illinois.*~~
- e) ~~The Chief Procurement Officer shall maintain a list of states with in state preference that will be considered in all procurements involving out of state~~

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~~vendors. The Chief Procurement Officer may satisfy this requirement by maintaining and updating a list that has been created by CMS.~~

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4515 Soybean Oil-based Ink

Contracts requiring the procurement of printing services ~~shall~~must specify the use of soybean oil-based ink unless the Chief Procurement Officer ~~or Purchasing Officer~~ determines that another type of ink is required to assure high quality and reasonable pricing of the printed product. [\[30 ILCS 500/45-15\]](#)

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4520 Recycled ~~Supplies~~Materials

When a public contract is to be awarded to the lowest responsible bidder or offeror, an otherwise qualified offeror who will fulfill that contract through the use of products made of recycled ~~supplies shall~~materials may, on a pilot basis or in accordance with a pilot study, be given preference over other bidders or offerors unable to do so, provided that~~if~~ the cost included~~identified~~ in the bid~~offer~~ of supplies~~products made of recycled materials~~ is equal to or less than other bids or offers, unless the use of the product constitutes an undue practical hardship~~not more than the cost of products not made of recycled materials.~~ [\[30 ILCS 500/45-20\]](#)

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4525 Recycled Paper

All paper purchased for use by the Treasurer's office must be recyclable paper unless recyclable paper cannot be used to meet the requirements of the Treasurer's office. [\[30 ILCS 500/45-25\]](#)
The Treasurer's office will determine its paper requirements to allow the use of recyclable paper whenever practicable~~possible, including without limitation using plain paper rather than colored paper that is not recyclable.~~

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4526 Environmentally Preferable Procurement

a) Definitions. For the purposes of this Section:

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- 1) "Supplies" means all personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies.
- 2) "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance.
- 3) "Environmentally preferable supplies" means supplies that are less harmful to the natural environment and human health than substantially similar supplies for the same purpose. Attributes of environmentally preferable supplies include, but are not limited to, the following:
 - i) made of recycled materials, to the maximum extent feasible;
 - ii) not containing, emitting, or producing toxic substances;
 - iii) constituted so as to minimize the production of waste; and
 - iv) constituted so as to conserve energy and water resources over the course of production, transport, intended use, and disposal.
- 4) "Environmentally preferable services" means services that are less harmful to the natural environment and human health than substantially similar services for the same purpose. Attributes of "environmentally preferable services" include, but are not limited to, the following:
 - i) use of supplies made of recycled materials, to the maximum extent feasible;
 - ii) use of supplies that do not contain, emit, or produce toxic substances;
 - iii) employment of methods that minimize the production of waste; and
 - iv) employment of methods that conserve energy and water resources or use energy and water resources more efficiently than substantially similar methods.

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- b) *Award of Contracts for Environmentally Preferable Supplies or Services*
Notwithstanding any rule, regulation, statute, order, or policy of any kind, the
Treasurer's office shall contract for supplies and services that are
environmentally preferable. If, however, contracting for an environmentally
preferable supply or service would impose an undue economic or practical
hardship on the Treasurer's office, or if an environmentally preferable supply or
service cannot be used to meet the requirements of the Treasurer's office, then the
Treasurer's office need not contract for an environmentally preferable supply or
service. Specifications for contracts, at the discretion of the Treasurer's office,
may include a price preference of up to 10% for environmentally preferable
supplies or services. [30 ILCS 500/45-26]

(Source: Added at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4530 Special Sources~~Correctional Industries~~

The Treasurer's office may contract with any qualified source of supply, including the following special sources, from which procurements may be made without notice and competition:

- a) Illinois Correctional Industries (see 30 ILCS 500/45-30);
- b) State and Federal Surplus Warehouses under the jurisdiction of CMS. The State Property Control Act [30 ILCS 605/7a] requires that surplus furniture be considered before any purchase of new furniture valued at \$500 or more per piece;
- c) Qualified not-for-profit agencies for persons with severe disabilities (see 30 ILCS 500/45-35);
- d) State agencies and other governmental units.
- a) ~~The Chief Procurement Officer will develop a list of the goods or services available from the Department of Corrections and will identify those that must be purchased from Corrections.~~
- b) ~~Those items that must be purchased from Corrections may not be procured from any other source without the express written authorization of the Chief Procurement Officer.~~

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- e) ~~Procurements may be made from Corrections without seeking competition or giving public notice, if a record of all the purchases made from Corrections is made part of the procurement file.~~

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4535 Sheltered Workshops for the Disabled (Repealed)

- a) ~~Supplies and services may be procured without advertising or calling for offers from any qualified not for profit organization for the severely handicapped that:~~
- 1) ~~complies with Illinois laws governing private not for profit organizations;~~
 - 2) ~~is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor; and~~
 - 3) ~~meets the Illinois Department of Human Services just standards for rehabilitation facilities.~~
- b) ~~Sheltered Workshop List~~
~~The Chief Procurement Officer must maintain a list of all qualified sheltered workshops. The Chief Procurement Officer may rely on the list developed by CMS to satisfy this responsibility if a copy is maintained in the Treasurer's office and updated as necessary.~~
- e) ~~Requirements for Selection~~
~~In order to be selected as the offeror of a good or service, the not for profit organization must have indicated an interest in providing the supplies and services, must meet the specifications and needs of the Treasurer's office, and must set a fair market price that has been approved as provided in this Section.~~
- d) ~~Pricing Approval~~
- 1) ~~While notice and competition is not required prior to contracting with a sheltered workshop, prices must be reasonable. Whether a price is reasonable will be determined based upon current market prices, historical prices, prices received by other State agencies for similar goods or services, the policy of this Part to promote procurements from sheltered~~

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~~workshops, and other similarly relevant factors.~~

- 2) ~~The Procurement Review Board must approve contracts for reasonableness of price if:~~
 - A) ~~the good or service would ordinarily be subject to competitive sealed bidding or competitive sealed proposals methods of source selection; or~~
 - B) ~~the good or service is offered and the sheltered workshop is selected even though not the lowest responsible offeror.~~
- 3) ~~The Procurement Review Board approval is not required if:~~
 - A) ~~the contract does not exceed the bid limit set in Section 1400.2020 for small purchases and no bidding was conducted; or~~
 - B) ~~the contract is let to the sheltered workshop under a competitive procedure.~~
- 4) ~~When the approval of the Procurement Review Board is required, it will be given or denied in an expeditious manner so as not to disrupt procurement activities.~~
- e) ~~Coordination with CMS~~

~~A Purchasing Officer will be assigned the task of coordinating with the committee that is created within CMS under the Illinois Procurement Code to insure that the Treasurer's office is aware of the activities, accomplishments and findings of the committee.~~

(Source: Repealed at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4540 Vehicles~~Gas Mileage~~

- a) Specification

Contracts for the purchase or lease of new passenger automobiles, other than station wagons, vans and four-wheel drive vehicles, ~~shall~~must specify the procurement of a model that, according to the most current mileage study published by the U.S. Environmental Protection Agency, can achieve at least the

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minimum average fuel economy in miles per gallon imposed upon manufacturers of vehicles under Title V of the Motor Vehicle Information and Cost Savings Act (15 USC 46). [35 ILCS 500/45-40(a)] Further, all vehicles purchased must be flexible fuel, fuel efficient hybrid vehicles using electricity and gasohol (hybrids or plug-in hybrids) or fueled by electricity. For purposes of this Section, "flexible fuel vehicles" are automobiles or light trucks that operate on either gasoline or E-85 (85% ethanol, 15% gasoline) fuel and "fuel efficient hybrid vehicles" are automobiles or light trucks that use a gasoline or diesel engine and an electric motor to provide power and gain at least a 20% increase in combined USEPA city-highway fuel economy over the equivalent or most-similar conventionally-powered model. [35 ILCS 500/25-75]

b) North American-made Vehicles. All vehicles purchased by the Treasurer's office shall have a Vehicle Identification Number that begins with the number one, the number 2, the number 4, or the number 5.

cb) Exemptions
The Chief Procurement Officer may determine that certain vehicle exempt procurements are exempt from this Section based on intended use or other reasonable considerations such as health and safety of Illinois citizens. [35 ILCS 500/25-75(c)] Nothing in this Section shall require the Treasurer's office to stop using any vehicle that exists in the State fleet of motor vehicles. from the requirement of subsection (a) when there is a demonstrated need, determined in writing and made part of the procurement file, for an automobile that does not meet the minimum average fuel economy standards. The Chief Procurement Officer must not exempt procurements from the requirement of subsection (a) unless it is clear that there is not a compliant vehicle available at a comparable price that will meet the needs of the Treasurer's office.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4545 Illinois Agricultural Products

In awarding contracts requiring the procurement of agricultural products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of agricultural products grown in Illinois. [30 ILCS 500/45-50]

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

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Section 1400.4550 Corn-based Plastics

In awarding contracts requiring the procurement of plastic products, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of plastic products made from Illinois corn by-products. [\[30 ILCS 500/45-55\]](#)

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4555 Vehicles Powered by Agricultural Commodity-based Fuel

In awarding contracts requiring the procurement of vehicles, preference may be given to an otherwise qualified bidder or offeror who will fulfill the contract through the use of vehicles powered by ethanol produced from Illinois corn or biodiesel fuels produced from Illinois soybeans. [\[30 ILCS 500/45-60\]](#)

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4560 Small Businesses

- a) **Set-Aside**
The Chief Procurement Officer may designate as small business set-asides a fair proportion of contracts for the provision of goods and services for award to small businesses in Illinois. A set-aside designation may last indefinitely or for a stated period of time.
- b) **Required Use**
If the Treasurer's office wishes to make a procurement covered by a set-aside designation, the solicitation must note that responses are limited to those from responsible small businesses. Bids, proposals or responses received from large businesses will be rejected as nonresponsive.
- c) **Withdrawal of Set-Aside**
If the Chief Procurement Officer determines that acceptance of the best bid, proposal or response will result in the payment of an unreasonable price, the Chief Procurement Officer ~~or Purchasing Officer~~ will reject all bids, proposals or responses and withdraw the designation of small business set-aside for the procurement in question. When a small business set-aside is withdrawn, notification must be published as provided in Section 1400.1505 with an explanation. After withdrawal of the small business set-aside, the procurement

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will be conducted in accordance with the requirements of this Part.

- d) **Criteria for Small Business**
Unless the Chief Procurement Officer provides a definition for a particular procurement that reflects industrial characteristics, a small business is one:
- 1) Independently owned and operated.
 - 2) Not dominant in its field of operations. This means the business does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining dominance, consideration must be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.
 - 3) With annual sales for the most recently ended fiscal year no greater than:
 - A) ~~\$13,000,000~~7,500,000 for wholesale business;
 - B) ~~\$8,000,000~~1,500,000 for retail business or businesses selling services; or-
 - C) \$14,000,000 for construction business.
 - 4) With no more than 250 employees if a manufacturing business.
 - A) A manufacturing business must calculate how many people it employs by determining its average full-time equivalent employment, based on the number of persons employed on a full-time, part-time, temporary or other basis for its most recently ended fiscal year.
 - B) If a manufacturing business has been in existence for less than a full fiscal year, its average employment should be calculated for the period that it has been in existence.
 - 5) If both a wholesaler and a retailer, the combined wholesale and retail

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annual sales for its most recently completed fiscal year may not exceed ~~\$16,000,000~~\$9,000,000. The retail component may not exceed ~~\$6,000,000~~\$1,500,000 and the wholesale component may not exceed ~~\$10,000,000~~\$7,500,000.

- 6) When computing the size status of a vendor, the number of employees and annual sales and receipts, as applicable, of the vendor and all affiliates must be included. Concerns are affiliates when either one directly or indirectly control or have the power to control the other, or when a third party or parties control or have the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration must be given to all appropriate factors, including use of common facilities, common ownership and management and contractual arrangements. However, a franchise relationship does not affect small business status if the franchise has the right to profit commensurate with ownership and bears the risk of loss or failure.
- e) **Reliance on the Determination of CMS**
The Treasurer's office may defer to the determination by CMS that a business is a small business.
- f) **Small Business Specialist**
The Small Business Specialist for the Treasurer's office shall assist small businesses seeking to provide goods or services to the Treasurer's office and is specifically responsible for the following:
 - 1) Compiling and maintaining a comprehensive bidders list of small businesses and cooperating with the Federal Small Business Administration in locating potential sources for various products or services. The Small Business Specialist may rely on the bidders list developed by CMS to satisfy this responsibility ~~if a copy is maintained in the Treasurer's office and updated as necessary.~~
 - 2) Assisting small businesses in complying with the procedures for bidding, proposing or responding to solicitations of the Treasurer's office.
 - 3) Assisting in the development of small business set-asides if determined by the Chief Procurement Officer to be in the State's best interest.

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- 4) Making recommendations to the Chief Procurement Officer for the simplification of specifications and terms in order to increase the opportunities for small business participation.
 - 5) Assisting in investigations by the Treasurer's office to determine the responsibility of any offeror on any small business set-asides.
- g) Small business annual report
The Chief Procurement Officer shall annually before December 1 report in writing to the General Assembly concerning the awarding of contracts to small businesses. The report will include the total value of awards made in the preceding fiscal year under the designation of small business set-aside. The requirement for reporting to the General Assembly will be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act [25 ILCS 5/3.1].

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.4565 Preferences for Veterans, Minorities, Females, and Persons with Disabilities

This Part is subject to the applicable provisions of the Veterans Preference Act [330 ILCS 55] and the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575]. *It is the goal of the State to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans and that qualified service-disabled veteran-owned small businesses (referred to as SDVOSB) and veteran-owned small businesses (referred to as VOSB) participate in the State's procurement process as both prime contractors and subcontractors. [30 ILCS 500/45-57] Upon direction of the CPO, the Treasurer's office may establish goals and other such preferences for contracting or subcontracting with certified SDVOSB and VOSB.* The Chief Procurement Officer shall do whatever is reasonably necessary to enable veterans, minorities, females, and persons with disabilities to participate in the procurement process. The Chief Procurement Officer may rely on the determination of CMS and/or the Department of Veterans' Affairs that a person or business qualifies for a preference under these Acts.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART J: ETHICS

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Section 1400.5005 Purpose

It is the express duty of Chief Procurement Officer, ~~Purchasing Officers~~ and ~~their~~ designees to maximize the value of the expenditure of public moneys in procuring goods, services, and contracts for the Treasurer's office and to act in a manner that maintains the integrity and public trust of State government. In discharging this duty, they are charged to use all available information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the Treasurer's office.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.5030 Revolving Door

The Chief Procurement Officer ~~and the Purchasing Officers~~ may not engage in any procurement activity relating to the Treasurer's office for two years after terminating ~~his or her~~~~their~~ position as Chief Procurement Officer ~~or Purchasing Officer~~. This prohibition includes, but is not limited to, lobbying the procurement process or specifying, bidding or proposing bids, proposals or contract documents, on their own behalf or on behalf of any firm, partnership, association or corporation. This prohibition is in addition to the revolving door prohibitions of Section 5-45 of the State Officials and Employees Ethics Act [5 ILCS 430].

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.5037 Vendor Registration and Certification and Prohibition on Political Contributions

- a) Introduction
Illinois law (Section 9-35 of the Election Code [10 ILCS 5] and Sections 20-160 and 50-37 of the Code) (the statutes) restricts political contributions by vendors and affiliated entities; requires registration with the Illinois State Board of Elections (ISBE); and requires solicitation and contract certifications relative to the requirements of the law. This Section supplements requirements found in the statutes and does not excuse compliance with any of those requirements.
- b) General Registration Requirements
 - 1) These requirements apply to contracts, bids and proposals that are subject to this Part.

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- A) Bids/proposals referenced in this Section are those submitted in response to a competitive solicitation that is posted on or after January 1, 2009, regardless of the value assigned to the procurement.
 - B) Bids and proposals include pending bids and proposals.
 - C) These requirements generally apply to a vendor whose existing State contracts have an aggregate value in excess of \$50,000, whose aggregate value of bids/proposals for State contracts exceeds \$50,000, or whose aggregate value of State contracts and bids/proposals exceeds \$50,000.
 - D) This value is calculated on a calendar-year basis.
- 2) On a calendar-year basis, each vendor or potential vendor must keep track of the value of contracts and bids/proposals. Vendors must register with SBEL when the vendor determines that the value of the contracts and bids/proposals meets the threshold for registration.
- 3) An "executive employee" means:
- A) the President, Chairman of the Board or Chief Executive Officer of a business entity and any other individual who fulfills equivalent duties as the President, Chairman of the Board or Chief Executive Officer of a business entity.
 - B) any employee of a business entity whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee, irrespective of the employee's title or status in the business entity. For the purposes of this subsection (b)(3)(B), compensation determined directly by award or payment of contracts means a payment over and above regular salary that would not be made if it were not for the award of the contract.
- c) Bids and Proposals

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- 1) The CPO, or his or her designee, shall determine whether a business entity is required to register with SBEL and, if so, whether the business entity is in compliance with the registration requirements on the date the bid or proposal is due.
 - 2) If the CPO determines that a business entity is required to register with SBEL and the business entity is not in compliance with the registration requirements, then the CPO shall not accept the business entity's bid or proposal.
- d) Contracts
A copy of the Registration Certificate must be in the procurement file as set forth in this subsection (d), unless the vendor certifies it is not required to register.
- 1) For contract renewals and extensions, if the value of the renewal or extension by itself, or in combination with the contract being renewed/extended and other contracts and bids/proposals exceeds \$50,000, the vendor must provide documentation of vendor compliance upon request and make the appropriate contract certification, if it has not already done so. The Registration Certificate or other evidence of vendor compliance may be provided by reference to and incorporation of the vendor's prequalification by the CPO.
 - 2) For indefinite quantity/estimated value contracts, a vendor who is otherwise not required to register shall register with SBEL when the value of orders placed pursuant to an indefinite/estimated value contract plus all other contracts and bids/proposals exceeds \$50,000.
 - 3) For contract amendments, if the value of the amendment, by itself or in combination with the contract being renewed plus other contracts and bids/proposals, exceeds \$50,000, the vendor must provide the Registration Certificate and make the appropriate contract certification, if it has not already done so.
 - 4) Any contracts mistakenly executed in violation of this Section must be amended to include the contract certifications. If any violation by the vendor is not cured within 7 days after receipt of notification of the violation, the contract is voidable by the State without penalty.

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- 5) Contract certification required by the statutes shall be included in or added to each contract that must be filed with the State Comptroller pursuant to Section 20-80 of the Code and those written, two-party contracts that need not be filed with the Comptroller. The Treasurer may require written confirmation of the rule-imposed certification at any time.
- e) Voidable Contracts
Every solicitation issued and contract executed on or after January 1, 2009 shall contain a statement that the contract is voidable if the bidder, offeror or contractor fails to comply with Section 20-160 of the Code.
- f) Prohibited Political Contributions
- 1) Upon discovery of a political contribution that is potentially prohibited by Section 50-37 of the Code, the CPO, within 5 business days, shall send a letter requesting response from the business entity that made the potentially prohibited contribution, acknowledging or denying that the contribution was prohibited.
- 2) If the CPO determines that a political contribution was prohibited, all contracts held by the contributing business entity are voidable, and the CPO shall determine if the circumstances surrounding the prohibited political contribution warrant the voiding of any of these contracts.
- 3) If a business entity violates Section 50-37(b) of the Code three or more times within a 36 month period, the CPO shall void all contracts with the business entity and the business entity shall be prohibited from responding to any solicitation issued by the Treasurer or entering into a contract with the Treasurer for 3 years from the date of the last violation.
- 4) If the CPO determines that a prohibited political contribution is grounds to suspend a business entity pursuant to this Section, the controversy will be referred to the Chief Legal Counsel pursuant to Section 1400.4010.
- g) Notice
- 1) Notice of each violation of Section 50-37 of the Code and any penalty imposed by the CPO or SBEL for each violation shall be published on the Treasurer's Web Site.

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- 2) The CPO shall directly notify a political committee in receipt of a prohibited political contribution that payment equal to the amount of the contribution is due the State of Illinois within 30 days after publication of the violation on the Treasurer's Web Site.
- 3) If an amount owed by a political committee as a result of a prohibited political contribution is not paid and is deemed uncollectible for any reason, notice of the political committee's nonpayment shall be published on the Treasurer's Web Site.

(Source: Added at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.5040 Reporting Anticompetitive Practices

When, for any reason, any vendor, bidder, proposer, respondent or employee of the Treasurer's office, including the Chief Procurement Officer ~~and Purchasing Officers~~, suspects collusion or other anticompetitive practice among any bidders, proposers, respondents or employees of the Treasurer's office, a notice of the relevant facts must be transmitted to the Attorney General, the Inspector General, and the Chief Procurement Officer.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.5045 Confidentiality

The Chief Procurement Officer ~~Purchasing Officers~~, and ~~their~~ designees are subject to immediate dismissal and may be subject to criminal prosecution for willfully using or allowing the use of specifications, procurement documents or proprietary information to compromise the fairness or integrity of the procurement or contract process.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.5055 Additional Provisions

This Part is subject to applicable provisions of the following Acts:

- a) Article 33E of the Criminal Code of 1961 [720 ILCS 5/Art. 33E];
- b) the Illinois Human Rights Act [775 ILCS 5];

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- c) the Discriminatory Club Act [775 ILCS 25];
- d) the Illinois Governmental Ethics Act [5 ILCS 420];
- e) the State Prompt Payment Act [30 ILCS 540];
- f) the Public Officer Prohibited Activities Act [50 ILCS 105]; ~~and~~
- g) the Drug Free Workplace Act [30 ILCS 580];~~;~~
- h) [the Procurement of Domestic Products Act \[30 ILCS 517\];](#)
- i) [the International Anti-Boycott Certification Act \[30 ILCS 582\];](#)
- j) [the State Prohibition of Goods from Forced Labor Act \[30 ILCS 583\];](#)
- k) [the State Prohibition of Goods from Child Labor Act \[30 ILCS 584\]; and](#)
- l) [the Information Technology Accessibility Act \[30 ILCS 587\].](#)

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.5060 Other Violations

Any employee of the Treasurer's office, including the Chief Procurement Officer ~~and Purchasing Officers~~, who willfully violates or allows the violation of this Part is subject to immediate dismissal.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

SUBPART L: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section 1400.6010 Government Furnished Property (Repealed)

~~If the Treasurer's office provides any property to the vendor in furtherance of the contract, the property will remain the property of the State but may be consumed by the vendor if necessary to complete the contract. The vendor shall issue a receipt for the property and will be responsible for its safekeeping and return of unused property to the State.~~

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(Source: Repealed at 40 Ill. Reg. 13847, effective September 23, 2016)

Section 1400.6035 Annual Reports

Every printed annual report produced by the Treasurer's office must bear a statement indicating whether it was printed by the State of Illinois or by contract and indicating the printing costs per copy and the number of copies printed. ~~For every annual report prepared, a report must be prepared detailing the quantity of annual reports printed, the total cost, the cost per copy, and the cost per page of the annual report. The report will be submitted to the General Assembly on the fourth Wednesday of January in each year that a report is produced by the Treasurer's office and made part of the procurement file.~~

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)

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- 1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
205.110	Amendment
205.118	Amendment
205.530	Amendment
205.710	Amendment
- 4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- 5) Effective Date of Rules: September 21, 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 Proposed published in the *Illinois Register*: 40 Ill. Reg. 6722; April 29, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In response to public comment, a cross reference in Section 205.710(b)(14) was amended. At Second Notice, a cross reference in Section 205.118 was corrected. In addition, various nonsubstantive typographical, grammatical, and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking implements PA 98-1123, which amended the definition for ASTCs and added a requirement for compliance with federal

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rules as a prerequisite for certification. Other amendments include adding change of ownership requirements that are similar to those in the Hospital Licensing Requirements, clarifying the requirements for the examination of removed tissues, and other technical changes.

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

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

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

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 205
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section	
205.110	Definitions
205.115	Incorporated and Referenced Materials
205.118	Conditions of Licensure
205.120	Application for Initial Licensure
205.125	Application for License Renewal
205.130	Approval of Surgical Procedures
205.135	Diagnostic Cardiac Catheterization Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section	
205.210	Ownership, Control and Management
205.220	Organizational Plan
205.230	Standards of Professional Work
205.240	Policies and Procedures Manual

SUBPART C: PERSONNEL

Section	
205.310	Personnel Policies
205.320	Presence of Qualified Physician
205.330	Nursing Personnel
205.340	Basic Life Support
205.350	Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section	
205.410	Equipment

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205.420 Sanitary Facility

SUBPART E: GENERAL PATIENT CARE

Section

205.510 Disaster Preparedness
205.520 Preoperative Care
205.530 Operative Care
205.540 Postoperative Care
205.550 Infection Control

SUBPART F: RECORDS AND REPORTS

Section

205.610 Clinical Records and Reports
205.620 Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section

205.710 Pregnancy Termination Specialty Centers
205.720 Personnel (Repealed)
205.730 General Patient Care (Repealed)
205.740 Preoperative Requirements (Repealed)
205.750 Postoperative Requirements (Repealed)
205.760 Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section

205.810 Complaints
205.820 Notice of Violation
205.830 Plan of Correction
205.840 Adverse Licensure Action
205.850 Fines and Penalties
205.860 Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

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Section

205.1310	Plant and Service Requirements
205.1320	General Considerations
205.1330	New Construction, Additions and Major Alterations
205.1340	Minor Alterations and Remodeling Changes
205.1350	Administration Department and Public Areas
205.1360	Clinical Facilities
205.1370	Support Service Areas
205.1380	Diagnostic Facilities
205.1390	Other Building Services
205.1400	Details and Finishes
205.1410	Construction, Including Fire-Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section

205.1510	General
205.1520	Thermal and Acoustical Insulation
205.1530	Steam and Hot Water Systems
205.1540	Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section

205.1610	General
205.1620	Plumbing Fixtures
205.1630	Water System
205.1640	Drainage Systems
205.1650	Identification

SUBPART L: ELECTRICAL

Section

205.1710	General
205.1720	Switchboards and Power Panels
205.1730	Panelboards
205.1740	Lighting
205.1750	Receptacles (Convenience Outlets)

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- 205.1760 Grounding
- 205.1770 Equipment Installation in Special Areas
- 205.1780 Emergency Electric Service
- 205.1790 Fire Alarm System

205.TABLE A General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019, effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 25 Ill. Reg. 7471, effective May 31, 2001; amended at 26 Ill. Reg. 16556, effective October 25, 2002; amended at 27 Ill. Reg. 13457, effective July 25, 2003; amended at 31 Ill. Reg. 7278, effective May 7, 2007; amended at 32 Ill. Reg. 14326, effective August 12, 2008; amended at 33 Ill. Reg. 13395, effective September 10, 2009; amended at 34 Ill. Reg. 7915, effective May 25, 2010; amended at 38 Ill. Reg. 19208, effective September 9, 2014; expedited correction at 39 Ill. Reg. 5519, effective September 9, 2014; amended at 40 Ill. Reg. 13933, effective September 21, 2016.

SUBPART A: GENERAL PROVISIONS

Section 205.110 Definitions

"Act" means the Ambulatory Surgical Treatment Center Act.

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"Ambulatory Surgical Center" shall have the meaning ascribed to it in 42 CFR 416.

"Ambulatory Surgical Treatment Center"

The term "Ambulatory Surgical Treatment Center" or "ASTC" or "facility", for the purposes of this Part, includes:

Any institution or building devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures, and any place that meets and complies with the definition of an ambulatory surgical treatment center under the Act and this Part, as evidenced by use of the facilities by physicians, podiatrists or dentists in the performance of surgical procedures that constitutes more than 50 percent of the activities at that location.

Any place, located within an institution or building, such as a surgical suite or an operating room with related facilities in a physician's office or group practice clinic, devoted primarily to the performance of surgical procedures. This provision shall apply regardless of whether or not the institution or building in which the place is located is devoted primarily to the maintenance and operation of facilities for the performance of surgical procedures. This provision shall include any place that meets the definition of an ambulatory surgical center under the rules of the federal Centers for Medicare & Medicaid Services. However, when a place is located within, and operated in conjunction with, the offices of a single physician, podiatrist, or dentist, or a group of physicians, podiatrists, or dentists, it shall not be considered an ambulatory surgical treatment center unless: it meets the definition of and has expressed an intent to apply for certification as an ambulatory surgical center under the rules of the federal Centers for Medicare & Medicaid Services; or it is used by physicians, podiatrists, or dentists who are not part of the practice; or it is utilized by the physicians or podiatrists for surgical procedures that constitute more than 50 percent of the activities at that location.

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The term "Ambulatory Surgical Treatment Center", for the purposes of this Part, does not include:

Hospitals: Any institution, place, building or agency required to be licensed pursuant to the Hospital Licensing Act.

Long-Term Care Facilities: Any person or institution required to be licensed pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, or the ID/DD Community Care Act.

State Facilities: Hospitals or ambulatory surgical treatment centers maintained by the State or any Department or agency thereof, where such department or agency has authority under law to establish and enforce standards for the hospitals or ambulatory surgical treatment centers under its management and control.

Federal Facilities: Hospitals or ambulatory surgical treatment centers maintained by the federal government or agencies thereof.

Dental Surgery Facilities: Any place, agency, clinic, or practice, public or private, whether organized for profit or not, devoted exclusively to the performance of dental or oral surgical procedures. (Section 3(A) of the Act)

"Certified Registered Nurse Anesthetist" means a registered professional nurse who has been certified as a nurse anesthetist by the American Association of Nurse Anesthetists.

"Credentials Committee" means the qualified consulting committee, or another committee designated by the qualified consulting committee, that appraises and reviews physician credentials.

"Department" means the Department of Public Health of the State of Illinois. (Section 3(C) of the Act)

"Hospital" shall have the meaning ascribed to it in the Hospital Licensing Act.

"Licensed Practical Nurse" means a person licensed under the Nurse Practice Act

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to practice practical nursing.

"Overnight Stay" means the expected duration of services exceeds 24 hours following an admission.

"Qualified Anesthesiologist" means a physician who is licensed to practice medicine in all its branches in the State of Illinois and who is a Diplomate of the American Board of Anesthesiology; ~~or American College of Anesthesiology;~~ or who is a Diplomate of the American Osteopathic Board of Anesthesiology; or who is Board eligible or possesses training and experience equivalent to that eligibility; or who possesses training and experience acceptable to the Department and whose primary practice is anesthesiology.

"Qualified Consulting Committee" means a committee whose members are qualified surgeons, obstetricians, gynecologists, anesthesiologists or pathologists or other consulting physicians consisting of not fewer than three members who shall establish the required standards commensurate with the size, scope, extent and complexity of service programs and procedures for which the facility is licensed. The qualified consulting committee or other committee designated by the qualified consulting committee shall act as the credentials committee.

"Qualified Consulting Surgeon, Obstetrician, Gynecologist, Anesthesiologist, Pathologist, or other Consulting Physician" means a physician who is licensed in the State of Illinois and who is a Diplomate of an appropriate specialty board or who has completed the training and experience required for specialty board certification.

"Qualified Dentist" means a dentist who is licensed to practice under the Illinois Dental Practice Act.

"Qualified Infection Control Professional" means an individual who either has training, education and experience or has certification in the principles and methods of infection control. The individual shall maintain his or her qualifications through ongoing education and training.

"Qualified Physician" means an individual who is licensed to practice medicine in all its branches in the State of Illinois under the Medical Practice Act of 1987.

"Qualified Podiatrist" means a podiatrist who is licensed to practice under the

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Podiatric Medical Practice Act of 1987.

"Qualified Practitioner" means a licensed practitioner who is authorized within his or her scope of practice to perform a history and physical examination and who is authorized by the ASTC to conduct a history and physical examination. This may include nurse practitioners and physician assistants.

"Registered Professional Nurse" means a registered nurse or a registered professional nurse who is licensed under the Nurse Practice Act and practices professional nursing.

"Student Nurse" means a person enrolled in a course of instruction at an approved school of professional or practical nursing and who is supervised by a nursing instructor of the school.

(Source: Amended at 40 Ill. Reg. 13933, effective September 21, 2016)

Section 205.118 Conditions of Licensure

- a) *No person shall open, conduct or maintain an ambulatory surgical treatment center without first obtaining a license from the Department.* (Section 4 of the Act)
 - 1) *A person or facility not licensed under the Act or the Hospital Licensing Act shall not hold itself out to the public as a "surgery center" or as a "center for surgery".* (Section 6 of the Act)
 - 2) *Any person opening, conducting or maintaining an ambulatory surgical treatment center without a license issued pursuant to the Act shall be guilty of a business offense punishable by a fine of \$10,000 and each day's violation shall constitute a separate offense.*
 - 3) *Any person opening, conducting or maintaining an ambulatory surgical treatment center who violates any other provision of the Act shall be guilty of a business offense punishable by a fine of not more than \$10,000.* (Section 12 of the Act)
 - 4) *The operation or maintenance of an ambulatory surgical treatment center in violation of the Act or this Part is declared a public nuisance inimical to*

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the public welfare. The Director of the Department, in the name of the People of the State, through the Attorney General or the State's Attorney of the county in which the violation occurs, may, in addition to other remedies provided in the Act, bring action for an injunction to restrain such violation or to enjoin the future operation or maintenance of any such ambulatory surgical treatment center. (Section 13 of the Act)

- b) *The applicant shall file a statement of ownership as provided in Section 205.120(b)(1). The applicant shall agree to update the information required in the statement of ownership every six months from the initial date of filing. (Section 7a of the Act)*
- e) ~~Financial Statements~~
- 1) ~~Financial statements shall be filed annually on or before April 1 of each year for the previous calendar year, or within three months after the close of the fiscal period of the licensee.~~
- 2) ~~Financial statements shall be filed with the Department on forms provided by the Department or on annual financial statements prepared on forms used by the applicant or licensee. They shall include at least the following items: detailed balance sheets, statements of income, and statements of expense. (Section 7b of the Act)~~
- ~~c~~d) *Every facility licensed under the Act, and any premises proposed to be conducted as a facility by an applicant for a license, shall be open during its regular business hours to an inspection authorized in writing by the Director. No notice need be given to any person prior to any inspection. (Section 9 of the Act)*
- ~~d~~e) *Any corporation operating an ambulatory surgical treatment center devoted primarily to providing facilities for abortion must have a physician who is licensed to practice medicine in all of its branches and is actively engaged in the practice of medicine at the ambulatory surgical treatment center, on the Board of Directors as a condition to licensure of the ambulatory surgical treatment center. (Section 6.1 of the Act)*
- ~~e~~f) *Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable (Section 6 of the Act). Only those facilities, services, programs and procedures included in the*

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application shall be licensed. A new application is required for any one or more of the following:

- 1) Change in ownership of the facility. A change of ownership occurs when:
 - A) Ownership and responsibility for the operation of the assets constituting the licensed entity are transferred from the licensee to another person or another legal entity, including, but not limited to, a corporation, limited liability company, partnership or sole proprietor, as part of an asset purchase or similar transaction;
 - B) In a partnership, when the removal, addition or substitution of a partner alters control of the partnership by more than 51%; or
 - C) In a corporation, when the licensee corporation merges into another corporation or is party to a consolidation transaction with one or more corporations, resulting in the creation of a new corporation.
- 2) Change in location of the facility.
- 3) Any remodeling or other change in the facility's physical plant that increases or decreases the number of rooms in which surgical procedures are performed.
- f) The transactions described in subsection (e)(1) do not constitute a change in ownership when all of the entities that are parties to the transaction are under common control or ownership before and after the transaction is completed. In these transactions, the name of the corporation, its officers, its independent subsidiaries and any other relevant information that the Department may require shall be made available to the Department upon request.
- g) The transfer of corporate stock, the change of a membership interest, or the merger of another corporation into the licensee corporation does not constitute a change of ownership if the licensee corporation remains in existence.
- hg) *The license shall be valid for one year, unless sooner suspended or revoked, and shall be renewable annually upon approval by the Department and payment of a license fee of \$300 as provided in Section 205.125. (Section 6 of the Act)*

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- ih)* The license shall be posted in a conspicuous place on the licensed premises. A placard or registry of all physicians on staff in the facility shall be centrally located and available for inspection to any interested persons. (Section 6 of the Act)
- ji)* The facility shall give written notice to the Department no later than seven days after any one or more of the following:
- 1) Any personnel changes involving the facility's administrative staff, medical director or supervising nurse.
 - 2) For a corporation, any change in any shareholders equity involving 5% or more interest.
 - 3) Any change in the Registered Agent or person or persons legally authorized to receive service of process for the facility.
- k)* An ambulatory surgical treatment center that elects to have an agreement with the federal Centers for Medicare and Medicaid Services, as provided in 42 CFR 416, must also meet the Medicare conditions as an ambulatory surgical center, as set forth in 42 CFR 416, and have an active agreement with the federal Centers for Medicare and Medicaid Services to participate in Medicare as an ambulatory surgical center provider in Illinois. (Section 6.8 of the Act)

(Source: Amended at 40 Ill. Reg. 13933, effective September 21, 2016)

SUBPART E: GENERAL PATIENT CARE

Section 205.530 Operative Care

- a) Surgical procedures shall be performed only by a qualified physician, dentist or podiatrist within the limits of the defined specific surgical practice privileges that have been granted to that individual by the consulting committee or a committee designated by the consulting committee.
- b) Administration of Anesthesia
 - 1) For the purposes of this Section, anesthesia shall include general

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anesthesia, intravenous sedation, spinal or epidural anesthesia, and any other specific anesthesia technique that is designated by the consulting committee.

- 2) Anesthesia may be administered only by the following persons, each having been granted specific anesthesia privileges by the consulting committee or a committee designated by the consulting committee:
 - A) A qualified anesthesiologist (as defined in Section 205.110 of this Part.)
 - B) A physician licensed to practice medicine in all its branches.
 - C) A dentist who has been approved by the Department of Financial and Professional Regulation to administer anesthesia for dental surgery only pursuant to Section 8.1 of the Illinois Dental Practice Act [225 ILCS 25].
 - D) A certified registered nurse anesthetist (as defined in Section 205.110 of this Part) who is implementing the orders of a qualified anesthesiologist, or the physician, dentist, or podiatrist who is performing the procedure. The qualified anesthesiologist, physician, dentist, or podiatrist who has ordered the anesthesia must be on the premises of the facility during the administration of the anesthesia.
 - E) A registered nurse. *If the ASTC policy allows the registered nurse to deliver moderate sedation ordered by a physician licensed to practice medicine in all its branches, podiatrist, or dentist, the following are required:*
 - i) *The registered nurse must be under the supervision of a physician licensed to practice medicine in all its branches, podiatrist, or dentist during the delivery or monitoring of moderate sedation and have no other responsibilities during the procedure.*
 - ii) *The registered nurse must maintain current Advanced Cardiac Life Support certification or Pediatric Advanced*

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Life Support certification as appropriate to the age of the patient.

- iii) *The supervising physician licensed to practice medicine in all its branches, podiatrist, or dentist must have training and experience in delivering and monitoring moderate sedation and possess clinical privileges at the ASTC to administer moderate sedation or analgesia.*
 - iv) *The supervising physician licensed to practice medicine in all its branches, podiatrist, or dentist must remain physically present and available on the premises during the delivery of moderate sedation for diagnosis, consultation, and treatment of emergency medical conditions.*
 - v) *The supervising physician licensed to practice medicine in all its branches, podiatrist, or dentist must maintain current Advanced Cardiac Life Support certification or Pediatric Advanced Life Support certification as appropriate to the age of the patient.*
 - vi) *Local, minimal, and moderate sedation shall be defined by the Division of Professional Regulation of the Department of Financial and Professional Regulation. Registered nurses shall be limited to administering medications for moderate sedation at doses rapidly reversible pharmacologically as determined by rule by the Division of Professional Regulation of the Department of Financial and Professional Regulation. (Section 6.7(b) of the Act)*
 - vii) *Nothing in the Act or this Section precludes a registered nurse from administering medication for the delivery of local or minimal sedation ordered by a physician licensed to practice medicine in all its branches, podiatrist, or dentist. (Section 6.7(a) of the Act)*
- F) *A podiatrist licensed under the Podiatric Medical Practice Act of 1987. (Section 6.5 of the Act)*

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- 3) An anesthesia assistant who is licensed as a physician's assistant pursuant to the Physician Assistant Practice Act of 1987 [225 ILCS 95] may assist in the administration of anesthesia only under the direct supervision of a qualified anesthesiologist (as defined in Section 205.110 of this Part).
 - 4) The person administering anesthesia, or a person who has equivalent practice privileges, shall be present in the facility during the recovery of the patient to whom anesthesia was administered.
- c) Examination of Removed Tissues
- 1) All tissues removed during surgery, except tissues and materials exempted under subsection (c)(3), shall be examined by a consulting pathologist, who shall provide a written report of the examination to the attending physician.
 - 2) A copy of the pathology report shall be filed in the patient's clinical record within seven days after removal of the tissue.
 - 3) The following tissues and materials are exempt from this requirement and do not need to be examined by a pathologist:
 - A) Foreskin, fingernails, toenails, and teeth that are removed during surgery.
 - B) Bone, cartilage, and soft tissue removed during the course of surgery and determined by the attending physician not to require pathological examination.
 - C) Cataract lenses that are removed during the course of eye surgery.
 - D) Foreign substances (e.g., wood, glass, pieces of metal, including previously inserted surgical hardware) that are removed during surgery.
- d) All x-rays, except those exempted by the consulting committee and as specified in the facility's policies and procedures manual, shall be read by a physician, podiatric physician, or dentist, each of whom shall have practice privileges at the facility, or by a consulting radiologist approved by the consulting committee. A

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copy of the x-ray report shall be filed in the patient's clinical record within seven days.

- e) *A registered nurse, qualified by training and experience in operating room nursing, shall be present in the operating room and function as the circulating nurse during all invasive or operative procedures requiring aseptic technique. As used in this subsection, "circulating nurse" means a registered nurse who is responsible for coordinating all nursing care, patient safety needs, and the needs of the surgical team in the operating room during an invasive or operative procedure requiring aseptic technique. (Section 6.5(2.5) of the Act)*

(Source: Amended at 40 Ill. Reg. 13933, effective September 21, 2016)

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section 205.710 Pregnancy Termination Specialty Centers

- a) A facility will be considered a pregnancy termination specialty center if it meets each of the following conditions:
- 1) Procedures performed at the facility are limited to procedures to terminate pregnancy performed within 18 weeks assessed gestational age (beginning on the first day of the last menstrual period), and other gynecologic procedures related to the termination of pregnancy. Assessed gestational age may be determined by patient history or by clinical assessment.
 - 2) The ~~facility~~center does not use general, epidural, or spinal anesthesia for any of the procedures performed. If intravenous sedation is used, mechanical ventilation devices and intubation equipment shall be available on site.
 - 3) The program narrative and policies of the facility are limited to the performance of procedures to terminate pregnancy and other procedures related to the termination of pregnancy.
- b) The following exceptions and modifications of the requirements of this Part apply to pregnancy termination specialty centers. Pregnancy termination specialty centers shall comply with each of the requirements of this Part, unless specifically excepted or modified by the provisions of this subsection.

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- 1) The initial and renewal application need only include the name, address, and telephone number of all owners, administrators, and medical directors of the ~~facility~~center (in lieu of compliance with Section 205.120(b)(5) through (7) and Section 205.125(b)(5) through (7)). However, the other information required in these provisions shall be maintained at the ~~facility~~center and be available for inspection by the Department. The information shall include the original or notarized copies of credentials of all licensed or certified personnel.
- 2) Compliance with Section 205.540(d) is not required, if the medical director or a physician practicing at the facility has a professional working relationship or agreement, maintained in writing at the facility and verifiable by the Department, with a physician who does have admitting or practice privileges at a licensed hospital within approximately 15-30 minutes from the facility and who will assume responsibility for all facility patients requiring hospitalization or inpatient hospitalizations ~~and~~ follow-up care.
- 3) The administrative and public areas of the facility are not required to comply with Section 205.1350.
- 4) A separate examination room is not required; however, adequate space shall be provided to accommodate any equipment necessary for examination, to perform examinations safely, and to allow unobstructed ingress and egress to and from the examination area (in lieu of compliance with Section 205.1360(a)(1)).
- 5) Each room in which procedures to terminate pregnancy are performed shall be at least 120 square feet in size with a minimum dimension of at least 10 feet. Exceptions will be made when the ~~facility~~center demonstrates that the room size is adequate to accommodate the equipment required for the procedures, to facilitate the safe performance of the procedures ~~safely~~, and to protect the patients and staff in at the event ~~of~~ fire or other emergency (in lieu of compliance with Section 205.1360(b)(1)).
- 6) A communication system between the control station and each procedure room is not required (in lieu of compliance with Section 205.1360(b)(3)).

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- 7) No fewer than three recovery beds or lounge chairs shall be required for each procedure room. However, if the facility's narrative program provides that no more than two procedures per hour will be performed per procedure room, then only two recovery beds or lounge chairs will be required for each procedure room. A minimum of 3 feet shall be provided between each recovery bed or lounge chair, and an unobstructed passageway of a minimum of 4 feet shall be provided at one end of each bed or chair (in lieu of compliance with Section 205.1360(b)(1)).
- 8) The recovery area is not required to include a drug distribution station, charting facilities, nurses station, or storage space for supplies and equipment (in lieu of compliance with Section 205.1360(d)(2)). However, the facility shall provide for direct visual supervision of the recovery area for all patients.
- 9) A toilet for patient use shall be in the recovery area, or in a location that does not require patients to enter public areas or other patient care areas ~~in order~~ to gain access from the recovery area. This toilet shall not be available for public use. A gray diverter valve is not required on the toilet in the recovery area if a means of fluid waste disposal is provided at another location within the ~~facility~~ ~~center~~ (in lieu of compliance with Sections 205.1360(d)(3) and 205.1370(f)).
- 10) A control station for the operating suite is not required (in lieu of compliance with Section 205.1370(a)).
- 11) A scrub station is not required outside the procedure room, if the procedure room contains a sink with ~~hand-washing~~ ~~handwashing~~ capabilities (in lieu of compliance with Section 205.1370(d)).
- 12) ~~Separate~~ ~~A separate~~ soiled ~~and clean workrooms are~~ ~~workroom is~~ not required; however, facilities shall be provided for closed clean storage that prevents contamination by soiled materials, and for storage and handling of soiled linens and other soiled materials. These procedures shall be described in the ~~facility's~~ ~~center's~~ narrative program (in lieu of compliance with Section 205.1370(e) and (g)).
- 13) Anesthesia and medical gas storage facilities are not required (in lieu of

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compliance with Section 205.1370(h) and (i)).

- 14) A one-way traffic pattern through staff change areas is not required, but space shall be provided for any changing or gowning that is required by the specific procedures that are being performed, in accordance with the [facility's center's](#) narrative program (in lieu of compliance with Section 205.1370(k), [\(o\)](#) and [\(p\)](#)).
- 15) A change area for patients is not required (in lieu of compliance with Section 205.1370(l)).
- 16) A separate janitor's closet for the surgical suite is not required if the janitor's closet for the [facility center](#) is centrally located and contains space for ~~storing~~ [the storage of](#) supplies needed for cleaning both the surgical and non-surgical areas of the [facility center](#) (in lieu of compliance with Section 205.1370(n)).
- 17) A minimum corridor width of 5 feet and a minimum door width of 3 feet shall be provided for all corridors and for all doors that are accessible to the public or through which patients may need to be transported in an emergency (in lieu of compliance with Section 205.1400(a)(1), (b)(2), and (b)(3)).
- 18) The requirements of Section 205.1400(d) for flush thresholds and expansion joint covers do not apply.
- 19) Ceilings in procedure and recovery rooms shall be cleanable, but are not required to be washable (in lieu of compliance with Section 205.1400(n)(l)).
- 20) The requirements for elevators in Section 205.1410 do not apply.
- 21) Ventilation, air change, and air filter requirements do not apply; however, temperature shall be maintained in the facility between 68 and 80 degrees Fahrenheit (in lieu of compliance with Section 205.1540 and Table A).
- 22) The requirement for one duplex receptacle for each wall does not apply (in lieu of compliance with Section 205.1750(d)).

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 40 Ill. Reg. 13933, effective September 21, 2016)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Secretary of State Standard Procurement
- 2) Code Citation: 44 Ill. Adm. Code 2000
- 3) Section Number: 2000.2020 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by The Illinois Procurement Code [30 ILCS 500]
- 5) Effective Date of Rule: September 23, 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 is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 7043; May 6, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes made between proposal and adoption. No technical changes were recommended by JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Secretary of State desires to increase its small purchases threshold from \$25,000 to \$40,000.
- 16) Information and questions regarding this adopted rule shall be directed to:

Secretary of State

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Amy Williams, Assistant General Counsel
298 Howlett Building
Springfield IL 62701

217/785-3094

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XXV: SECRETARY OF STATE

PART 2000
SECRETARY OF STATE STANDARD PROCUREMENT

SUBPART A: GENERAL

Section	Title
2000.01	Title
2000.05	Policy
2000.08	Illinois Procurement Code
2000.10	Application
2000.15	Definition of Terms Used in This Part
2000.25	Property Rights

SUBPART B: PROCUREMENT RULES

Section	Rules
2000.525	Rules

SUBPART C: PROCUREMENT AUTHORITY

Section	Conduct and Oversight of Procurements
2000.1005	Conduct and Oversight of Procurements

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	Illinois Procurement Bulletin
2000.1510	Illinois Procurement Bulletin
2000.1560	Supplemental Notice
2000.1570	Error in Notice
2000.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section

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- 2000.2005 General Provisions
- 2000.2010 Competitive Sealed Bidding
- 2000.2012 Multi-Step Sealed Bidding
- 2000.2015 Competitive Sealed Proposals
- 2000.2020 Small Purchases
- 2000.2025 Sole Economically Feasible Source Procurement
- 2000.2030 Emergency Procurements
- 2000.2035 Competitive Selection Procedures for Professional and Artistic Services
- 2000.2036 Other Methods of Source Selection
- 2000.2037 Tie Bids and Proposals
- 2000.2038 Mistakes
- 2000.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

Section

- 2000.2043 Suppliers
- 2000.2044 Vendor List/Required Use
- 2000.2045 Prequalification
- 2000.2046 Responsibility

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

Section

- 2000.2047 Security Requirements

SUBPART H: SPECIFICATIONS AND SAMPLES

Section

- 2000.2050 Specifications and Samples

SUBPART I: CONTRACT TYPE

Section

- 2000.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section

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2000.2060 Duration of Contracts – General

SUBPART K: CONTRACT MATTERS

Section

2000.2560 Prevailing Wage
2000.2570 Equal Employment Opportunity; Affirmative Action
2000.2580 Subcontractors

SUBPART L: CONTRACT PRICING

Section

2000.2800 All Costs Included

SUBPART M: CONSTRUCTION AND
CONSTRUCTION RELATED PROFESSIONAL SERVICES

Section

2000.3005 Construction and Construction Related Professional Services

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section

2000.4000 Applicability
2000.4005 Requests for Space/Department Responsibilities
2000.4010 General Acquisition Procedures
2000.4015 Acquisition of Leases by RFI
2000.4020 Leases Acquired by Other Methods
2000.4025 Renewal or Extension of Lease in Effect Prior to July 1, 1998
2000.4030 Renewal of Leases Entered into After July 1, 1998
2000.4035 Purchase Options
2000.4040 Lease Administration
2000.4045 Emergency Lease Procurement

SUBPART O: PREFERENCES

Section

2000.4505 Procurement Preferences
2000.4510 Resident Bidder Preference

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NOTICE OF ADOPTED AMENDMENT

- 2000.4530 Correctional Industries
- 2000.4535 Sheltered Workshops for the Disabled
- 2000.4540 Gas Mileage
- 2000.4545 Small Business
- 2000.4570 Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities

SUBPART P: ETHICS

- Section
- 2000.5013 Conflicts of Interest
- 2000.5015 Negotiations for Future Employment
- 2000.5020 Exemptions
- 2000.5030 Revolving Door
- 2000.5035 Disclosure of Financial Interests and Potential Conflicts of Interest
- 2000.5037 Vendor Registration, Certification and Prohibition on Political Contributions
- 2000.5039 Procurement Communication Reporting Requirement

SUBPART Q: CONCESSIONS

- Section
- 2000.5310 Concessions

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

- Section
- 2000.5510 Complaints Against Vendors or Subcontractors
- 2000.5520 Suspension
- 2000.5530 Resolution of Contract Controversies
- 2000.5540 Violation of Statute or Rule
- 2000.5550 Protests
- 2000.5555 Hearings and Decisions

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

- Section
- 2000.6010 Supply Management and Dispositions

SUBPART T: GOVERNMENTAL JOINT PURCHASING

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Section

- 2000.6500 General
2000.6510 No Agency Relationship

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

Section

- 2000.7000 Severability
2000.7010 Government Furnished Property
2000.7015 Inspections
2000.7020 Records and Audits
2000.7025 Written Determinations
2000.7030 No Waiver of Sovereign Immunity

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Emergency rule adopted at 22 Ill. Reg. 12208, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20306, effective November 9, 1998; emergency amendment at 23 Ill. Reg. 5911, effective April 30, 1999, for a maximum of 150 days; emergency expired September 26, 1999; amended at 23 Ill. Reg. 13953, effective November 8, 1999; amended at 35 Ill. Reg. 4629, effective March 3, 2011; recodified Title header at 39 Ill. Reg. 5903; amended at 39 Ill. Reg. 11100, effective July 24, 2015; amended at 40 Ill. Reg. 13954, effective September 23, 2016.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 2000.2020 Small Purchases

- a) Application
- 1) Procurements of ~~\$40,000~~\$25,000 or less for supplies or services, other than professional and artistic, and \$30,000 or less for construction may be made using the method of source selection determined by the Procurement Officer to be most appropriate to the circumstances.
 - 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the Procurement Officer to

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be most appropriate to the circumstances.

- b) In determining whether a contract is under the limit, the value of the contract for the full term and all optional renewals, determined in good faith, shall be utilized. The stated value of the supplies or services, plus any optional supplies and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be considered small and shall have a not to exceed limit applicable to the type of procurement (see subsection (a)~~-above~~).
- d) If, after signing the contract, the actual cost of completing the contract is determined to exceed the small purchase amount, and the Procurement Officer determines that a supplemental procurement is not economically feasible or practicable because of the immediacy of the agency's needs or other circumstances, the Procurement Officer must follow the procedures for sole source or emergency procurement, whichever is applicable, to complete the contract.
- e) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- f) If there is a repetitive need for small procurements of the same type, the Procurement Officer shall consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended at 40 Ill. Reg. 13954, effective September 23, 2016)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 16
- 3) Section Number: 16.APPENDIX A Adopted Action: Amendment
- 4) Statutory Authority: Implemented and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Rule: September 21, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted rule, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel.
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 7544; May 20, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The applicable dates of January 1, 2017, were inserted for Marshall County Airport (C75), Monmouth Municipal Airport (C66), and Lake in the Hills Airport (3CK).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of this Part is to administer and enforce requirements that restrict the height of structures, equipment, and vegetation, as well as regulate the use of property, on or in the vicinity of any publicly-owned airport, whose owner or operator requests enforcement of airport hazard zoning by the Illinois Department of Transportation, Division of Aeronautics for any airport hazard area. This

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Part applies to the airport facilities and surrounding areas that are identified and described in Section 16.Appendix A. For those airports listed in Section 16.Appendix A, any growth, construction, or maintenance of any vegetation or structure to a height 50 feet above natural ground level will be required to meet the standards of this Part. Marshall County, Monmouth Municipal, and Lake in the Hills airports have elected to adopt this Part. Thus, at Section 16.APPENDIX A, three applicable airports are being added: Marshall County Airport (C75), Monmouth Municipal Airport (C66), and Lake in the Hills Airport (3CK). In addition, applicable dates of July 2, 2015, are being inserted into to the appendix for Rantoul and Fairfield airports as this was an oversight from the last rulemaking. Finally, applicable dates of January 1, 2017, are being inserted for Marshall County Airport (C75), Monmouth Municipal Airport (C66), and Lake in the Hills Airport (3CK).

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

Carrie B. Boyd, Esq.
Rules Manager
Office of Chief Counsel
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield IL 62764

217/524-3838

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 16
AIRPORT HAZARD ZONING

Section

16.10	Purpose and Scope
16.20	Applicability
16.30	Definitions
16.35	Public Hearings
16.40	Surfaces and Height Limitations
16.50	Horizontal Surface
16.60	Conical Surface
16.70	Primary Surface
16.80	Approach Surface
16.90	Transitional Surfaces
16.100	Circling Approach Surface
16.110	Instrument Approach Obstruction Clearance Surface
16.120	Heliport/Vertiport Surfaces
16.130	Use Restrictions
16.140	Pre-Existing, Non-Conforming Uses (Grandfather Clause)
16.150	Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed
16.160	Notice of Construction or Alteration of Any Structure
16.170	Permits
16.180	Variances
16.190	Administrative and Judicial Review
16.200	Penalties
16.210	Conflicting Regulations
16.220	Severability
16.APPENDIX A	Applicable Airports
16.ILLUSTRATION A	Airports Imaginary Surfaces
16.ILLUSTRATION B	Airports (Public- or Private-Use) Minimum Dimensional Standards
16.ILLUSTRATION C	Obstruction Standards (\leq 6 Nautical Miles)
16.ILLUSTRATION D	Obstruction Standards ($>$ 6 Nautical Miles)
16.ILLUSTRATION E	Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

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AUTHORITY: Implementing and authorized by the Airport Zoning Act [620 ILCS 25].

SOURCE: Adopted at 28 Ill. Reg. 2421, effective January 26, 2004; amended at 29 Ill. Reg. 12529, effective July 27, 2005; amended at 30 Ill. Reg. 14117, effective August 10, 2006; amended at 31 Ill. Reg. 3191, effective February 9, 2007; amended at 32 Ill. Reg. 7806, effective May 1, 2008; amended at 33 Ill. Reg. 5474, effective March 30, 2009; amended at 33 Ill. Reg. 17371, effective December 8, 2009; amended at 35 Ill. Reg. 4393, effective February 23, 2011; amended at 39 Ill. Reg. 10064, effective July 2, 2015; amended at 40 Ill. Reg. 13962, effective September 21, 2016.

Section 16.APPENDIX A Applicable Airports

Airport	City	County	ARP Latitude	ARP Longitude	Fed Std.	State Std.	Applicable Date
SPI	Springfield	Sangamon	39-50.64	89-40.66	X		Jan. 26, 2004
MLI	Moline	Rock Island	41-26.91	90-30.45	X		July 29, 2005
SQI	Sterling-Rock Falls	Whiteside	41-44.57	89-40.58	X		July 29, 2005
SLO	Salem	Marion	38-38.57	88-57.85	X		July 29, 2005
H96	Benton	Franklin	38-00.41	88-56.07	X		Sept. 15, 2006
CIR	Cairo	Alexander	37-03.87	89-13.18	X		Sept. 15, 2006
CTK	Canton	Fulton	40-34.15	90-04.49	X		Sept. 15, 2006
DEC	Decatur	Macon	39-50.08	88-51.94	X		Sept. 15, 2006
DKB	DeKalb	DeKalb	41-56.02	88-42.34	X		Sept. 15, 2006
GBG	Galesburg	Knox	40-56.28	90-25.87	X		Sept. 15, 2006
HSB	Harrisburg	Saline	37-48.69	88-32.95	X		Sept. 15, 2006
IJX	Jacksonville	Morgan	39-46.48	90-14.30	X		Sept. 15, 2006
JOT	Joliet	Will	41-31.08	88-10.52	X		Sept. 15, 2006
EZI	Kewanee	Henry	41-12.31	89-57.83	X		Sept. 15, 2006
IGQ	Lansing	Cook	41-32.09	87-31.77	X		Sept. 15, 2006
MWA	Marion	Williamson	37-45.30	89-00.67	X		Sept. 15, 2006
MTO	Mattoon	Coles	39-28.68	88-16.75	X		Sept. 15, 2006
PRG	Paris	Edgar	39-42.01	87-40.17	X		Sept. 15, 2006
3MY	Peoria	Peoria	40-47.72	89-36.80	X		Sept. 15, 2006
PIA	Peoria	Peoria	40-39.86	89-41.60	X		Sept. 15, 2006

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VYS	Peru	LaSalle	41-21.11	89-09.19	X	Sept. 15, 2006
LOT	Romeoville	Will	41-36.44	88-05.77	X	Sept. 15, 2006
DPA	West Chicago	DuPage	41-54.47	88-14.92	X	Sept. 15, 2006
K06	Beardstown	Cass	39-58.40	90-24.22	X	Feb. 28, 2007
OLY	Olney	Richland	38-43.31	88-10.59	X	Feb. 28, 2007
LWV	Lawrenceville	Lawrence	38-45.86	87-36.33	X	Feb. 28, 2007
CUL	Carmi	White	38-05.38	88-07.38	X	Feb. 28, 2007
C73	Dixon	Lee	41-50.02	89-26.77	X	Feb. 28, 2007
ORD	Chicago	Cook	41-58.72	87-54.29	X	Feb. 28, 2007
TAZ	Taylorville	Christian	39-31.95	89-19.84	X	May 1, 2008
BLV	Belleville/ Mascoutah	St. Clair	38-32.71	89-50.11	X	May 1, 2008
AAA	Lincoln	Logan	40-09.52	89-20.10	X	May 1, 2008
VLA	Vandalia	Fayette	38-59.49	89-09.97	X	May 1, 2008
UGN	Waukegan	Lake	42-25.33	87-52.07	X	May 1, 2008
MDH	Carbondale	Jackson	37-46.69	89-15.12	X	May 1, 2008
CPS	Cahokia/Sauget	St. Clair	38-34.24	90-09.37	X	May 1, 2008
MQB	Macomb	McDonough	40-31.21	90-39.14	X	May 1, 2008
PWK	Wheeling/ Prospect Heights	Cook	42-06.85	87-54.09	X	May 1, 2008
9I0	Havana	Mason	40-13.32	90-01.37	X	May 1, 2008
C09	Morris	Grundy	41-25.53	88-25.12	X	May 1, 2008
1H2	Effingham	Effingham	39-04.23	88-32.01	X	May 1, 2008
CMI	Champaign/Savoy	Champaign	40-02.36	88-16.68	X	May 1, 2008
I63	Mt. Sterling	Brown	39-59.25	90-48.25	X	May 1, 2008
RSV	Robinson	Crawford	39-00.96	87-38.99	X	May 1, 2008
ALN	East Alton/Bethalto	Madison	38-53.42	90-02.76	X	May 1, 2009
PNT	Pontiac	Livingston	40-55.47	88-37.44	X	May 1, 2009
AJG	Mt. Carmel/ St. Francisville	Lawrence	38-36.39	87-43.60	X	May 1, 2009
RPJ	Rochelle	Ogle	41-53.58	89-04.70	X	May 1, 2009
1H8	Casey	Clark	39-18.15	88-00.24	X	May 1, 2009
MVN	Mt. Vernon	Jefferson	38-19.40	88-51.51	X	May 1, 2009
ARR	Aurora/	Kane	41-46.32	88-28.54	X	May 1, 2009

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	Sugar Grove					
2H0	Shelbyville	Shelby	39-24.63	88-50.73	X	May 1, 2009
IKK	Kankakee	Kankakee	41-04.28	87-50.78	X	May 1, 2009
FOA	Flora	Clay	38-39.90	88-27.18	X	May 1, 2009
UIN	Quincy	Adams	39-56.58	91-11.67	X	May 1, 2009
GRE	Greenville	Bond	38-50.17	89-22.70	X	Jan. 1, 2010
M30	Metropolis	Massac	37-11.15	88-45.04	X	Jan. 1, 2010
DNV	Danville	Vermilion	40-11.98	87-35.73	X	Jan. 1, 2010
RFD	Rockford	Winnebago	42-11.72	89-05.83	X	Jan. 1, 2010
1C5	Bolingbrook	Will	41-41.76	88-07.75	X	Jan. 1, 2010
PPQ	Pittsfield	Pike	39-38.33	90-46.71	X	Jan. 1, 2010
SAR	Sparta	Randolph	38-08.94	89-41.92	X	Jan. 1, 2010
	Pinckneyville-					
PJY	DuQuoin	Perry	37-58.67	89-21.63	X	Mar. 1, 2011
FEP	Freeport	Stephenson	42-14.77	89-34.92	X	Mar. 1, 2011
ENL	Centralia	Marion	38-30.91	89-05.47	X	Mar. 1, 2011
SFY	Savanna	Carroll	42-02.75	90-06.48	X	Mar. 1, 2011
C15	Pekin	Tazewell	40-29.29	89-40.55	X	Mar. 1, 2011
BMI	Bloomington	McLean	40-28.63	88-54.96	X	Mar. 1, 2011
3LF	Litchfield	Montgomery	39-09.75	89-40.48	X	Mar. 1, 2011
TIP	Rantoul	Champaign	40-17.61	88-08.54	X	July 2, 2015
FWC	Fairfield	Wayne	39-22.72	89-24.76	X	July 2, 2015
C75	Lacon	Marshall	41-01.13	89-23.15	X	January 1, 2017
C66	Monmouth	Warren	40-55.78	90-37.87	X	January 1, 2017
3CK	Lake in the Hills	McHenry	42-12.41	88-19.38	X	January 1, 2017

(Source: Amended at 40 Ill. Reg. 13962, effective September 21, 2016)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Marshall County Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 64
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
64.10	Repealed
64.20	Repealed
64.30	Repealed
64.40	Repealed
64.50	Repealed
64.60	Repealed
64.70	Repealed
64.80	Repealed
64.90	Repealed
64.100	Repealed
64.110	Repealed
64.120	Repealed
64.130	Repealed
64.140	Repealed
64.150	Repealed
64.160	Repealed
- 4) Statutory Authority: Implemented and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) Effective Date of Repealer: September 21, 2016
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of this adopted repealer, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel.
- 9) Notice of Proposal published in the Illinois Register: 40 Ill. Reg. 7550; May 20, 2016
- 10) Has JCAR issued a Statement of Objection to this repealer? No

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED REPEALER

- 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
- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: This Part is repealed because Marshall County Airport was added to applicable airports under (92 Ill. Adm. Code 16, Section16.APPENDIX A).
- 16) Information and questions regarding this adopted repealer shall be directed to:

Carrie B. Boyd, Esq.
Rules Manager
Office of Chief Counsel
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield IL 62764

217/524-3838

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of September 20, 2016 through September 26, 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>
11/3/16	<u>Secretary of State</u> , Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	7/15/16 40 Ill. Reg. 9332	10/11/16
11/5/16	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	5/13/16 40 Ill. Reg. 7297	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Freedom of Information Act (Repealer) (2 Ill. Adm. Code 2026)	7/29/16 40 Ill. Reg. 10149	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Access to Records of the Workers' Compensation Commission (2 Ill. Adm. Code 2026)	7/29/16 40 Ill. Reg. 10168	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Electronic Filing (50 Ill. Adm. Code 9015)	7/29/16 40 Ill. Reg. 10191	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Pre-Arbitration (50 Ill. Adm. Code 9020)	7/29/16 40 Ill. Reg. 10199	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Arbitration (50 Ill. Adm. Code 9030)	7/29/16	10/11/16

		40 Ill. Reg. 10221	
11/5/16	<u>Workers' Compensation Commission</u> , Review (50 Ill. Adm. Code 9040)	7/29/16 40 Ill. Reg. 10237	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Oral Arguments (50 Ill. Adm. Code 9050)	7/29/16 40 Ill. Reg. 10252	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Judicial Review (50 Ill. Adm. Code 9060)	7/29/16 40 Ill. Reg. 10256	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Settlement Contracts and Lump Sum Petitions (50 Ill. Adm. Code 9070)	7/29/16 40 Ill. Reg. 10260	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Disciplining of Attorneys; Agents (50 Ill. Adm. Code 9090)	7/29/16 40 Ill. Reg. 10268	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Insurance Regulations (50 Ill. Adm. Code 9100)	7/29/16 40 Ill. Reg. 10272	10/11/16
11/5/16	<u>Workers' Compensation Commission</u> , Miscellaneous (50 Ill. Adm. Code 9110)	7/29/16 40 Ill. Reg. 10307	10/11/16
11/9/16	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	7/29/16 40 Ill. Reg. 10137	10/11/16

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency ("Illinois EPA") Bureau of Air is accepting public comments and any requests for a public hearing on the draft "Five-Year Progress Report for Illinois Regional Haze State Implementation Plan" for the purpose of submitting such progress report to the United States Environmental Protection Agency ("USEPA") as part of the requirements of The Regional Haze Rule (40 CFR § 51.308). The proposed progress report provides all required report elements necessary to demonstrate that the current Illinois Regional Haze State Implementation Plan ("SIP") is adequate and does not require any revision to achieve the 2018 visibility goals in the first implementation period. Accordingly, this proposal will be submitted to USEPA for review and approval as a revision to the SIP.

The Clean Air Act ("CAA"), in sections 169A and B, requires the protection of visibility in 156 Federal Class I areas in the United States. The Regional Haze Rule requires states to develop and implement a SIP to reduce visibility impairment in Class I areas resulting from man-made air pollution or regional haze. Illinois contains no Class I areas, but is required to implement a state plan that is sufficient to ensure that Class I areas in other states are able to meet the visibility improvement goals set by the states that contain them. Illinois submitted its Regional Haze SIP on June 24, 2011, and it was approved by the USEPA, effective August 6, 2012. The Regional Haze Rule requires each state to provide an interim progress report outlining the status of required Regional Haze SIP elements. The Illinois EPA is submitting a five-year progress report to evaluate implementation of the SIP requirements and the resulting emissions reductions and visibility improvements. Pursuant to 40 CFR §51.308(h)(1), Illinois has determined that its existing Regional Haze SIP is adequate to achieve the established goals for visibility improvement and emissions reductions and that further revision of the existing SIP is not needed at this time.

The Illinois EPA is accepting written comments on the proposed progress report. Comments must be postmarked by midnight, November 6, 2016. Comments and requests for hearing should be mailed to:

Jillian Hawkins
Illinois EPA
1021 North Grand Avenue East
PO Box 19276
Springfield IL 62794-9276

217/524-0922
TDD: 217/782-9143
email: jillian.hawkins@illinois.gov

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

In addition, requests for information and questions should be directed to Jillian Hawkins, Office of Community Relations, at the address and telephone number listed above.

If a timely request for a public hearing is received by Illinois EPA by November 6, 2016, a public hearing will be scheduled through a separate notice and held to receive comments regarding the proposed progress report. If a public hearing is conducted, the written public comment period will be extended as provided for in the separate notice.

If no request for a public hearing is received by the Illinois EPA by U.S. Mail, email, carrier mail, or hand delivered by November 6, 2016, no hearing will be scheduled. Verification as to whether a public hearing will or will not be held will be posted on the Illinois EPA's website at <http://www.epa.illinois.gov/public-notices/index>. Interested persons may also contact Jillian Hawkins, Office of Community Relations, at the phone number listed above to inquire as to the status of a public hearing.

Copies of the proposed progress report may be viewed by the public at the Illinois EPA's offices at 1021 North Grand Avenue East in Springfield, 217/782-7027, and 9511 West Harrison in Des Plaines, 847/294-4000. Please call ahead to ensure that someone will be available to assist you.

This notice is intended to satisfy the requirements of Section 110(l) of the CAA regarding public notice for SIP submittals, 42 USC 7410(1).

PROCLAMATIONS

2016-189 (Revised)
First Responder Appreciation Day

WHEREAS, individuals, both career and volunteer, from police, fire, emergency medical services, search and rescue, dive, and other organizations in the public safety sector, come together as first responders to protect and aid the public in the event of an emergency; and,

WHEREAS, everyday first responders risk their own safety and personal property in the performance of their duties to protect our citizens; and,

WHEREAS, first responders are our first and best defense against all emergencies that may threaten our communities, whatever their nature; and,

WHEREAS, first responders are ready to aid the people of Illinois 24 hours a day, seven days a week; and,

WHEREAS, first responders are a vital part of every Illinois community who maintain safety and order in times of crisis, and volunteer in our towns and schools; and,

WHEREAS, first responders are highly trained, specialized workers who contribute their excellent skills for the public good and often for no pay; and,

WHEREAS, there are more than 120,000 volunteer and professional first responders in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 27, 2016, as **FIRST RESPONDER APPRECIATION DAY** in Illinois, and salute all first responders who have given their service to our state.

Issued by the Governor July 1, 2016

Filed by the Secretary of State September 26, 2016

2016-222
Bear Necessities Pediatric Cancer Foundation's Awareness Day

WHEREAS, childhood cancer is the second leading cause of death for children, exceeded only by accidents; and,

WHEREAS, approximately 36 American children are diagnosed with cancer daily, and their average age at the time of diagnosis is six; and,

PROCLAMATIONS

WHEREAS, 10,400 American children were diagnosed with cancer in 2007, and 40,000 children in our country undergo treatment for cancer each year; and,

WHEREAS, childhood cancer rates have risen slightly for the past few decades, and approximately 15,500 children in the United States under the age of 15 were diagnosed with cancer in 2014; and,

WHEREAS, there are a number of organizations dedicated to raising money for research into pediatric cancer and supporting children and families who are diagnosed with pediatric cancer; and,

WHEREAS, one such organization is Bear Necessities Pediatric Cancer Foundation, named in memory of founder Kathleen Casey's eight year old son, Barrett "Bear" Krupa, who died after a courageous five and a half year battle with Wilms Tumor, a pediatric cancer; and,

WHEREAS, Bear Necessities Pediatric Cancer Foundation is a national organization dedicated to eliminating pediatric cancer and providing hope and support to those who are touched by it; and,

WHEREAS, the mission of Bear Necessities Pediatric Cancer Foundation is carried out through three unique programs, which include the Bear Hugs Program, Bear Discoveries, and Bear Empowerment; and,

WHEREAS, Bear Necessities Pediatric Cancer Foundation is now in its 21st year of generating funds to reach out to all children in the State of Illinois who will be diagnosed this year with pediatric cancer; and,

WHEREAS, the month of September is recognized as Childhood Cancer Awareness Month. Throughout this month, organizations like Bear Necessities Pediatric Cancer Foundation conduct outreach efforts to raise awareness of pediatric cancer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 16, 2016, as **BEAR NECESSITIES PEDIATRIC CANCER FOUNDATION'S AWARENESS DAY** in Illinois, to raise awareness of pediatric cancer, and in support of the organization's dedication to eradicating this devastating disease.

Issued by the Governor August 24, 2016

Filed by the Secretary of State September 26, 2016

2016-223

Canavan Disease Awareness Month

PROCLAMATIONS

WHEREAS, Canavan Research Illinois is an Illinois nonprofit corporation established in April 2000 to meet a critical need to support medical research to treat, cure, and improve the quality of lives of all children battling Canavan disease, a rare and fatal genetic neurological disorder; and,

WHEREAS, the majority of those afflicted with Canavan disease do not reach their 25th birthday. These innocent children face the loss of all motor functions, blindness, paralysis, feeding tubes, and eventual disintegration of the brain, at which point they fall into a vegetative state from which they cannot recover; and,

WHEREAS, Canavan Research Illinois is an all-volunteer charity dedicated to raise funds to support cutting-edge research, increase public awareness, and provide a network for Canavan families; and,

WHEREAS, October 8, 2016, Canavan Research Illinois will hold the 18th Annual Canavan Charity Ball, in honor and celebration of Max Randell's 19th birthday, a momentous milestone for this young man living with Canavan disease;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **CANAVAN DISEASE AWARENESS MONTH** in Illinois, to raise awareness of Canavan disease and in support of Canavan Research Illinois' important efforts to improve the quality of life of those who are battling this disease.

Issued by the Governor August 24, 2016

Filed by the Secretary of State September 26, 2016

2016-224**Direct Support Professionals Recognition Week**

WHEREAS, direct support professionals are the primary providers of publicly-funded long-term support and services for millions of individuals with disabilities; and,

WHEREAS, direct support professionals build close, respectful, and trusted relationships with disabled individuals and assist them with intimate personal care; and,

WHEREAS, direct support professionals provide a broad range of individualized support, including preparation of meals, help with medication, assistance with bathing and other aspects of daily living, help with transportation, and assistance with general daily affairs; and,

WHEREAS, direct support professionals provide essential support to help keep individuals with disabilities connected to their family, friends, and community; and,

PROCLAMATIONS

WHEREAS, the services provided by direct support professionals help individuals live successful, meaningful lives in the community; and,

WHEREAS, the assistance of direct support professionals is critical to the welfare of the individuals they serve and to the successful transition from medical events to post-acute care and long term support; and,

WHEREAS, there is a documented critical and growing shortage of direct support professionals throughout the United States;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 11-17, 2016, as **DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK** in Illinois to recognize the dedication and vital role of direct support professionals in enhancing the lives of individuals of all ages with disabilities.

Issued by the Governor August 24, 2016

Filed by the Secretary of State September 26, 2016

2016-225**Epilepsy Awareness Month**

WHEREAS, epilepsy is one of the most common neurological conditions, estimated to affect more than three million people in the United States, and more than 50 million worldwide; and,

WHEREAS, epilepsy is a group of disorders of the central nervous system, specifically the brain, characterized by recurrent unprovoked seizures; and,

WHEREAS, seizures occur when the normal electrical balance in the brain is lost, causing the brain's nerve cells to misfire, either firing when they shouldn't or not firing when they should. Seizures are the physical effects of these sudden, brief, uncontrolled bursts of abnormal electrical activity; and,

WHEREAS, the type of seizure depends on how many cells fire and which area of the brain is involved. A person who has a seizure may experience an alteration in behavior, consciousness, movement, perception, and/or sensation; and,

WHEREAS, one in ten people will have at least one seizure during his or her lifetime; and,

WHEREAS, the public is often unable to recognize common seizure types, or how to respond with appropriate first aid; and,

PROCLAMATIONS

WHEREAS, November 2016 is Epilepsy Awareness Month, created to bring about epilepsy acceptance, awareness, and education;

THEREFORE, I Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2016 as **EPILEPSY AWARENESS MONTH** in Illinois, in support of the effort to raise awareness of epilepsy.

Issued by the Governor August 24, 2016

Filed by the Secretary of State September 26, 2016

2016-226
Moravian Day

WHEREAS, Moravia is a province of the Czech Republic, also known as the "Bread Basket of Czechoslovakia," and Moravians are one of the oldest cultural groups in the world, dating back to before the Holy Roman Empire; and,

WHEREAS, Moravia has given birth to several prominent individuals, such as the "Teacher of Nations" Jan Amos Komensky, and Thomas G. Masaryk, who would later go on to influence the entire Czechoslovak region; and,

WHEREAS, the United States of America is a land of opportunity where people are recognized for their diverse heritage; and,

WHEREAS, the beautiful Moravian folk costumes and traditional folk music were always a part of every community and civic function in Chicago dating back to before the mid-1920's; and,

WHEREAS, twenty-two individual Moravian social organizations banded together on November 29, 1938, and formed the United Moravian Societies; and,

WHEREAS, the first Moravian Day Festival was held on September 24, 1939, at Pilsen Park in Chicago, Illinois. On that day, 26th Street blossomed in the splendor of Czech, Moravian, and Slovak costumes as the great parade progressed down 26th Street from Pulaski Road to Pilsen Park; and,

WHEREAS, this year, Czech-Americans throughout Chicagoland, the United States, and North America will celebrate the 77th annual Moravian Day event;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 25, 2016, as **MORAVIAN DAY** in the State of Illinois and encourage all citizens to learn about

PROCLAMATIONS

the important contributions that Czech immigrants have made to our state and to the nation as a whole.

Issued by the Governor August 24, 2016

Filed by the Secretary of State September 26, 2016

2016-227**National Stepfamily Day**

WHEREAS, National Stepfamily Day is enhanced by our strong commitment to support the stepfamilies of our nation in their mission to raise their children, create strong family structures to support the individual members of the family, and instill in them a sense of responsibility to all extended family members; and,

WHEREAS, approximately half of all Americans are currently involved in some form of stepfamily relationship; for the last 20 years, it has been the vision of the founder of National Stepfamily Day, Christy Borgeld, that all stepfamilies in the United States be accepted, supported, and successful; and,

WHEREAS, Illinois is blessed by loving stepparents and stepchildren who are daily reminders of the joy, trials, and triumphs of the stepfamily experience and the boundless love contained in the bond between all types of parents and children; and,

WHEREAS, National Stepfamily Day is a day to celebrate the many invaluable contributions stepfamilies make to enriching the lives and life experience of the children and parents of America, and to strengthening the fabric of American families and society;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 16, 2016, as **NATIONAL STEPFAMILY DAY** in Illinois.

Issued by the Governor August 24, 2016

Filed by the Secretary of State September 26, 2016

2016-228**National Surgical Technologist Week**

WHEREAS, surgical technologists in Illinois play a vital role in the care and health of surgical patients; and,

WHEREAS, surgical technologists, also called scrubs and surgical or operating room technicians, are members of operating room teams, which most commonly include surgeons,

PROCLAMATIONS

anesthesiologists, and circulating nurses who assist medical operations in a number of capacities; and,

WHEREAS, surgical technologists preserve and protect the operative sterile field and work tirelessly to prevent surgical site infections that threaten patients' recovery; and,

WHEREAS, all major hospitals in Illinois employ surgical technologists to work with surgeons in the operating room to provide quality patient care; and,

WHEREAS, as the baby boomer generation, which accounts for a large percentage of the general population, approaches retirement age, and technological advances, such as fiber optics and laser technology, permit new surgical procedures that surgical technologists often operate, employment of surgical technicians is expected to grow faster than average for all other occupations; and,

WHEREAS, encouragingly, the Illinois community college system currently has several programs that graduate top quality students each year; and,

WHEREAS, surgical technology is projected to grow faster than the average of all other medical occupations through the year 2020; and,

WHEREAS, the Association of Surgical Technologists annually designates a week in September as National Surgical Technologist Week to celebrate and promote the profession;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 18-24, 2016, as **NATIONAL SURGICAL TECHNOLOGIST WEEK** in Illinois in honor of the outstanding service surgical technologists perform for surgical patients, and in support of the Association of Surgical Technologist's efforts to raise public awareness about the profession.

Issued by the Governor August 24, 2016

Filed by the Secretary of State September 26, 2016

2016-229
Payroll Week

WHEREAS, the American Payroll Association joins countless payroll professionals throughout the State of Illinois in observing National Payroll Week, September 5-9, 2016; and,

WHEREAS, this awareness campaign is designed to help workers in America better understand issues related to our payroll and tax systems, as well as educate payroll professionals and employers about important payroll-related regulatory and compliance issues; and,

PROCLAMATIONS

WHEREAS, payroll professionals in Illinois play a key role in maintaining our state's economic health, carrying out such diverse tasks as paying into the unemployment insurance system, providing information for child support enforcement, and carrying out tax withholding, reporting, and depositing; and,

WHEREAS, payroll departments nationwide collect more than \$2.08 trillion annually, complying with myriad federal, state, and local wage tax laws; and,

WHEREAS, these funds go toward supporting important civic projects, including roads, schools, and parks in communities across Illinois; and,

WHEREAS, payroll professionals have become increasingly proactive in leading initiatives that help educate citizens on key payroll-related issues facing businesses and workers in America, and,

WHEREAS, these dedicated professionals continually strive to meet the highest standards toward improving compliance with government procedures, reducing costs, and improving the overall payroll process in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 5 – 9, 2016, as **PAYROLL WEEK** in Illinois, and urge all of Illinois to reflect on the important work done by payroll professionals throughout our great state.

Issued by the Governor August 24, 2016

Filed by the Secretary of State September 26, 2016

2016-230**POW/MIA Recognition Day**

WHEREAS, as Americans, we must pledge to never forget the many brave men and women who fought to defend our country during times of war; and,

WHEREAS, on August 1, 1990, the 101st Congress passed U.S. Public Law 101-355, recognizing the National League of Families POW/MIA Flag and designated it as a symbol of our concern for all American prisoners of war and for those who are still missing in action; and,

WHEREAS, approximately 142,000 Americans since World War I have endured the hardships of captivity as prisoners of war; and,

PROCLAMATIONS

WHEREAS, approximately 83,115 Americans are still missing in action from World War II, Korea, Vietnam, the Persian Gulf War, and Operation Iraqi Freedom; and,

WHEREAS, we must never forget the debt we owe these men and women who loyally served our nation in battle, we must never take for granted their contributions and sacrifices, and we must remember to honor those who selflessly put themselves in harm's way so that we may live in peace; and,

WHEREAS, POW/MIA Recognition Week serves as a reminder that our nation will never forget the courageous men and women who serve in America's Armed Forces and pays tribute to all American prisoners of war and those missing in action; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do hereby proclaim September 16, 2016, as **POW/MIA RECOGNITION DAY** in Illinois, in honor of our national heroes who made so many sacrifices for justice, freedom, and democracy.

Issued by the Governor August 24, 2016

Filed by the Secretary of State September 26, 2016

2016-231**Ryan Held Day**

WHEREAS, Ryan Held is a freestyle swimmer who specializes in sprint events; and,

WHEREAS, at the 2016 United States Olympic Trials, Held qualified for the 2016 Summer Olympic Games as a member of the 4×100 meter freestyle relay team; and,

WHEREAS, Held and his teammates, Caeleb Dressel, Michael Phelps, and Nathan Adrian, won gold in the 4×100 meter freestyle relay at the 2016 Olympic Games in Rio de Janeiro, Brazil; and,

WHEREAS, Held is a native of Springfield, Illinois, where he swam for Sacred Heart-Griffin High School, breaking nine school records and two Illinois state swimming records; and,

WHEREAS, Held became the first swimmer in Illinois history to break 44 seconds in the 100 meter freestyle, setting a new record at 43.73 seconds; and,

WHEREAS, Held was crowned Central State Eight Swimmer of the Year for four consecutive years; and,

PROCLAMATIONS

WHEREAS, in the Fall of 2016, Held will be a junior at North Carolina State University, swimming as a member of the NC State Wolfpack; and,

WHEREAS, born in 1995, Ryan Held was one of the youngest swimmers on the 2016 Olympic team; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 2, 2016, as **RYAN HELD DAY** in Illinois in honor of Ryan Held admirably representing the State of Illinois and the United States of America at the 2016 Summer Olympic Games.

Issued by the Governor August 31, 2016

Filed by the Secretary of State September 26, 2016

2016-232**Chamber of Commerce Week**

WHEREAS, chambers of commerce work with businesses, merchants, and industries to advance the civic, economic, industrial, professional and cultural life of the State of Illinois; and,

WHEREAS, chambers of commerce have contributed to the civic and economic life of Illinois for 178 years since the founding of the Galena Chamber of Commerce; and,

WHEREAS, this year marks the 97th anniversary of the founding of the Illinois Chamber of Commerce, the state's leading broad-based business organization; and,

WHEREAS, chambers of commerce and their members provide citizens with a strong business environment that increases employment, retail trade and commerce, and industrial growth in order to make the State of Illinois a better place to live; and,

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms and encourage new firms and individuals to locate in the State of Illinois; and,

WHEREAS, the State of Illinois is the home to international chambers of commerce, the Great Lakes Region Office of the U.S. Chamber of Commerce, the Illinois Chamber of Commerce and more than 400 local chambers of commerce; and,

WHEREAS, this year marks the 101st anniversary of the Illinois Association of Chamber of Commerce Executives, a career development organization for the chamber of commerce professionals;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 12-16, 2016, as **CHAMBER OF COMMERCE WEEK** in Illinois.

Issued by the Governor September 6, 2016

Filed by the Secretary of State September 26, 2016

2016-233**Blood Collectors Week**

WHEREAS, every three seconds in this country someone will need blood, and a single blood donation can save up to three lives and is required in every organ transplant; and,

WHEREAS, a single trauma patient can use well over 100 units of blood; and,

WHEREAS, blood only has a shelf life of 42 days; and,

WHEREAS, blood is not only needed in times of disaster, but patients in Illinois hospitals depend on a year-round supply of donated blood; and,

WHEREAS, cancer patients are the biggest user group of blood, followed by use in treatment of neonatal, dialysis, burn victims, and heart disease; and,

WHEREAS, the State of Illinois recognizes the importance of blood donation through the Blood Donation Act, the Employee Blood Donation Leave Act, and the Organ Donor Act; and,

WHEREAS, the American Red Cross of Illinois and the members of Illinois Coalition of Community Blood Centers rely 100 percent on donations from volunteer donors in order to maintain a safe and viable blood supply in our state; and,

WHEREAS, September 4th through 10th is recognized by the American Association of Blood Banks as Blood Collectors Week;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 4-10, 2016, as **BLOOD COLLECTORS WEEK** in Illinois, and encourage all Illinoisans to recognize the importance of blood donation and its impact on patients throughout Illinois.

Issued by the Governor September 7, 2016

Filed by the Secretary of State September 26, 2016

2016-234**Constitution Week**

PROCLAMATIONS

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and,

WHEREAS, September 17, 2016, marks the 229th anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention in 1787; and,

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and,

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 17-23, 2016, as **CONSTITUTION WEEK** in Illinois.

Issued by the Governor September 7, 2016

Filed by the Secretary of State September 26, 2016

2016-235**Diaper Need Awareness Week**

WHEREAS, diaper need, the condition of not having a sufficient supply of clean diapers to ensure infants and toddlers are clean, healthy and dry, can adversely affect the health and welfare of infants, toddlers and their families; and,

WHEREAS, national surveys report that one in three mothers experience diaper need at some time while their children are less than three years of age and 48 percent of families delay changing a diaper to extend their supply; and,

WHEREAS, the average infant or toddler requires 50 diaper changes per week over three years; and,

WHEREAS, diapers cannot be bought with food stamps or WIC vouchers, therefore obtaining a sufficient supply of diapers can cause economic hardship to families; and,

WHEREAS, a supply of diapers is generally an eligibility requirement for infants and toddlers to participate in childcare programs and quality early education programs; and,

PROCLAMATIONS

WHEREAS, the people of Illinois recognize that addressing diaper need can lead to economic opportunity for the state's low-income families and can lead to improved health for families and their communities; and,

WHEREAS, Illinois is proud to be home to various community organizations that recognize the importance of diapers in helping provide economic stability for families and distribute diapers to poor families through various channels in the State of Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 26 - October 2, 2016, as **DIAPER NEED AWARENESS WEEK** in Illinois, and encourage the citizens of Illinois to donate generously to diaper banks, diaper drives and organizations that distribute diapers to families in need to help alleviate diaper need in Illinois.

Issued by the Governor September 7, 2016
Filed by the Secretary of State September 26, 2016

2016-236
Employee Ownership Month

WHEREAS, employee stock ownership plans (ESOPs) have been established in approximately 10,000 companies in the United States, employing 10.3 million working men and women; and,

WHEREAS, employee ownership is becoming a practice that is instrumental in helping Americans share in our nation's growth and prosperity by enabling our citizens to accumulate significant amounts of capital stock in the business at which they are employed; and,

WHEREAS, employee ownership has become a powerful incentive for Americans to make the best of their talents and energies in their places of work, thus strengthening the competitive potential of our state's businesses; and,

WHEREAS, Illinois currently has 342 employee stock ownership companies, along with hundreds of legal, valuation, and financial organizations that serve as professional advisors to the employee stock ownership community; and,

WHEREAS, the successful record of employee-owned firms in benefiting both companies and employees merits recognition; and,

WHEREAS, employee ownership aids in creating and retaining jobs in our state;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **EMPLOYEE OWNERSHIP MONTH** in Illinois and urge all citizens to join me in recognizing employee-owned firms and their contributions to our state.

Issued by the Governor September 7, 2016

Filed by the Secretary of State September 26, 2016

2016-237**Filipino American History Month**

WHEREAS, the earliest documented Filipino presence in the continental United States was on October 18, 1587, when the Spanish galleon, the Nuestra Señora de Buena Esperanza, under the command of Captain Pedro de Unamuno, dropped anchor in Morro Bay, California, and the landing party explored the coast; and,

WHEREAS, the first settlement of Filipinos, referred to as "Manilamen," was in 1765 in southeastern Louisiana; the "Manilamen" became the start of the many contributions Filipino Americans have made toward the advancement of the United States in several fields including the arts and culture, sciences, medicine, education, technology, and in many other areas of human endeavors; and,

WHEREAS, Filipino Americans are well known for serving in all branches of the U.S. Armed Forces as early as the War of 1812 against the British, in the U.S. Civil War, in World Wars I and II, and in all the other subsequent U.S. wars up to the wars in Iraq and Afghanistan; and,

WHEREAS, Filipino Americans comprise the second-largest Asian American population in the United States; and,

WHEREAS, further efforts are needed to promote the study and research on Filipino American history to create a more complete and balanced United States history that reflects the legacy and rich contributions of Filipino Americans to our great nation; and,

WHEREAS, the celebration of Filipino American History Month in October provides an opportunity to celebrate the heritage and culture of Filipino Americans and the many contributions they make to our country; and,

WHEREAS, the Filipino American National Historical Society (FANHS) Midwest Chapter, the Filipino American Historical Society of Springfield, Illinois (FilAmHisSo), and other Filipino American organizations throughout the state will celebrate Filipino American History Month in October 2016 with various events and activities;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **FILIPINO AMERICAN HISTORY MONTH** in the State of Illinois, in recognition of the contributions of Filipino Americans to our state and to our nation, and in recognition of Filipino Americans who call Illinois home.

Issued by the Governor September 7, 2016

Filed by the Secretary of State September 26, 2016

2016-238**Healthcare Security and Safety Week**

WHEREAS, healthcare security and safety officers play an important role in the healthcare of the State of Illinois; and,

WHEREAS, healthcare security and safety officers are tasked with protecting all those who work, visit, or receive treatment in a healthcare facility as the first responders to security and safety incidents; and,

WHEREAS, the professionalism of the healthcare security and safety officers contribute to the diverse and evolving healthcare security needs of Illinois's population; and,

WHEREAS, the demand for healthcare security and safety services is rising as a result of the increase in violence against healthcare professionals, expanding criminal acts in the healthcare setting, and the growth of the aging population utilizing healthcare facilities; and,

WHEREAS, professional healthcare security and safety is an important component in ensuring the quality of healthcare available;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 9-16, 2016, as **HEALTHCARE SECURITY AND SAFETY WEEK** in Illinois.

Issued by the Governor September 7, 2016

Filed by the Secretary of State September 26, 2016

2016-239**Officer Robin G. Vogel Memorial Day**

WHEREAS, Decatur Police Officer Robin G. Vogel was struck by a drunk driver while on duty October 1, 2005, and passed away from her injuries two days later on October 3, 2005; and,

PROCLAMATIONS

WHEREAS, Officer Vogel was the first female Decatur Police Officer killed in the line of duty, and one of four officers killed across the State of Illinois in 2005; and,

WHEREAS, since 2014, friends and family, including more than 150 runners each year, have come together in Decatur to honor Officer Vogel's memory during the Robin Vogel Memorial 5K; and,

WHEREAS, proceeds from the 5K event go toward a scholarship in Officer Vogel's memory, given to a high school senior in Macon County who desires to pursue a degree in law enforcement; and,

WHEREAS, since its inception, this scholarship fund has awarded more than \$10,000 to deserving students, and is currently the single largest scholarship available to Macon County students; and,

WHEREAS, the third annual Robin Vogel Memorial 5K will be held October 1, 2016, in Decatur's Nelson Park;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 1, 2016, as **OFFICER ROBIN G. VOGEL MEMORIAL DAY** in Illinois.

Issued by the Governor September 7, 2016

Filed by the Secretary of State September 26, 2016

2016-240
Patriot Day

WHEREAS, fifteen years ago, on September 11, 2001, tragedy unfolded on American soil as four commercial airlines were hijacked by terrorists and began a journey of destruction; and,

WHEREAS, at 8:46 a.m. (EST), American Airlines Flight 11, carrying 92 people, struck the north tower of the World Trade Center in New York City; and,

WHEREAS, at 9:03 a.m. (EST), United Airlines Flight 175, carrying 65 people, flew into the south tower of the World Trade Center; and,

WHEREAS, at 9:37 a.m. (EST), American Airlines Flight 77, carrying 64 people, hit the western façade of the Pentagon in Washington D.C.; and,

PROCLAMATIONS

WHEREAS, at 10:03 a.m. (EST) further loss of life was prevented when passengers and crew members heroically crashed United Airlines Flight 93 into a field in Somerset County, Pennsylvania, killing all those on board; and,

WHEREAS, nearly 3,000 innocent men, women and children were tragically killed in the heinous attacks; and,

WHEREAS, tens of thousands emergency personal including firefighters, police officers and military personnel came to the aid to help their fellow man, including volunteers from across the country; and,

WHEREAS, in the aftermath of these horrendous acts, the United States of America bound together with courage and resolve and emerged more united as a people; and,

WHEREAS, on November 30, 2001, after passing the United States House and Senate, President George W. Bush proclaimed September 11 as Patriot Day, a day of remembrance and national mourning; and,

WHEREAS, the day of September 11 will forever be etched in the memory and hearts of all Americans; the victims will never be forgotten, and the heroism displayed by first responders, service men and women, and countless Americans who aided in humanitarian relief efforts and search and rescue operations will serve as a lasting model for all; and

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 11, 2016, as **PATRIOT DAY** in Illinois, and order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise to sunset on this day, in honor and remembrance of the heroes of September 11, 2001, and all of those who lost their lives.

Issued by the Governor September 8, 2016

Filed by the Secretary of State September 26, 2016

2016-241**Adult Education and Family Literacy Week**

WHEREAS, on November 3, 1966, the Adult Education Act of 1966 was signed into law by President Lyndon Johnson, establishing a new education system comprised of a partnership between the federal government and the states; and,

WHEREAS, more than 93 million American adults have basic or below basic literacy skills that limit their ability to advance at work and in their education; and,

PROCLAMATIONS

WHEREAS, in Illinois, more than 1.2 million adults do not have a high school diploma or equivalency certificate; and,

WHEREAS, in Illinois, adult learners have access to high-quality career pathway basic education, postsecondary education, and training programs in high-demand occupations; and,

WHEREAS, approximately 90 percent of the fastest growing jobs of the future will require education or training beyond high school; and,

WHEREAS, a literate and skilled workforce promotes job creation and economic growth in the state; and,

WHEREAS, adult education promotes the lifelong process of self-improvement including the acquisition of self-sustaining high skilled employment that provides a family sustaining wage, promotes self-esteem, promotes a sense of empowerment, increases a person's ability to reach their maximum potential, and assists the State and Nation in reaching economic stability and competitiveness;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 26-October 1, 2016, as **ADULT EDUCATION AND FAMILY LITERACY WEEK** in Illinois, recognizing that our state honors the teachers, adult educators, community partners, and the tens of millions of adult learners that have created and participated in this unique education system which promotes the inclusion of all citizens in the democratic, social, and economic processes of our state and nation.

Issued by the Governor September 12, 2016

Filed by the Secretary of State September 26, 2016

2016-242**Alpha1 Awareness Month**

WHEREAS, Antitrypsin Deficiency (Alpha1) is one of the most common serious hereditary disorders in the world and can result in life threatening liver disease in children and adults or lung disease in adults; and,

WHEREAS, Alpha1 has been identified in virtually all populations; and,

WHEREAS, an estimated 100,000 children and adults in the United States have the severe deficiency and up to 6 percent of Caucasians in the U.S. carry a single deficient gene and may pass the gene on to their children; and,

PROCLAMATIONS

WHEREAS, Alpha1 is widely underdiagnosed and misdiagnosed with fewer than 10 percent of those predicted to have Alpha1 receiving an accurate diagnosis. It often takes an average of five doctors and seven years from the time symptoms first appear before proper diagnosis is made; and,

WHEREAS, Alpha1 is easily detected using a simple test; and,

WHEREAS, Alpha1 is the most common known genetic risk factor for Chronic Obstructive Pulmonary Disease (COPD), a lung disease that is the most frequent cause of disability and early death among affected persons;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 2016 as **ALPHA1 AWARENESS MONTH** in Illinois, to raise awareness of Antitrypsin Deficiency (Alpha1) and to recognize the importance of finding a cure and improving the lives of people affected by this disease.

Issued by the Governor September 12, 2016

Filed by the Secretary of State September 26, 2016

2016-243**Kids' Chance Awareness Week**

WHEREAS, the catastrophic injury or death of a parent or guardian can have a devastating emotional and financial impact on the family unit; and,

WHEREAS, when the injury or death resulted from a work-related accident, workers' compensation benefits are often insufficient to allow the worker's children to pursue their educational dreams; and,

WHEREAS, the State of Illinois is fortunate to have Kids' Chance Inc. of Illinois, a 501(c)(3) nonprofit that provides financial scholarships to children of seriously injured workers so that the children can pursue and achieve their educational goals; and,

WHEREAS, Kids' Chance Inc. of Illinois is one of 33 Kids' Chance organizations throughout the United States that make a significant difference in the lives of children affected by a workplace injury, though there are likely even more students in need of assistance; and,

WHEREAS, November 14 – 18, 2016, has been designated Kids' Chance Awareness Week in order to increase the visibility of Kids' Chance organizations across the country and to spread the word about Kids' Chance scholarship opportunities;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 14 – 18, 2016, as **KIDS' CHANCE AWARENESS WEEK** in Illinois, and encourage all citizens to become familiar with the services and benefits offered by Kids' Chance Inc. of Illinois, and to support Kids' Chance organizations across the country.

Issued by the Governor September 12, 2016

Filed by the Secretary of State September 26, 2016

2016-244**National Learning Disabilities Month**

WHEREAS, October was designated National Learning Disabilities Month by Proclamation 5385 in 1985 by President Ronald Reagan; and,

WHEREAS, each October is a time when particular attention is paid to educating the public about learning disabilities and the impact they have on the people living with them; and,

WHEREAS, research shows that one in seven people have a learning disability; and,

WHEREAS, Learning Disabilities Association of Illinois is a nonprofit, volunteer organization dedicated to raising awareness about learning disabilities, providing information to parents and professionals, and supporting and advocating for children and adults with learning disabilities and their families;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **NATIONAL LEARNING DISABILITIES MONTH** in Illinois to raise awareness of learning disabilities and in support of Learning Disabilities Association of Illinois' important efforts to support those who live with learning disabilities.

Issued by the Governor September 12, 2016

Filed by the Secretary of State September 26, 2016

2016-245**Peace Days**

WHEREAS, Peace Day is celebrated annually in Chicago, Illinois, since September 7, 1978, through the observance of One Minute of Silence for World Peace; and,

PROCLAMATIONS

WHEREAS, in 1981, the United Nations proposed a resolution declaring one day every year as International Day of Peace. This day is observed to promote global cease-fire and non-violence in every country across the globe; and,

WHEREAS, Peace Day is used as a means of spreading the message of world peace and its vital importance to the future of the human race; and,

WHEREAS, the goal of Peace Day is to contribute to the peace-making process through positive peace-building activities, and to allow all individuals to harness their abilities and actively participate in creating a more peaceful world; and,

WHEREAS, the Peace School, an Illinois not-for-profit organization, has sponsored Peace Day since its inception and has been awarded the United Nations Peace Messenger designation for its significant contributions to peace; and,

WHEREAS, in 2001, a resolution was passed by the United Nations declaring September 21st of every year as International Day of Peace as a way of rededicating the United Nations to its goals of strengthening the ideals of peace and alleviating the tensions and causes of conflict; and,

WHEREAS, these events encourage all individuals to take a minute for peace every day as a positive step toward making every day Peace Day;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 7-27, 2016, as **PEACE DAYS** in Illinois in recognition of the effort to build a more peaceful state, a more peaceful country, and a more peaceful world.

Issued by the Governor September 12, 2016

Filed by the Secretary of State September 26, 2016

2016-246**Hispanic Heritage Month**

WHEREAS, in 1968, the United States officially recognized a National Hispanic Heritage Week, and in 1988, that week was expanded to a month-long celebration to honor the culture and traditions of those who are of Hispanic Heritage; and,

WHEREAS, the Hispanic population of the United States is the nation's largest ethnic minority and comprises of more than 35 million of the nation's population and more than two million of Illinois' population; and,

PROCLAMATIONS

WHEREAS, the Hispanic community is a diverse and vibrant community that contributes to the growth and success in our great state; and,

WHEREAS, the number of Hispanic-owned businesses in the State of Illinois is growing and has become an integral part of our State's economy and financial prosperity; and,

WHEREAS, National Hispanic Heritage Month provides the people of the State of Illinois and the United States the opportunity to celebrate the rich cultural traditions and achievements of our Hispanic communities; and,

WHEREAS, Hispanics are a vital part to our state's collective success and nation's commitment to preserving the right to a better life;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 15, 2016, through October 15, 2016, as **HISPANIC HERITAGE MONTH** in Illinois, and encourage all citizens to educate themselves about this important and diverse component of our state.

Issued by the Governor September 15, 2016

Filed by the Secretary of State September 26, 2016

2016-247**Infant Safe Sleep Awareness Month**

WHEREAS, hundreds of infants die each year because they are placed in unsafe sleeping environments; and,

WHEREAS, Sudden Unexpected Infant Death (SUID) is the sudden and unexpected death of an infant, birth to age one year, in which the manner and cause of death are not immediately obvious prior to investigation; and,

WHEREAS, Sudden Infant Death Syndrome (SIDS) is a subset of SUID and remains the number one cause of infant death between the age of 28 days to one year; and,

WHEREAS, the tragedy of SUID can happen to any family, regardless of race, ethnicity, or economic group; and,

WHEREAS, adult beds, waterbeds, couches, chairs, pillows, quilts, and other soft surfaces are not appropriate or safe for sleeping infants; and,

PROCLAMATIONS

WHEREAS, babies sleep safest when sleeping alone, on their backs, in a bassinet or crib with a firm mattress and tightly fitted sheets free of pillows, bumpers, blankets, and other items, in a smoke-free environment; and,

WHEREAS, Illinois law requires hospitals to provide education and materials regarding SIDS prevention and safe sleep practices to parents of newborns; and,

WHEREAS, during the month of October, we raise awareness of the important steps parents can take to ensure the safety of their infant children while sleeping;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **INFANT SAFE SLEEP AWARENESS MONTH** in Illinois to raise awareness about sudden unexplained infant death and to encourage infant safe sleep practices so that no parent will have to endure the tragedy of infant death.

Issued by the Governor September 19, 2016

Filed by the Secretary of State September 26, 2016

2016-248**Domestic Violence Awareness Month**

WHEREAS, domestic violence is a prevalent social problem that not only harms the victim, but also negatively impacts a victim's family, friends, and community at large; and,

WHEREAS, domestic violence knows no boundaries; it exists in all neighborhoods and cities, and affects people of all ages, genders, racial, ethnic, economic, and religious backgrounds; and,

WHEREAS, one in four women will experience domestic violence sometime in her life, and in Illinois, there are approximately 115,000 to 125,000 domestic crimes each year; and,

WHEREAS, for many victims of domestic violence, abuse experienced at home often follows them to the workplace, where they are harassed by threatening phone calls and emails; and,

WHEREAS, the health-related costs of rape, physical assault, stalking, and homicide by intimate partners amount to nearly \$6 billion every year, and the annual cost of lost productivity in the workplace due to domestic violence is estimated to be hundreds of millions of dollars, with nearly 8 million paid workdays lost per year; and,

WHEREAS, through the month of October, the Illinois Coalition Against Domestic Violence and its 52 member organizations will hold numerous events across the state in observance of

PROCLAMATIONS

Domestic Violence Awareness Month, including walk/runs, silent witness events, candlelight vigils, and marches;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **DOMESTIC VIOLENCE AWARENESS MONTH** in the State of Illinois.

Issued by the Governor September 20, 2016

Filed by the Secretary of State September 26, 2016

2016-249**Gold Star Family Day**

WHEREAS, during World War I Americans began flying a flag with a blue star for each immediate family member serving in the armed forces; and,

WHEREAS, the star would be changed to gold if the family lost a loved one in the war; and,

WHEREAS, these families become known as Gold Star Families; and,

WHEREAS, we remember our commitment to the Gold Star Families who carry on with pride and resolve despite unthinkable loss; and,

WHEREAS, we recall our sacred obligation to those who gave their lives so we could live ours; and,

WHEREAS, the Illinois 99th General Assembly recognizes the day after Gold Star Mothers' Day as Gold Star Family Day; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 26, 2016, as **GOLD STAR FAMILY DAY** in Illinois to recognize the families who suffered the supreme tragedy in the loss of their sons and daughters in war and remember the sacrifice they have made.

Issued by the Governor September 20, 2016

Filed by the Secretary of State September 26, 2016

2016-250**Gold Star Mother's Day**

WHEREAS, on June 4, 1928, 25 mothers met in Washington, D.C. to establish the national organization, American Gold Star Mothers, Inc.; and,

PROCLAMATIONS

WHEREAS, the success of American Gold Star Mothers, Inc. continues because of the bond of mutual love, sympathy, and support of the many loyal, capable, and patriotic mothers who, while sharing their grief and their pride, have channeled their time, efforts, and gifts to lessening the pain of others; and,

WHEREAS, the members of the Armed Forces are prepared to serve others at any cost; their loved ones exemplified the values of courage and selflessness that define our Armed Forces and fortify our state and country; and,

WHEREAS, we remember our commitment to the Gold Star Mothers who carry on with pride and resolve despite unthinkable loss; and,

WHEREAS, we recall our sacred obligation to those who gave their lives so we could live ours; and,

WHEREAS, the United States 74th Congress proclaimed the last Sunday in September to be known as "Gold Star Mother's Day"; and,

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 25, 2016, as **GOLD STAR MOTHER'S DAY** in Illinois to recognize the mothers who suffered the supreme tragedy in the loss of their sons and daughters in war and remember the sacrifice they have made.

Issued by the Governor September 20, 2016

Filed by the Secretary of State September 26, 2016

2016-251
Careers in Energy Week

WHEREAS, safe, reliable, and affordable energy is essential to our families, communities, and businesses; and,

WHEREAS, energy supplies the simple things in life – heating, cooling, cooking, lighting; and,

WHEREAS, energy supports modern society's complex systems – providing health care, air traffic control, and running a manufacturing plant – and also makes possible the fun things in life – lights at a baseball field, air conditioning at the theater, and rides at the state fair; and,

PROCLAMATIONS

WHEREAS, the large demand from the industrial sector makes Illinois among the nation's leading consumers of energy, and the state's ability to maintain and expand these systems depends on the availability of a highly skilled, educated workforce; and,

WHEREAS, to promote workforce continuity and meet the challenges of our ever-changing economy, new workers are needed; and,

WHEREAS, according to the Bureau of Labor Statistics women and minorities are significantly underrepresented in the engineering workforce, and should be encouraged to pursue careers in energy; and,

WHEREAS, through strategic partnerships, members of the Illinois Energy Workforce Consortium strive to promote a unified and results-oriented strategy to ensure Illinoisans find new and rewarding careers in energy so that Illinois can continue to grow and prosper;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 17-21, 2016, as **CAREERS IN ENERGY WEEK** in Illinois as the Illinois Energy Workforce Consortium and its partners will hold events throughout the state to highlight the need for a strong and growing energy workforce and encourage Illinoisans of all ages to consider a career in the energy industry.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-252**Curing Stomach Cancer Month**

WHEREAS, Debbie's Dream Foundation: Curing Stomach Cancer is a non-profit organization dedicated to raising awareness about stomach cancer, advancing funding for research, and providing education and support internationally to patients, families, and caregivers, while pursuing the ultimate goal of making the cure for stomach cancer a reality; and,

WHEREAS, out of 24,500 new cases diagnosed each year in the United States, 11,000 people will die in the first year of diagnosis; and,

WHEREAS, 80 percent of stomach cancer is diagnosed at stage IV which only has a four percent five-year survival rate; and,

WHEREAS, in the United States, it is estimated that more than 72,000 people are currently living with stomach cancer; and,

PROCLAMATIONS

WHEREAS, stomach cancer has increased in young adults ages 25 to 39 by 70 percent since 1977; and,

WHEREAS, overall survival rate for stomach cancer is 28 percent; stomach cancer mortality rates have remained relatively unchanged during the past 30 years; and,

WHEREAS, increased public awareness of stomach cancer through advocacy and support for targeted research, as well as education about the impact on patients and their families, are critical;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois do hereby proclaim the month of November 2016 as **CURING STOMACH CANCER MONTH** in Illinois.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-253**Dysautonomia Awareness Month**

WHEREAS, dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control, and more; and,

WHEREAS, some forms of dysautonomia are considered rare diseases, such as Multiple System Atrophy and Pure Autonomic Failure, while other forms of dysautonomia are common, impacting millions of people in the United States and around the world, such as Diabetic Autonomic Neuropathy, Neurocardiogenic Syncope, and Postural Orthostatic Tachycardia Syndrome; and,

WHEREAS, dysautonomia impacts people of any age, gender, race, or background, including many individuals living in Illinois; and,

WHEREAS, increased awareness about dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with dysautonomia in our communities; and,

WHEREAS, Dysautonomia International is a 501(c)(3) non-profit organization that advocates on behalf of patients living with dysautonomia; and,

WHEREAS, it is important to recognize the professional medical community, patients, and family members who are working to educate our citizens about dysautonomia in Illinois;

PROCLAMATIONS

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **DYSAUTONOMIA AWARENESS MONTH** in Illinois.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-254**International Central Service Week**

WHEREAS, central service technicians are responsible for processing surgical instruments, supplies, and equipment; and,

WHEREAS, serving in settings ranging from hospitals to ambulatory surgical centers, central service technicians provide support to patient care services; and,

WHEREAS, central service department tasks include decontaminating, cleaning, processing, assembling, sterilizing, storing, and distributing the medical devices and supplies needed for patient care; and,

WHEREAS, the central service department of a healthcare facility is the heart of all activity surrounding instruments, supplies, and equipment required for operating rooms, endoscopy suites, ICU, birth centers, and other patient care areas; and,

WHEREAS, central service technicians play a vital role in patient care arenas and are responsible for first-line processes that prevent patient infections; and,

WHEREAS, International Central Service Week recognizes the contributions central service technicians make to patient safety, as well as the opportunities and challenges that face the profession;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 9-15, 2016 as **INTERNATIONAL CENTRAL SERVICE WEEK** in Illinois.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-255**Limb Girdle Muscular Dystrophy Awareness Day**

PROCLAMATIONS

WHEREAS, Limb Girdle Muscular Dystrophy (LGMD) is a rare genetic disease that can cause muscle weakness and wasting primarily in the hips, shoulders, and thighs, leading to a loss of ambulation with cardiopulmonary complications often arising in the later stages of the disease; and,

WHEREAS, LGMD is a group of hereditary, genetic, and neuromuscular disorders with more than 25 sub-types currently identified; and,

WHEREAS, LGMD occurs among all ethnic groups and affects both males and females; and,

WHEREAS, LGMD symptoms can begin in childhood, adolescence or adulthood; and,

WHEREAS, LGMD is a progressive, serious, and debilitating condition that has a significant impact on the quality of life of those affected; and,

WHEREAS, individuals and families affected by LGMD experience problems such as delayed diagnosis, difficulty finding a medical expert, and lack of access to treatments or ancillary services; and,

WHEREAS, although research is ongoing and important advances are being made every day in understanding the genetic causes of the disease, there is no known cure or treatment; and,

WHEREAS, many patients and families affected by LGMD bear a great share of the burden of raising public awareness to support the search for treatments;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim September 30, 2016, as **LIMB GIRDLE MUSCULAR DYSTROPHY AWARENESS DAY** in Illinois.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-256**Male Breast Cancer Awareness Week**

WHEREAS, an estimated 2,600 men in the United States are diagnosed with breast cancer each year and an estimated 450 men each year will die from the disease; and,

WHEREAS, the public commonly thinks of breast cancer as a disease affecting only women, a misconception that can delay diagnosis and treatment in men, often leading to death; and,

PROCLAMATIONS

WHEREAS, early detection of male breast cancer is critical, as men who are diagnosed when breast cancer is in its earliest stages have an increased chance of successful treatment and, ultimately, survival; and,

WHEREAS, due in part to a lack of awareness that men can develop the disease, men are generally diagnosed with breast cancer at a later stage than women, which affects prognosis and treatment; and,

WHEREAS, in order to facilitate early diagnosis and prompt treatment of male breast cancer, public education, awareness, and understanding of the disease is necessary; and,

WHEREAS, in remembrance of the men who lost their lives to breast cancer, and in support of those who are currently fighting this often overlooked disease, it is appropriate to designate October 16 through October 22, 2016, as "Male Breast Cancer Awareness Week";

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 16-22, 2016, as **MALE BREAST CANCER AWARENESS WEEK** in Illinois to foster public awareness of male breast cancer and encourage early detection and prompt treatment.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-257**Manufacturing Month**

WHEREAS, manufacturing in Illinois has been the historical bedrock of the state's economy for nearly two centuries; and,

WHEREAS, nearly 19,544 manufacturing firms call Illinois home and provide employment for more than 578,187 workers; and,

WHEREAS, according to the United States Department of Commerce, the average yearly salary for manufacturing in America exceeds \$68,744; and,

WHEREAS, Illinois manufacturers face a graying of the workforce, as more than 25,000 "Baby-Boom" era workers will retire each and every year between now and 2027; and,

WHEREAS, a strategic approach to creating high quality, skilled workers available to replace retiring workers does not exist everywhere in Illinois; and,

PROCLAMATIONS

WHEREAS, modern advanced manufacturing relies on clean, well-lit and climate controlled environments; provides competitive benefits to every employee including healthcare and retirement plans; and thereby makes manufacturing a worthwhile career choice for all Illinoisan; and,

WHEREAS, specific public events designed to expand general knowledge about the innumerable contributions manufacturing makes to our common good would bring significant change to the public perception of manufacturing in our state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **MANUFACTURING MONTH** in Illinois, to encourage local collaborative efforts be designed to expand knowledge about and improve general public perception of manufacturing careers and manufacturing's value to the Illinois economy, and urge all school districts, community colleges, and manufacturers in Illinois to invest time and resources to celebrate the contributions manufacturers make to the fabric of our state's communities and assure continued success of local events highlighting Manufacturing Month in Illinois.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-258**Metastatic Breast Cancer Awareness Day**

WHEREAS, thousands of families across Illinois are affected by metastatic breast cancer, which occurs when cancer spreads beyond the breast to other parts of the body, including the bones, lungs, liver, and brain; and,

WHEREAS, though much progress has been made in early detection and diagnosis of breast cancer, those with metastatic breast cancer continue to face many unique challenges; and,

WHEREAS, currently no cure exists for metastatic breast cancer; those with metastatic breast cancer often continue treatment indefinitely with the goal of extending the best quality of life possible; and,

WHEREAS, more than one in eight women in the United States will be affected by breast cancer in their lifetime; in the State of Illinois, an estimated 10,160 women will be diagnosed with breast cancer in 2016, and 1,660 of those women are expected to lose their battle to the disease; and,

PROCLAMATIONS

WHEREAS, breast cancer can spread quickly and inexplicably, regardless of treatment or preventative measures taken. Nearly 30 percent of women diagnosed with early breast cancer eventually develop metastatic breast cancer; and,

WHEREAS, while metastatic breast cancer remains incurable, there is reason to be hopeful, as extensive drug development research is underway to find new and more effective treatments. The State of Illinois will continue to push for critical research and advanced treatments for metastatic breast cancer;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 13, 2016, as **METASTATIC BREAST CANCER AWARENESS DAY** in an effort to shed light on the devastation metastatic breast cancer brings to communities throughout the State, and to encourage all citizens to join in the continued fight against breast cancer.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-259**National Apprenticeship Week**

WHEREAS, apprenticeships offer employers in every industry the tools to develop a highly skilled workforce to help successfully grow their business; and,

WHEREAS, apprenticeships offer opportunities to earn a salary while learning the skills necessary to succeed in high-demand careers; and,

WHEREAS, apprenticeships embody the highest competency standards, instructional rigor, and quality training of all career-based programs of study; and,

WHEREAS, National Apprenticeship Week is an opportunity for the nation's apprenticeship community to tell the story of apprenticeship and is an invitation to business and industry, educational institutions, career seekers, community-based organizations, students, and workers to learn about the real world advantages of apprenticeships; and,

WHEREAS, National Apprenticeship Week is a unique chance for employers to plan and host events that showcase leadership, raise awareness, and promote the value of career-based training systems and create signature events locally, regionally, or nationally; and,

WHEREAS, Illinois consortia like the Central Illinois Center of Excellence in Secure Software and the Illinois Consortium for Advanced Technical Training are furthering apprenticeships in

PROCLAMATIONS

Illinois by hosting events that put a spotlight on the value of apprenticeships and raising public awareness during National Apprenticeship week;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim November 14-18, 2016, as **NATIONAL APPRENTICESHIP WEEK** in Illinois in support of meaningful pathways to promote jobs and economic prosperity.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-260

Plasma Awareness Week

WHEREAS, plasma-derived and recombinant therapies, collectively known as plasma protein therapies, are unique, biologic products for which no substitutes exist, and save and improve the lives of individuals throughout Illinois and the United States, and

WHEREAS, plasma protein therapies are used to treat many conditions including hemophilia and other bleeding disorders, primary immune deficiencies, alpha-1 antitrypsin deficiency, hereditary angioedema, chronic inflammatory demyelinating polyneuropathy, idiopathic thrombocytopenic purpura, and Rh negative pregnancies, and

WHEREAS, these therapies substantially increase quality of life, extend life expectancy, and improve patient outcomes for an estimated 4,900 individuals in the state of Illinois, and

WHEREAS, each year approximately 20,000 pregnant women in Illinois receive a plasma protein therapy to protect mother and baby from complications due to incompatible blood types, and

WHEREAS, there are 18 plasma donation centers in Illinois, certified under the International Quality Plasma Program, where healthy and committed donors provide plasma that is used to manufacture high-impact, life-saving therapies, and

WHEREAS, Plasma Awareness Week is recognized throughout the United States to raise awareness of the importance of plasma donation and its impact on patients with rare diseases, to recognize the contributions of plasma donors to saving and improving lives, and to increase understanding about life-saving plasma protein therapies and the conditions they treat;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 9-15, 2016, as **PLASMA AWARENESS WEEK** in Illinois, and encourage all Illinoisans

PROCLAMATIONS

recognize the importance of plasma donation and its impact on patients throughout Illinois and the United States.

Issued by the Governor September 21, 2016

Filed by the Secretary of State September 26, 2016

2016-261**Polish American Heritage Month**

WHEREAS, since 1608, when the first Polish settlers arrived at Jamestown, Virginia, Polish people have been an important part of America's history and culture; and,

WHEREAS, in 2016, Polish Americans mark the 35th anniversary of the founding of Polish American Heritage Month, an event which began in 1981 in Philadelphia, Pennsylvania, and became a national celebration of Polish history, culture, and pride; and,

WHEREAS, 2016 also marks the 237th anniversary of the death of General Casimir Pulaski, a Polish nobleman, soldier, and military commander who became a hero of the American Revolutionary War, known as the "Father of the American Cavalry"; and,

WHEREAS, in Illinois, Polish Americans make up nearly seven percent of Chicago's population, and Polish is the third-most spoken language in Chicago behind English and Spanish; and,

WHEREAS, Polish American Heritage Month provides the people of the State of Illinois and the United States the opportunity to celebrate the rich cultural traditions and achievements of our Polish communities;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim October 2016 as **POLISH AMERICAN HERITAGE MONTH** in Illinois, and encourage all citizens to educate themselves about this important and diverse component of our state.

Issued by the Governor September 22, 2016

Filed by the Secretary of State September 26, 2016

EXECUTIVE ORDER

2016-11**EXECUTIVE ORDER TO ESTABLISH THE ILLINOIS BICENTENNIAL COMMISSION AND THE OFFICE OF THE ILLINOIS BICENTENNIAL**

WHEREAS, August 26, 2018 will mark the 200th anniversary of the adoption of the Illinois Constitution of 1818 at the Kaskaskia Convention, and December 3, 2018 will mark the 200th anniversary of the admission of Illinois to the Union as a state; and

WHEREAS, the bicentennial of our statehood is an opportunity to recognize and celebrate the many cultural, economic, academic, and political contributions that Illinois and its residents have made to the nation and the world; and

WHEREAS, the bicentennial is also an opportunity to invite the world to Illinois and to showcase our core assets, including our community of global leaders; diverse and well-educated workforce; prominent institutions for technology, innovation, and higher education; exceptional quality of life with abundant outdoor recreation, magnificent arts and culture, endless nightlife and entertainment, and world class dining and hotels; central and modern infrastructure; and fertile farmland and abundant fresh water; and

WHEREAS, Executive Order 7 (2014) established a 77-member State Bicentennial Commission empowered to hire personnel to plan the State's bicentennial celebration program; and

WHEREAS, Illinoisans should expect that membership on their Bicentennial Commission not be merely symbolic, but should see that commissioners work with and for them to advance their vision of Illinois' past and future; and

WHEREAS, a Bicentennial Commission representing the diversity and ingenuity of our State should play an active role advising the State with the planning of the bicentennial, and a Commission of 77 members is unworkable for achieving this goal; and

WHEREAS, as Governor, I recognize the important of the bicentennial celebration as a way to honor the citizens and the history of our great state, and set a course for success over our next 200 years; and

WHEREAS, our State agencies should work together with the Commission and the State's citizens and businesses to share their vision and projects to mark the 200th anniversary;

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

I. CREATION OF THE OFFICE OF THE ILLINOIS BICENTENNIAL

EXECUTIVE ORDER

There is hereby established the Governor's Office of the Illinois Bicentennial (the "**Bicentennial Office**"). The Office shall be headed by an Executive Director, who shall be appointed by the Governor.

II. PURPOSE

The Bicentennial Office shall develop and implement a statewide program to celebrate the bicentennial of the adoption of the Illinois's first constitution and its admission to the Union as a state and showcase Illinois' hard-working citizens and world-class assets. It will work collaboratively with members of the public, State agencies, units of local government, and public and private organizations to identify significant achievements in Illinois history to highlight through celebration. The Bicentennial Office also will seek opportunities to promote the successes to come in Illinois's next 200 years.

III. DUTIES AND FUNCTIONS

1. The Bicentennial Office shall promote coordination among State agencies involved in the bicentennial celebration; develop partnerships with the non-profit and private sectors to create new funding sources for the celebration; and work with units of local government also developing local bicentennial celebrations. It shall develop strategic goals to ensure the celebration of the bicentennial is successful while using taxpayer funds or funds donated by private individuals or entities in responsible and transparent manner.
2. The Bicentennial Office may also hire staff to facilitate these goals. It shall promote and market the bicentennial celebration to Illinois's citizens and also work to attract tourists to Illinois to learn about our state's tremendous history and accomplishments.
3. The Office of the Governor shall provide administrative support to the Bicentennial Office as appropriate.
4. The Bicentennial Office shall provide periodic reports to the Governor and the public on the strategic goals set by the Bicentennial Office and its progress in meeting its goals.
5. The Bicentennial Office may solicit and accept donations of labor, services, or other things of value from any public or private agency or person, in compliance with all applicable state and federal law, including the State Officials and Employees Ethics Act (5 ILCS 420).
6. The Bicentennial Office shall be dissolved on December 31, 2018. Upon such dissolution, all personnel records, documents, books, correspondence, and other property,

EXECUTIVE ORDER

both real and personal, of the Bicentennial Office shall become property of the Office of the Governor or shall be transferred to the State Archives.

IV. REVOCATION OF EXECUTIVE ORDER 7 (2014)

1. Executive Order 7 (2014) is revoked and rescinded.
2. The State Bicentennial Commission established by Executive Order 7 (2014) is abolished. All records, property, and other associated items in any way pertaining to the functions of the State Bicentennial Commission shall be delivered and transferred to the Bicentennial Office. The unexpended balances of any appropriations or funds, grants, donations, or other moneys available for use by the State Bicentennial Commission shall be transferred to the Bicentennial Office for use by such office, and shall be expended for similar purposes for which the appropriations, funds, grants, or other moneys were originally made or given to the State Bicentennial Commission. Any employee of the State Bicentennial Commission is transferred to the Bicentennial Office. The status and rights of any such employee, the State, and its agencies under the Personnel Code shall not be affected by such transfer.

V. ILLINOIS BICENTENNIAL COMMISSION

1. There is hereby established the Illinois Bicentennial Commission (the “**Commission**”). The Commission shall advise and assist the Bicentennial Office in planning and implementing the State’s bicentennial celebration. The Bicentennial Office and certain State agencies, including the Department of Commerce and Economic Opportunity, the Department of Natural Resources, the Department of Agriculture and the Historic Preservation Agency (including the Abraham Lincoln Presidential Library and Museum) shall provide administrative and technical assistance to the Commission.
2. The Commission shall comprise the following members: No more than [40] members appointed by the Governor; one member appointed by each of the following: (a) the President of the Illinois Senate, (b) the Minority Leader of the Illinois Senate, (c) the Speaker of the Illinois House of Representatives, (d) the Minority Leader of the Illinois House of Representatives, (e) the Attorney General, (f) the Lieutenant Governor, (g) the Treasurer, (h) the Comptroller, (i) the Secretary of State, (j) the Mayor of the City of Chicago, and (k) the Mayor of the City of Springfield. Members shall serve without compensation or reimbursement. The chairperson or co-chairpersons of the Commission shall be designated by the Governor. Additionally, the Governor may appoint, as non-voting members, representatives of public and private agencies and organizations partnering with the Commission. Upon the resignation of any member of the

EXECUTIVE ORDER

Commission, the office with the authority under this Section V(2) to appoint such member shall fill the vacancy.

3. The Commission shall meet at the call of the chairperson or co-chairpersons. A majority of the appointed and serving members of the Commission shall constitute a quorum for the transaction of business. The Commission is subject to, and shall comply with, the Open Meetings Act and the Freedom of Information Act. The Commission shall be an advisory body to the Bicentennial Office that will not make binding recommendations or determinations.
4. The Commission may solicit and accept donations of labor, services, or other things of value from any public or private agency or person in compliance with all applicable state and federal law, including the State Officials and Employees Ethics Act (5 ILCS 420).
5. The Commission shall be dissolved on December 31, 2018. Upon such dissolution, all personnel records, documents, books, correspondence, and other property, both real and personal, of the Commission shall become property of the Office of the Governor or shall be transferred to the State Archives.

VI. SAVINGS CLAUSE

This Executive Order does not contravene, and shall not be construed to contravene, any federal or State law or any collective bargaining agreement. This Executive Order shall not affect any act undertaken, ratified or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the Department.

VII. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

VIII. EFFECTIVE DATE

This Executive Order shall take effect immediately upon its filing with the Secretary of State.

Issued by Governor: September 20, 2016

Filed with Secretary of State: September 20, 2016

ILLINOIS ADMINISTRATIVE CODE
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